

Restoration

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February 8, 1990

MEMORANDUM

To: Regional Director
Assoc. Reg. Director, Operations

From: Superintendent

Subject: Kodiak Field Office

Attached is a copy of a report by Bill Miller on public relations between the National Park Service and the community of Kodiak. The report speaks for itself in describing the very positive relations that have been developed over the past year and the local interest in the establishment of a permanent Katmai office in Kodiak.

The Kodiak Island Borough recently passed a formal resolution calling for the establishment of a Katmai Coastal District Office in Kodiak. The resolution mentions the need to obtain a seaworthy vessel. In an accompanying letter, the borough mayor expressed particular concern over the protection of cultural sites discovered during the oil spill clean-up operation.

Direct contacts with the City and Borough of Kodiak began over a year ago when the borough boundary was expanded to include 90% of the coastal zone of Katmai. During the hectic and demanding days of the oil spill, very strong bonds were established between the National Park Service and the community of Kodiak. The excellent individuals who have served as NPS representatives in Kodiak have strengthened this relationship.

In a recent phone conversation with the Kodiak Borough Mayor, I was told that the resolution was discussed with state representatives in Juneau. The mayor plans to be in Washington, D.C. in the near future and will seek support from the Alaska Congressional Delegation.

If called for, information does exist or can be quickly developed regarding the basics requirements of a Katmai Coastal Management Program.

G. Ray Bane

attachment

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MEMORANDUM

To: Regional Director
Through: Management Assistant

From: Management Assistant

Subject: Response to Sen. Stevens re: Kodiak Resolution

The Park Service should fully support the Kodiak resolution for the following reasons:

1. Katmai needs an effective coastal management program and must have a seaworthy vessel to carry it out.
2. Kodiak is the logical base for such an operation because of its excellent harbor, strategic location, and direct economic and cultural ties to the Katmai coastline.
3. The majority of users (commercial fishermen) are out of Kodiak, and they can offer expertise and support not available elsewhere.
4. The Katmai coast is encompassed by the Kodiak Island Borough, and it is our best interest to be represented in their planning efforts.
5. The park has developed excellent rapport with the community and enjoys tremendous support. We don't have to start from scratch elsewhere.
6. The Mayor and Borough Assembly of Kodiak have gone out on a limb to support a coastal office and boat operation for Katmai. If we don't backup their efforts, our credibility with the community will suffer.
7. It's an election year, and the senator is likely to be receptive to a direct request from a major community.
8. There is a general feeling of sympathy for the oil impacts suffered by the park and a desire to do something concrete and positive in response.

All the above have merged to form a brief window of opportunity. We should take advantage of it.

G. Ray Bane

L30(KATM)

Kodiak Island Borough
Community Development Department
710 Mill Bay Road
Kodiak, Alaska 99615

Dear Zoning Commission,

I regret not being able to attend your October 18 meeting regarding the a Rural Development Zoning District, Case 89-017. As a newly incorporated member of the Kodiak Borough, we are very interested in working with the borough in seeking ways to accomplish mutually beneficial goals.

As you may know, Katmai National Monument was created by presidential proclamation in 1918 following the eruption of Novarupta and formation of unique volcanic features. This park unit was added to by subsequent use of the Antiquities Act and most recently by the Alaska National Interest Lands Conservation Act (ANILCA) of 1980. All of these proclamations and congressional actions established laws, purposes, and directions for park use and management.

Katmai National Park and Preserve is, without question, one of the most scenic and environmentally diverse units of the National Park System. Its coastal zone is well known for its production of salmon, halibut, shellfish, and other resources of interest to commercial and sport fishermen. This area is also becoming renowned for its concentrations of brown bears, nesting migratory birds, sea mammals, and other impressive wildlife populations. The ancient archeological sites scattered along the shoreline attest to its role in the spread of human culture into North America. Anyone who has seen its deep, mountain rimmed bays and fjords, expanses of sandy beaches, and steaming volcanoes can vouch for its spectacular scenery.

The tragedy of the Exxon Valdez oil spill has emphasized the need to protect and actively manage the Katmai coastal zone. At the park level, we are trying to generate the necessary support to establish and staff a Kodiak District Office. As visualized, this operation would include the operation of a seaworthy vessel based out of Kodiak to carry out resource monitoring, research, search and rescue, resource protection and visitor services along the extensive park coastline. This would include on-going monitoring and research into oil spill impacts and development of plans to continue clean-up efforts and to protect sensitive resources.

Speaking for Katmai National Park and Preserve, we look forward to a very positive and productive relationship with the Borough of Kodiak. We appreciate the opportunity to comment on pending developments in zoning and other borough functions and actions. When possible, a park representative will attempt to attend planning and zoning meetings and be available to answer questions and participate in discussions.

