

RPWG
I

**RESTORATION PLANNING WORK GROUP
EXXON VALDEZ OIL SPILL OFFICE
645 "G" STREET
ANCHORAGE, ALASKA 99501**

To: Trustee Council **Date:** December 4, 1992
Thru: Dave Gibbons *dg*
Interim Administrative Director
Restoration Team
From: *John Strand*
John Strand, Chair
Restoration Planning Work Group
Subject: Draft Detailed Outline, Draft Restoration Plan

Attached for your review and comment is a copy of the subject draft detailed outline. You will note that prospective authors include members of the RT, RPWG, other work groups, as well as the Chief Scientist, the Public Information Officer, and a professional editor.

The outline has undergone extensive review by both RPWG and the RT with most suggested changes being accommodated. The outline does not now however, indicate that the Draft Restoration Plan will identify a preferred alternative. The issue of whether the Draft Plan should present a preferred alternative is a topic that also will be discussed at the December 11th Trustee Council Meeting. While the Planning Group recommends that all the Plan alternatives be reviewed by the public before a preferred alternative is selected, the outline can be easily changed to identify a preferred alternative if the Trustee Council advocates this approach.

You also will note that on page 14 of the Draft Detailed Outline, that the Planning Group has added the provision to prepare a brochure that would be published simultaneously with the Draft Plan. The brochure summarizes the Draft Restoration Plan and includes a tear-out sheet for comment. It will be a stand-alone summary that can be distributed both as an insert to and separately from the Plan. It will be more reader-friendly and intended for those who are not interested in reading the full document.

Attachment

cc: RPWG
Restoration Team

**Draft Detailed Outline
DRAFT RESTORATION PLAN**

12/3/92

- i. Cover Letter (front/back [Trustee signatures]) Editor
- ii. Acknowledgements (Planning Team) Strand
- iii. Table of Contents Editor
- iv. Executive Summary Editor/Strand/Loeffler
- I. Introduction
 - A. Purpose of Document Loeffler
 - 1. Purpose and Goals
 - 2. Why Plan
 - 3. Concepts
 - a. Alternatives
 - b. Options
 - c. Implementation
 - B. Background Thompson/Gilbert/Weiner
 - 1. History of the oil spill
 - a. Cleanup
 - b. NRDA program
 - 2. Settlements: criminal; civil
 - 3. Post-settlement Trustee organization and administration
 - 4. Summary of Trustee activity since the settlement
 - a. Restoration Activities
 - b. 1992 Work Plan
 - c. 1993 Work Plan
 - d. 1994 Work Plan

5. Public Involvement

- a. Public scoping
- b. Public Advisory Group
- c. Public comments to Restoration Framework
- d. other

C. Authorities Governing Restoration Activities **Swenson**

1. Civil Settlement

- a. Amount and distribution of settlement
- b. Definition of restoration: injury assessment, restoration, replacement, enhancement of natural resources, acquisition of equivalents, and monitoring
- c. Spending guidelines in settlement
 - 1. Geographic limits
 - 2. Trustee organization
 - 3. Resources and services included
 - 4. Requirement for public participation
- d. Decision-making process for expenditures
 - 1. Settlement guidance
 - 2. Summary of TC operating procedures
 - 3. Annual petition to court for funds
- e. Re-opener clause

2. Criminal Settlement

- a. Criminal Fines
 - 1. Amount and distribution of fines
- b. Restitution Payments
 - 1. Definition of restoration: replacement and enhancement of affected resources, acquisition of

equivalent resources and services, and long-term environmental monitoring and research programs directed to the prevention, containment, cleanup and amelioration of oil spills

2. State and Federal spending guidelines in settlement
 - a. Geographic limits
 - b. Resources and services included
 - c. Requirements for public participation
3. Update on State/Federal spending and plans
 - a. State
 - b. Federal

D. Environmental Compliance

1. Relationship of NEPA process to the draft Restoration Plan
2. NEPA Compliance for specific restoration actions
3. Other laws, regulations, treaties, executive orders, and consultation compliance for specific restoration actions (this section will provide a brief overview)

II. Pre-Spill Existing Environment

(this section will summarize the information prepared for the Draft Environmental Impact Statement)

- A. Geographical description of area affected by the oil spill
- B. General description of the affected communities
- C. Prince William Sound, Gulf of Alaska and area before the spill
 1. Natural resources
 2. Socioeconomic and subsistence uses and needs