Please feel free to call upon me and the other park staff to assist in park related matters.

Sincerely,

G. Ray Bane
Superintendent

Summary of the Exxon Valdez Oil Spill Damage Assessment Program
 Fiscal Data Are In 1000's of Dollars

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*Budgets are projected obligations accrued from the onset of the project through 2/28/90

Study Category	Number	Title	Agency	Budget
Coastal Habitat	CH1	Comprehensive Assessment	ADF&G	\$ 536.0
			USFS	4900.0
Air/Water	AW1	Geographical Extent in Water	DEC	231.0
			NOAA	112.5
	AW2	Injury to Subtidal	DEC	553.0
			NOAA	330.0
	AW3	Hydrocarbons in Water	DEC	253.0
NOAA			342.5	
AW4	Injury to Deep Water	DEC	97.6	
		NOAA	281.3	
AW5	Injury to Air	DEC	106.5	
Fisheries	F1	Salmon Spawning Area Injury	ADF&G	144.8
	F2	Egg and Preemergent Fry Sampling	ADF&G	149.1
	F3	Coded-Wire Tagging	ADF&G	1943.4
	F4	Early Marine Salmon Injury	ADF&G	590.7
			NOAA	238.5
F5	Dolly Varden Injury	ADF&G	437.4	

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Summary of the Exxon Valdez Oil Spill Damage Assessment Program
 Fiscal Data Are In 1000's of Dollars
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*Budgets are projected obligations accrued from the onset of the project through 2/28/90

Study Category	Number	Title	Agency	Budget
Fisheries	F6	Sport Fishery Harvest & Effort	ADF&G	175.9
	F7	Salmon Spawning Area Injury, Outside PWS	ADF&G	320.3
	F8	Egg & Preemergent Fry Sampling, Outside PWS	ADF&G	111.4
	F9	Early Marine Salmon Injury, Outside PWS	ADF&G	348.5
	F10	Dolly Varden & Sockeye Injury, Lower Cook Inlet	ADF&G	152.6
	F11	Herring Injury	ADF&G	374.5
	F12	Herring Injury, Outside PWS	ADF&G	60.0
	F13	Clam Injury	ADF&G	86.2
	F14	Crab Injury	ADF&G NOAA	64.9 78.0
	F15	Spot Shrimp Injury	ADF&G	60.5
	F16	Injury to Oysters	ADF&G NOAA	25.5 5.0

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Summary of the Exxon Valdez Oil Spill Damage Assessment Program
 Fiscal Data Are In 1000's of Dollars
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*Budgets are projected obligations accrued from the onset of the project through 2/28/90

Study Category	Number	Title	Agency	Budget
Fisheries	F17	Rockfish Injury	ADF&G	45.6
	F18	Trawl Assessment	ADF&G	199.3
			NOAA	539.5
	F19	Larvae Fish Injury	ADF&G	413.4
	F20	Underwater Observations	ADF&G	550.1
	F21	Clam Injury, Outside PWS	ADF&G	108.8
	F22	Crab Injury, Outside PWS	ADF&G	11.0
			NOAA	100.5
	F23	Rockfish Injury, Outside PWS	ADF&G	108.4
	F24	Trawl Assessment, Outside PWS	ADF&G	295.8
NOAA			2200.0	
F25	Scallop Mariculture Injury	ADF&G	53.8	
F26	Sea Urchin Injury	ADF&G	45.0	
Marine Mammals	MM1	Humpback Whale	NOAA	226.0
	MM2	Killer Whale	NOAA	200.0

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Summary of the Exxon Valdez Oil Spill Damage Assessment Program
 Fiscal Data Are In 1000's of Dollars
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*Budgets are projected obligations accrued from the onset of the project through 2/28/90

Study Category	Number	Title	Agency	Budget
Marine Mammals	MM3	Cetacean Necropsy	NOAA	73.0
	MM4	Sea Lion	NOAA	270.0
	MM5	Harbor Seal	NOAA	245.0
	MM6	Sea Otter Injury	USDI	763.0
	MM7	Sea Otter	USDI	108.0
Terrestrial Mammals	TM1	Injury to Sitka Black-Tail Deer	ADF&G	87.0
	TM2	Injury to Black Bear	ADF&G	139.7
	TM3	Injury to River Otter and Mink	ADF&G	287.7
	TM4	Injury to Brown Bear	ADF&G	162.7
	TM5	Injury to Small Mammals	ADF&G	302.4
	TM6	Reproduction of Mink	ADF&G	192.2
Birds	B1	Beached Bird Survey	USDI	258.0

Summary of the Exxon Valdez Oil Spill Damage Assessment Program
 Fiscal Data Are In 1000's of Dollars
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*Budgets are projected obligations accrued from the onset of the project through 2/28/90

Study Category	Number	Title	Agency	Budget
Birds	B2	Censuses & Seasonal Distribution	USDI	565.0
	B3	Seabird Colony Surveys	USDI	440.0
	B4	Bald Eagles	USDI	445.0
	B5	Peal's Peregrine Falcons	USDI	43.5
	B6	Marbled Murrelets	USDI	115.7
	B7	Storm Petrels	USDI	135.0
	B8	Black-legged Kittiwakes	USDI	190.0
	B9	Pigeon Guillemots	USDI	109.5
	B10	Glaucous-winged Gulls	USDI	73.0
	B11	Sea Ducks	USDI	146.0
	B12	Shorebirds	USDI	166.0
	B13	Passerines	USDI	59.0

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Summary of the Exxon Valdez Oil Spill Damage Assessment Program
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*Budgets are projected obligations accrued from the onset of the project through 2/28/90

Study Category	Number	Title	Agency	Budget
Birds	B14	Exposure to North Slope Oil	USDI	10.0
Technical Services	TS1	Chemistry	NOAA	1300.0
			USDI	1000.0
	TS2	Histopathology	ADF&G	318.8
			USDI	121.4
	TS3	Mapping	DNR	488.0
			USDI	132.0
			USFS	50.0
Restoration Planning	RP1	Restoration Planning	ALL	500.0
Economics	ALL	Economic Studies	ALL	2800.0

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FSummary of the Exxon Valdez Oil Spill Damage Assessment
Fiscal Data Are In 1000's of Dollars

Budgets are estimates of costs for projects from 3-1-90 through 2-28-91

Study Category	Number	Title	Agency	Budget
Coastal Habitat	CH1	Comprehensive Assessment	ADF&G	\$ 156.7
			USFS	9,113.0
Air/Water	A/W2	Injury to Subtidal	DEC	333.5
			NOAA	466.8
	A/W3	Hydrocarbons in Water	DEC	47.5
			NOAA	472.5
	A/W6	Oil Fate and Toxicity	NOAA	870.0
Fisheries	F/S1	Salmon Spawning Area Injury	ADF&G	391.5
	F/S2	Egg and Preemergent Fry Sampling	ADF&G	302.8
	F/S3	Coded-Wire Tagging	ADF&G	1,990.0
	F/S4	Early Marine Salmon Injury	ADF&G	150.0
			NOAA	400.0
	F/S5	Dolly Varden Injury	ADF&G	290.0
	F/S7a	Salmon Spawning Area Injury, LCI	ADF&G	117.6
F/S7b	Salmon Spawning Area Injury, Kodiak & Chignik	ADF&G	460.3	

Summary of the Exxon Valdez Oil Spill Damage Assessment Program
Fiscal Data Are In 1000's of Dollars

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Study Category	Number	Title	Agency	Budget
Fisheries	F/S8a	Egg & Preemergent Fry Sampling, LCI	ADF&G	71.0
	F/S8b	Egg & Preemergent Fry Sampling, Kodiak & Chignik	ADF&G	149.3
	F/S11	Herring Injury	ADF&G	558.4
	F/S13	Clam Injury	ADF&G	229.2
	F/S14	Spot Shrimp Injury	ADF&G	65.0
	F/S17	Rockfish Injury	ADF&G	109.4
	F/S18	Trawl Assessment	NOAA	186.1
	F/S22	Crab Injury, Outside PWS	NOAA	110.0
	F/S24	Trawl Assessment, Outside PWS	NOAA	450.0
	F27	Sockeye Salmon Overescapement	ADF&G	392.0
	F28	Run Reconstruction	ADF&G	175.1

Summary of the Exxon Valdez Oil Spill Damage Assessment Program
Fiscal Data Are In 1000's of Dollars

*Budgets are estimates of costs for projects from 3-1-90 through 2-28-90

Study Category	Number	Title	Agency	Budget
	F30	Data Base Management	ADF&G	120.0
Marine Mammals	MM1	Humpback Whale	NOAA	92.0
	MM2	Killer Whale	NOAA	255.0
	MM4	Sea Lion	NOAA	171.2
	MM4	Harbor Seal	NOAA	159.3
	MM6a	Sea Otter Injury	FWS	1,060.5
	MM6b	Sea Otter Mortality Comparisons	FWS	11.0
	MM6c	Sea Otter Drift Study	FWS	33.5
	MM7	Sea Otter Rehabilitation	FWS	147.0
Terrestrial Mammals	TM1	Injury to Sitka Black-Tail Deer	ADF&G	122.6
	TM2	Injury to Black Bear	ADF&G	10.0
	TM3	Injury to River Otter and Mink	ADF&G	347.6