3. Cultural and anthropological resources

III. Injured Resources and Services Rabinowitch/Loeffler

A. Background: Guidance, Definitions and Criteria

1. Explanation of settlement guidance for injury
2. Definitions of natural resources and services
3. Definition of injury to natural resources
4. Definition of injury to services
5. The criteria
 - a. Introduction to criteria; their development and use
 - b. Changes from those presented in the Restoration Framework
 - c. Application of the criteria

B. Conclusions Loeffler/Spies

1. Marine Mammals

a. Harbor Seals

(1) Summary

(a) Injury: description of the nature of the injury, its severity, and our certainty. Also, for species, include comparison with pre-spill population, and other useful information.

(b) Recovery: status of recovery: population declining, recovering, stable, unknown, continuing effects. May not be definable for certain services.

(c) Summary of restoration options for each resource or service.

(2) Background Information: for many resources or services, there will be some background concerning habitat, behavior, or how a resource is managed that is

necessary to understand either the injury, current knowledge of recovery, or some of the options. If the information is extensive enough, it will be set out in a special section.

(3) Restoration Options: a summary of how each restoration option affects each resource or service.

(4) Graphics: map showing one of the following: where the injury was, where the habitat is, where the resource is. (A map may not be appropriate for all resources and services.)

- b. Sea Lion (as described above)
- c. Sea Otter (as described above)
- d. Killer Whale (as described above)
- e. Humpback Whale (as described above)

2. Terrestrial Mammals

- a. Sitka Black-tailed Deer (as described above)
- b. Black Bear (as described above)
- c. Brown Bear (as described above)
- d. River Otter (as described above)

3. Birds

- a. Bald Eagle (as described above)
- b. Peale's Peregrine Falcon (as described above)
- c. Common Murre (as described above)
- d. Marbled Murrelet (as described above)
- e. Storm Petrel (as described above)
- f. Black-legged Kittiwake (as described above)
- g. Pigeon Guillemot (as described above)
- h. Glaucous-winged gull (as described above)

- i. Other Marine Birds (as described above)
 - j. Harlequin Duck (as described above)
 - k. Other Sea Ducks (as described above)
 - l. Black Oystercatcher (as described above)
 - m. Other Shorebirds (as described above)
 - n. Other Birds (as described above)
4. Fish
- a. Pink Salmon (as described above)
 - b. Sockeye Salmon (as described above)
 - c. Pacific Herring (as described above)
 - d. Rockfish (as described above)
 - e. Dolly Varden (as described above)
 - f. Cutthroat Trout (as described above)
5. Shellfish (as described above)
6. Intertidal/Subtidal (as described above)
7. Services
- a. Archaeological sites and artifacts (as described above)
 - b. Recreation (as described above)
 - c. Subsistence (as described above)
 - d. Intrinsic values (as described above)
 - e. Wilderness (as described above)

IV. Restoration Options

- A. Development of Restoration Options Klinge
 - 1. Definition of restoration options
 - 2. Development of restoration options
- B. Evaluation Process

1. Settlement Guidance
 2. Purpose and use of the criteria
 - a. Changes from those used in the Restoration Framework
- C. Application of criteria
1. Development of alternatives
- V. Restoration Plan Alternatives **Loeffler**
- A. Definition of an alternative?
1. Description, policies, goals
 2. Options
 3. How options will change as we get more information
- B. Why or why not a preferred alternative?
- C. Overall Management goals (and, if appropriate, objectives) for the Spill Area
- D. Alternatives **Loeffler/Gorbics/Klinge/Gilbert**
- Alternative 1: (title)
1. Theme, including basic goals and objectives of the alternative.
 2. Resources Addressed and options proposed that address each resource (may include some or all of the following):
 - a. Marine mammals
 - (1) Harbor seals
 - (2) Sea lions
 - (3) Sea otters
 - (4) Killer Whales
 - (5) Humpback Whales
 - b. Terrestrial Mammals
 - (1) Sitka black-tailed deer