Summary of the Exxon Valdez Oil Spill Damage Assessment Program
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*Budgets are estimates of costs for projects from 3-1-90 through 2-28-90

Study Category	Number	Title	Agency	Budget
	TM4	Injury to Brown Bear	ADF&G	125.7
	TM6	Reproduction of Mink	ADF&G	134.0
Birds	B1	Beach Bird Survey	FWS	598.0
	B2	Censuses & Seasonal Distribution	FWS	471.0
	B3	Seabird Colony Surveys	FWS	251.0
	B4	Bald Eagles	FWS	675.0
	B5	Peale's Peregrine Falcons	ADF&G	107.7
	B11	Sea Ducks	FWS	150.0
	B13	Passerines	FWS	10.0
Technical Services	TS1	Chemistry	NOAA	914.2
			FWS	1,089.2
	TS2	Histopathology		100.0

Summary of Exxon Valdez Oil Spill Damage Assessment Program
Fiscal Data Are In 1000's of Dollars

Budgets are estimates of costs for projects from 3-31-90 through 2-28-91

Study Category	Number	Title	Agency	Budget
	TS3	Mapping	DNR	592.0
			FWS	200.0
	ARCH1	Archeology	USFS/DNR	1,232.0
Restoration Planning	RP1	Restoration Planning	ALL	1,912.9
Economics	ECON1	Commercial Fisheries Losses	ALL FED	229.0
	ECON4	Public Land Value Effects	ALL FED	180.0
	ECON5	Recreational Uses Damage	ALL FED	294.0
	ECON6	Subsistence Losses	ALL FED	885.0
	ECON7	Intrinsic Value Loss	ALL FED	2,010.0
	ECON8	Research Program Damage	ALL FED	51.0
	ECON9	Archeological Resource Damage	ALL FED	50.0

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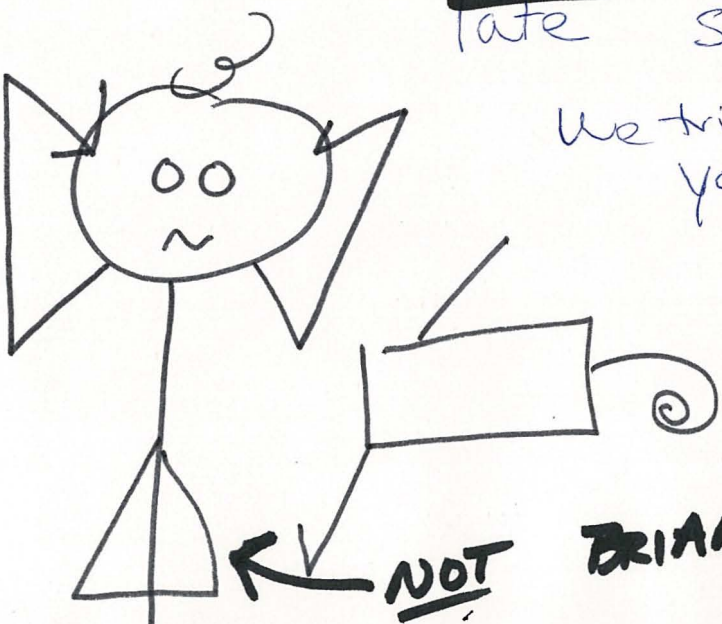
MESSAGES:

Brian is NOW 5 minutes

tate sending his FAX -

We tried to call you but you're standing at the fax machine.

Linda



NOT BRIAN!

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CONFIDENTIAL: ATTORNEY-CLIENT PRIVILEGED

9/6/90 Version

INTRODUCTION

PURPOSE

This preliminary draft document has been prepared at the request of the U.S. Department of Justice to help support its preparation for potential negotiations regarding settlement of damages caused by the Exxon-Valdez oil spill. This document is meant only to support potential out-of-court negotiations, where rigorous proofs are not at issue, and should not be used or referenced outside of that narrow context. Also, this document does not present an overall Natural Resource Damage Assessment (NRDA) settlement proposal. Nor does it address uses for additional funds (beyond those necessary for the restoration projects discussed herein) that may become available based on direct injuries and lost use values. Rather, this document supports only one portion of a potential settlement: restoration. It is assumed that direct injuries and use values are being compiled and evaluated separately, and that restoration needs/costs will be integrated with those efforts. Information contained in this document will be updated as results from ongoing NRDA studies become available.