- (2) Black Bear
- (3) Brown Bear
- (4) River Otter

c. Birds

- (1) Bald Eagle
- (2) Peale's Peregrine Falcon
- (3) Common Murre
- (4) Marbled Murrelet
- (5) Storm Petrel
- (6) Black-legged Kittiwake
- (7) Pigeon Guillemots
- (8) Glaucous-winged Gull
- (9) Other Marine Birds
- (10) Harlequin Ducks
- (11) Other Sea Ducks
- (12) Black Oystercatcher
- (13) Other Shorebirds
- (14) Other Birds

d. Fish

- (1) Pink Salmon
- (2) Sockeye Salmon
- (3) Pacific Herring
- (4) Rockfish
- (5) Dolly Varden
- (6) Cutthroat Trout

e. Shellfish

- f. Intertidal/Subtidal
- g. Vegetation
- 3. Services addressed (may include some or all of the following):
 - a. Archaeological sites and artifacts
 - b. Recreation
 - c. Subsistence
 - d. Intrinsic values
 - e. Wilderness
- 4. Monitoring Program
- 5. Evaluation
 - a. Effect on recovery of resource or service (time and extent)
 - b. Ecosystem effects
 - c. Geographic distribution (include maps)
 - d. Social benefit (include economic impact)
 - e. Cost
 - f. Certainty of the above evaluation factors
 - g. Timing and priority

Alternative 2 (same as above)

Alternative 3 (same as above)

Alternative 4 (same as above)

Alternative 5 (same as above)

Alternative 6: No Action (same as above except for (3))

E. Comparison of alternatives **Rabinowitch/Gilbert**

VI. Implementation Process for Life of the Settlement

A. Annual Work Plans **Fraker**

1. Contents
 2. Schedule
 3. Environmental Compliance
 4. Public Review
- B. Funding mechanisms **Brodersen/Loeffler**
1. Current Mechanisms
 - a. Describes current Court Registry Investment System (CRIS) mechanisms
 - b. Forecast of availability (use) of funds
 2. Endowment
 - a. Introduction (Why an endowment)
 - b. Questions
 - (1) Purposes (Different purposes for an endowment)
 - (2) Governing (Different governing structures)
 - (3) Endowment Life (Fixed life v. perpetual)
 - (4) Endowment Management
 - (5) Federal and State Legal Considerations
 - (6) Examples of Alaskan Endowments
 - c. Endowment Proposals
 - d. Addendum: explanation of financial assumptions
- D. Monitoring/Evaluation (Comprehensive Restoration Monitoring Program) **Strand/Fraker**
1. Conceptual Monitoring Design
 - a. Management structure;
 - b. Expectations and goals;
 - c. Study strategy including conceptual model to determine monitoring and related project priorities;

- d. Resources and services to monitor;
 - (1) Natural Resources (by species)
 - (a) Marine mammals
 - (b) Terrestrial mammals
 - (c) Marine birds
 - (d) Other birds
 - (e) Fish
 - (f) Shellfish
 - (g) Coastal habitat
 - (2) Other Resources and Services
 - (a) Archaeological sites and artifacts
 - (b) Recreation
 - (c) Subsistence
 - (d) Intrinsic values
 - (e) Wilderness

2. Technical Monitoring Design

- a. The boundaries (spatial, temporal, ecological, technical, social, political) of the intended monitoring program;
- b. The locations (fixed and rotating) where monitoring will be conducted;
- c. Technical design (how and when data will be collected, analyzed, interpreted and reported) for each monitoring component;
- d. Data management system to support needs of Trustees and other decision makers;
- e. Quality assurance program;
- f. Cost estimates for each monitoring component; and
- g. Strategy for review and update.

3. Implementation and Management
 - a. Audits of plans, projects and related activities;
 - b. Audits of data and procedures to determine compliance with established QA/QC plans;
 - c. Annual meeting; and
 - d. Publication of annual and other progress reports.

- E. Public participation/Public education **Kehrer/Evans**
 1. Introduction
 - a. Settlement guidance
 - b. Additional legal requirements: NEPA, Americans with Disabilities Act, Federal Advisory Committee Act, Alaska Open Meetings Act
 2. Program goals
 3. Public participation/education strategy
 - a. PAG: origin, purpose, operational procedures, future expectations
 - b. Information & Education Programs: compliance with settlement and other legal mandates, OSPIC, NRDA reports, newsletter, education efforts, annual work plans, TC meetings

- F. Amendments to the final Restoration Plan **Fraker**
 1. Major revisions
 2. Minor amendments