GENERAL APPROACH

The overall philosophy of this document is to help achieve a negotiated settlement of the maximum possible amount. Consistent with its purpose to support negotiations, restoration projects are included that may be in excess of injuries that can be reasonably proven with presently available NRDA data. Therefore, potential restoration measures are evaluated individually so that adjustments to the recommended restoration "package" can be made easily as may be appropriate to the negotiations. At the same time the overall benefits described for the recommended restoration package would still be realized, albeit to a lesser degree.

The recommended measures reflect an ecosystem approach to restoration (with resource-specific components). In particular, where alternatives exist for restoring and injured resource, restoration measures that benefit multiple resources are given preference over actions that would benefit individual species. This not only helps to address ecosystem components not directly targeted by NRDA studies, but in most cases also advances the goal of maximizing the (requested) settlement amount in that pooling many slightly injured resources can help justify larger "equivalent resource" acquisitions than could be the case if smaller-scale direct restoration measures were proposed. In addition, this approach reflects the realization that few direct restoration measures will even remain viable if negotiations (or litigation) were to become protracted.

Potential restoration measures have been identified with both technical and public input obtained by the Restoration Planning Work Group, as documented in its three reports.^{a,b,c/} All options are based on the definition of "restoration" contained in the draft Memorandum of Agreement (MOA) between the Trustee agencies and EPA (the MOA definition itself is based on the definition in the Department of the Interior (DOI) NRDA regulations [43 CFR Part 11]):

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"Restore" or "Restoration" means any action in addition to cleanup response activities required or authorized by state or federal law which serves to restore any natural resource injured, lost or destroyed as a result of the Oil Spill and the services provided by that resource to their pre-spill condition, or which replaces or substitutes for the injured, lost or destroyed resource and affected services. Restoration includes, without limitation, replacement of resources and acquisition of equivalent resources and services, and, to the extent permitted by law, long-term environmental monitoring and research programs in the area affected by the Oil Spill directed to the prevention, containment, cleanup and amelioration of oil spills .

SPECIFIC APPROACH/ASSUMPTIONS

Each potential restoration project is evaluated in terms of the "6 Burdens" that are expected to be relevant should the NRDA settlement go to litigation, as outlined by the Department of Justice. (This document does not attempt to satisfy these burdens to the degree that would be required for litigation.) The "6 Burdens" are:

1. Relationship to (proof of) injury
2. Natural recovery is "inadequate"
3. Restoration measure is technically feasible
4. Restoration measure would have a net environmental benefit
5. Cost of implementing the restoration measure would not be "grossly disproportionate" to the values of the resource
6. Restoration measure is cost-effective relative to alternative methods for restoring the resource

With respect to these points, this document assumes that #1 (proof of injury) exists for all of the resources addressed. It is assumed that the necessary proofs are being compiled and will be presented elsewhere. The "injury statements" given in this document for each resource represent independent assumptions about injuries that could reasonably be expected from the spill (and in some cases preliminary information from discussions with NRDA principal investigators), and are presented only for the purposes of preparation for negotiation. These injury statements should not be referenced outside of that context.

Similarly, #2 (natural recovery is inadequate) is assumed to be the case for the resource addressed. The primary justification for this assumption relates to the overall "ecosystem approach" to this restoration proposal. Different ecosystem components (individuals, populations, communities, and the ecosystem as a whole) will exhibit different rates of natural recovery. For example, it is to be expected that barnacles will be among the most resilient intertidal organisms in terms of recolonization rates. However, other intertidal species (including certain crustaceans and molluscs) will be much slower to recover to pre-spill conditions. The time necessary for "full recovery" of intertidal communities will in turn be dictated by the recovery rates of the slowest species in that community. At the same time, recovery of higher trophic level species that use intertidal areas as habitat - such as those that feed extensively in the intertidal zone (e.g., sea otters, oystercatchers, some sea ducks) - will be linked to the recovery rates of the species on which they feed (not necessarily the fastest recolonizers). Therefore, this document takes the approach that restoration of the ecosystem as a whole is inextricably tied to the

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recovery of all its major components. In this sense, relatively rapid recovery of individual species or habitats is "inadequate" until all the other uses of those species or habitats have also been restored.

Burdens 3, 4, and 6 are evaluated directly for each resource.

Burden #5 ("grossly disproportionate" test) is not evaluated for the resources addressed in this document. First, we have no information at this time about the degree of injury that DOJ will present (for negotiating purposes or otherwise). Therefore, the application of this test is currently outside the scope of this document. In addition, the Ohio case (State of Ohio v. Department of the Interior; July 14, 1989) is vague about what could be considered as "grossly disproportionate," and it would be inappropriate for this document to make any independent assumption in this regard. Finally, consistent with the philosophy of supporting negotiations by maximizing the absolute size of the proposed settlement, it is suggested that the "grossly disproportionate" test be applied to the recommended settlement package (i.e., the mix of ultimately recommended restoration measures) rather than to each of the potential restoration options outlined. This is also consistent with the overall "ecosystem" approach, where resources (such as intertidal habitats, discussed above) are recognized as having ecological values (uses) beyond their individual values.

In addition to the considerations described above this document makes numerous other assumptions, particularly with respect to estimating costs. For example, although it is recognized that some resources may require longer periods of attention while others may require less, 10 years is routinely used for calculating operating costs, monitoring periods, etc. The pertinent resource-specific assumptions are presented along with the discussions for the individual resources.

DESCRIPTION OF RESTORATION PROJECTS

COASTAL HABITATS

This category includes those areas directly injured by the oil spill and subsequent clean-up activities. Virtually all of the oil that did not evaporate or was not quickly recovered ended up in these habitats. These areas include the "supratidal" (splash zone and immediately adjacent uplands including beach ryegrass zones), intertidal, and nearshore subtidal areas. These areas represent important and in some cases critical habitats for a variety of plant, vertebrate, and invertebrate species that were also directly injured by the spill. Supratidal are key interface areas for upland species, incl. mammals and birds. Intertidal and shallow subtidal areas, including estuarine salt marshes and eelgrass beds (which comprise a small % of spill area, but are disproportionately important habitats) are critical for many feeding and rearing bird, fish, and marine mammal species.

Some direct restoration measures are available to address some of the injuries to coastal habitats. However, for most species feasible techniques do not exist to accelerate natural recovery. Another major consideration in identifying restoration projects that would benefit coastal habitats is the fact that all Alaska tidelands (intertidal) and submerged lands are already in public ownership. Therefore, direct acquisition of unopened

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tidelands and submerged lands to replace damaged areas is not possible. However, changes in management practices/use restrictions on public lands, and enhanced protection of adjacent upland and marine areas (through acquisition or other means) can benefit both the coastal habitats themselves and the species they support, by reducing cumulative effects on stressed populations/habitats.

Injury Statement. [CALL DAVE G.! Consider ryegrass, high fringing salt marshes, erosion, debris, connection to archaeological injuries, habitat values for birds, mammals, carbon source for aquatics, connection to recreational uses and subsistence gathering, etc.] [NEED handle on potential amt of coastline needing attention - absent, can assume ryegrass exists along 25-30% of injured coastline, and was 10-25% (?) injured there; marshes occur along 1% of injured coastline with about 50% of them being injured to a degree; etc ...]

Restoration options

- BEACH RYEGRASS RESTORATION: **Feasibility:** techniques proven in Alaska, rapid coverage, high success rate. **Benefit:** to erosion, cultural res. site stabilization, recreational res. aspects incl. aesthetics, habitat values for associated species [WHICH?]. **Cost:** [CALL Stoney W. to get idea of unit cost, incl. logistics support, etc.] **Cost-effectiveness:** direct, on-site in-kind measure using established technology; assumed highly cost-effective (without addressing "grossly disproportionate" test).

- ESTUARINE SALT MARSH RESTORATION: **Feasibility:** techniques proven elsewhere (fertilization and transplanting), moderate success rates, may require re-work depending on degree of remnant oiling. **Benefit:** to feeding birds and fish, terrestrial mammals, local water quality, erosion in sheltered embayments. **Cost:** \$10 million [\$500,000/acre full restoration (adjusted for Alaska based on \$300,000/acre N.J. experience) for 10 acres plus \$5 million total for less intensive restoration work (limited replanting, fertilization, and reapplication, plus monitoring for up to 10 years) on up to 100 acres]. **Cost-effectiveness:** direct, on-site in-kind measure using established technology; assumed highly cost-effective (without addressing "grossly disproportionate" test).

- EELGRASS BED RESTORATION/ENHANCEMENT: **Feasibility:** techniques established elsewhere, moderate success rates, may require some re-work. **Benefit:** to feeding and rearing fish and shellfish including juvenile salmonids, crabs, and shrimp; to feeding shorebirds and diving ducks; to ecosystem functions such as nutrient cycling and stabilization from erosion; and to other (mostly non-targeted) resources. **Cost:** \$___ (___ acres, estimated \$___/acre transplanting, monitoring, and re-planting). **Cost-effectiveness:** direct, in-kind, on- or off-site measure using established technology; assumed highly cost-effective (without addressing "grossly disproportionate" test).

- EQUIVALENT RESOURCES: Enhanced protection of supratidal and intertidal areas can be achieved through management changes on and/or direct acquisition of upland and marine areas immediately adjacent to the shoreline. To be most directly beneficial, lands threatened by potential timber harvest, subsurface (mineral) development, or other disturbance-creating activities (such as lodges) should be targeted. (Note that many of these options have benefits to other than coastal habitat resources. Other sections of this document will refer to these options where appropriate to avoid multiple accounting.)

ACQUISITIONS: Potential acquisitions include (see attached map):

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- Native-selected lands along the shoreline of Kenai Fjords National Park (direct purchase: 77,450 acres, estimated value/acquisition cost \$77.5 million);¹
- Other non-federal lands within Kenai Fjords, excluding mining claims (direct purchase, 20,125 acres, estimated value/acquisition cost \$20 million);
- Mining claims within Kenai Fjords (estimated 800 acres, estimated value/acquisition cost \$___ million);
- Native inholdings, allotments, and applications within Katmai National Park (53,706 acres, estimated value/acquisition cost \$54 million);
- Other non-federal lands within Katmai (128,379 acres, estimated value/acquisition cost \$128 million);
- Inholdings and subsurface interests within Aniakchak National Monument and Preserve (197,817 acres, estimated value/acquisition cost \$198 million);
- Inholdings in the Chugach National Forest within Prince William Sound (surface and subsurface rights to 262,000 acres, estimated acquisition cost \$262 million);²
- Inholdings in Kachemak Bay State Park (surface and subsurface rights to 23,000 acres, estimated acquisition cost \$30 million);³
- Lands on the southwest tip of the Kenai Peninsula (surface and subsurface rights to 111,000 acres, estimated acquisition cost \$111 million);⁴
- Kenai River corridor wetlands/riparian zone (development rights, 9,300 acres, estimated acquisition cost \$82 million);⁵
- [ADD: INHOLDINGS IN NWRs (limited acres)]

Feasibility: feasible to acquire development rights (in perpetuity or for specific periods - i.e., 10 years) in such a manner that title and subsistence use rights are retained by the Native corporations. **Benefit:** reduction of cumulative effects will provide for enhanced recovery of eagles, peregrine falcons, sea ducks, some Alcids, oystercatchers and other shorebirds, sea otters, sea lions and harbor seals, terrestrial mammals, intertidal organisms, salmonids and other fish, cultural resources, and recreational resources. Acquisition options also provide the only direct benefit for resources not specifically targeted in NRDA studies (including fish and wildlife species that receive limited commercial, recreational, or subsistence use). **Cost:** up to \$TOTAL (detailed above). Note that other opportunities are available, but would have less direct benefits than the options listed. **Cost-benefit:** for

¹ Figures for lands associated with National Parks/Monuments based on average cost of \$1,000 per acre, which reflects higher assumed value for these lands than have been paid in recent agreements for purchasing lands & development rights (where little timber/mineral potential was thought to exist) in Alaska. (Incl. the Kijik agreement that paid approximately \$400/acre for surface and subsurface rights, and the USAF's "backscatter" radar project which purchased title to Interior lands at \$450/acre.)

² Acreage from the Coastal Coalition "Draft Proposal for a Comprehensive Settlement of Natural Resource Damages from the 'Exxon-Valdez' Oil Spill" ("Proposal") dated July 4, 1990. Costs adjusted upward from average of Proposal by approximately 50% (to \$1,000 per acre) to include an estimate for acquisition of subsurface right as well as timber harvest rights, and to include operating (management) costs for a period of 10 years.

³ Legislative purchase proposal of \$20 million, adjusted upward by 50% as in footnote 2, above.

⁴ See footnote 2, above.

⁵ Acreage from Kenai River Management Plan. Cost estimated from ____.

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many species, methods do not exist to undertake direct restoration measures; therefore reducing cumulative effects through acquisition of equivalent resources is the only means of enhancing natural recovery.

MANAGEMENT ALTERNATIVES:

- {ADD: MARINE SANCTUARIES, STATE MARINE PARKS, WILDERNESS AREAS, NRA STATUS?, ETC.]

Feasibility:

Benefit:

Cost:

Cost-benefit:

- [ADD: No Action ("natural recovery")]

Feasibility:

Benefit:

Cost:

Cost-benefit:

R.P. 6/10
F

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GATES & ELLIS
ATTORNEYS AT LAW

MEMORANDUM

ATTORNEY WORK PRODUCT

TO: Joseph Donohue
FROM: Bart J. Freedman
RE: Potential Restoration Projects
DATE: October 8, 1990

Attached to this memorandum is a list of potential restoration projects with a total estimated cost of \$2.3 billion. This preliminary list was drafted in order to give a sense of the scope a comprehensive restoration plan might take. The designations of type of restoration program as direct replacement or equivalent resource are meant for general informational purposes only and not to preclude a claim that the protection of resources might actually constitute a component of a direct restoration program. Stan and I plan to elaborate the descriptions of the potential projects during the next week or so. Please let me know if you would like clarification of any of the components of this program.

Attachment
BJF/GSM
2BJF0016
15555.89001
GSM100890

BELLEVUE, WA
(206) 633-0200
FAX: (206) 644-3082

SPOKANE, WA
(509) 624-2100
FAX: (509) 456-0244

TACOMA, WA
(252) 372-1500
FAX: (252) 272-2713

ANCHORAGE, AK
(907) 276-1500
FAX: (907) 274-1500

PORTLAND, OR
(503) 228-3200
FAX: (503) 246-3085

WASHINGTON, DC
(202) 628-1700
FAX: (202) 621-1024

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ATTORNEY-CLIENT WORK PRODUCT

Potential Restoration Program
[Draft: 10/08/90]

<u>Project Description</u>	<u>Type of Restor.</u>	<u>Cost¹ (millions)</u>
<u>Fish and Shellfish Resources</u>		
-rehabilitate spawning habitats for anadromous species	direct ¹	15
-create new spawning habitats for anadromous species	replace ²	20
-enhance spawning habitat/ substrates for herring	direct	10
-restrict fisheries to rebuild stocks (10 y)	direct	20
-"seeding" shellfish to rebuild stocks	direct	25
-create new shellfish beds for subsistence users	replace	10
-monitor, assess & manage at increased intensity (10 y)	direct	50

¹Estimated costs are, in general, rough. They are best taken as an indication of magnitude rather than hard estimates.

²"Direct" projects are those which enhance productivity and therefore recovery in an immediate sense. This can include such things as transplanting intertidal fauna to closures of commercial fishery seasons.

³Substitution of a new resource for an injured resource or service.

Potential Restoration Program

2

-endow trust fund for research to support long-term intensive management	equivalent ¹	<u>100</u>
		Subtotal = 250

Coastal Habitat Resources

-rehabilitate salt-marsh habitats	direct	25
-transplant and seed intertidal fauna/flora	direct	50
-create and operate (10 y) new marine parks/sanctuaries	equivalent	60
-stabilize and revegetate beaches and supratidal areas	direct	5
-conduct research and monitoring on spill effects for 10 y	equivalent	<u>30</u>
		Subtotal = 170

Mammalian (Marine and Terrestrial) Resources

-protect pupping and other critical habitats for seals and otters	equivalent	25
-reduce competition for prey species (e.g., forage fish, shellfish) by restricting fisheries	direct	<u>10</u>
		Subtotal = 35

¹Projects characterized here as "equivalent" are ones that enhance the recovery, productivity, and survival of the resource and ecosystem affected by the spill. As such, they are essentially "direct" restoration measures, but the benefits are manifest over a longer time frame than is implied by the term "direct."

Potential Restoration Program

3

Avian Resources

-removal of introduced predators/ restore degraded habitats on islands with nesting seabirds	direct	15
-protect seabird colony sites that provide viewing opportunities for the public	equivalent	25
-acquire critical winter-season coastal habitats and establish appropriate management systems (e.g., refuge, marine sanctuary)	equivalent	100
-change management practices to protect seabird colonies	direct	<u>20</u>
	Subtotal =	160

Recreation and Cultural Resources

-construct public-use cabins and other non-intrusive facilities	replace	10
-acquire strategic sites for public access in private lands (e.g., for sport fishing and camping)	equivalent	50
-build facilities/exhibits at museums and state/federal parks/refuges to intepret the oil spill and natural history to the public	equivalent	60
-protect histeric/burial sites for Native Alaskans	direct	30
-test food samples and educate rural residents about subsistence resources (10 y)	direct	<u>25</u>
	Subtotal =	175

Potential Restoration Program

Multiple Resources

-acquire private timber/mineral rights in blocks/buffers to protect coastal/riparian habitats	equivalent	500
-purchase in-holdings within existing state/federal parks/refuges to protect coastal/riparian habitats	equivalent	500
-change management designations of existing state/federal lands (e.g., National Recreation Area in Prince William Sound) (10 y operations)	equivalent	75
-clean up marine debris and start collection system for trash from vessels	direct	50
-endow trust fund to provide for on-going public education and law enforcement related to pollution, marine debris, wildlife, fisheries, etc.	equivalent	100
-endow trust fund to provide for on-going ecological/wildlife research and monitoring	equivalent	250
-enhance monitoring and law enforcement related to oil storage and marine transportation	direct	25
-promote tourism and Alaskan seafood	direct	<u>10</u>

Subtotal = 1,510

Grand Total = 2,300