Appendices

- A. Restoration options **Various authors**
Summary of options and suboptions
- B. Habitat Acquisition Process **Weiner/C. Gilbert**
- C. Charter of the Public Advisory Group
 1. Public Advisory Group charter **Editor**

2. List of PAG principal interests **Editor**
 3. List of current PAG members and their affiliation
Editor
- D. List of other publications **Editor**
 - E. Court settlement documents **Editor**
 - F. Glossary **Editor/Swenson**

Brochure **Loeffler**

A brochure will accompany the Draft Restoration Plan. The intent is to provide the public with a more reader-friendly summary (4-page newspaper insert) that can be read by those not inclined to read the entire 350 page document. The brochure will also be printed in greater numbers to facilitate a wider public distribution than the intended distribution of the Draft Restoration Plan. It also will have a tear-out, pre-addressed detailed comment sheet. The objective is to increase opportunity for public comment.

CONTENTS OF BROCHURE

Public Meetings -- Where & When

I. Introduction

A. Background

1. The spill
2. Activities to date

B. The planning process

C. How you (the public) can be involved

D. Relationship to EIS

E. What the plan will not do

F. Summary of Implementation

II. The Settlements

A. Criminal & Civil

B. Spending Guidelines

III. Summary of Injury, Recovery, and What, if anything, can be done to help. For each injured resource and service, a description of injury by the spill, status of recovery, and what techniques are available, if any, to aid recovery, and the effectiveness of those techniques. Land acquisition will be included in this description (as a technique to aid recovery and avoid further degradation).

IV. Alternatives

A. Introduction

1. Options
 - B. Goals, objectives, and policies common to all alternatives
 - C. Description of alternatives (probably one newspaper page per alternative). One of which will be the no-action alternative; another will be the preferred alternative.
- V. Comparison of alternatives
- VI. Implementation
- A. Annual Work Plans
 1. Implementation document
 2. Annual solicitation of ideas
 3. Annual public review of draft plans
 4. Timing of annual plans
 - B. Operations/Administration
 1. Settlement Guidance
 2. Organization (including organization) chart
 - a. State of Alaska Trustees
 - b. Federal Trustees
 - c. Trustee Council
 - d. Restoration Team
 - e. Work Groups
 - C. Funding Mechanisms
 1. Current Mechanisms
 - a. Describes current Court Registry Investment System (CRIS) mechanisms
 - b. Forecast of availability (use) of funds
 2. Endowment
 - a. Introduction (Why an endowment)

b. Questions

1. Purposes (Different purposes for an endowment)
2. Governing (Different governing structures)
3. Endowment Life (fixed life v. perpetual)
4. Endowment Management
5. Examples of Alaskan Endowments

c. Endowment Proposals

d. Addendum: explanation of financial assumptions

RESTORATION PLANNING WORKING GROUP
EXXON VALDEZ OIL SPILL OFFICE
645 "G STREET
ANCHORAGE, ALASKA 99501

TO: RPWG **DATE:** November 16, 1992
FROM: Barbara Iseah *oli* **RE:** Detailed Outline

Attached for your review and comment is the draft detailed outline. If you would like to discuss the contents of the outline, please contact either John or Sandy. Please provide comments to Barbara by c.o.b. on November 17th.

**Draft Detailed Outline
DRAFT RESTORATION PLAN**

11/16/92

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- ii. Acknowledgements (Planning Team) **Strand**
- iii. Table of Contents **Editor**
- iv. Executive Summary **Editor/Strand/Loeffler**
- I. Introduction
 - A. Purpose of Document **Loeffler**
 - 1. Purpose and Goals
 - 2. Why Plan
 - 3. Concepts
 - a. Alternatives
 - b. Options
 - c. Implementation
 - B. Background **Thompson/Gilbert**
 - 1. History of the oil spill
 - a. Cleanup
 - b. NRDA program
 - 2. Settlements: criminal; civil
 - 3. Post-settlement trustee organization and administration
 - 4. Summary of trustee activity since the settlement
 - a. Restoration Activities
 - b. 1992 Work Plan
 - c. 1993 Work Plan
 - d. PAG: accomplishments to date
 - 5. Public comments: summary and how they were used
 - C. Authorities Governing Restoration Activities **Swenson**
 - 1. Civil Settlement
 - a. Amount and distribution of settlement
 - b. Definition of restoration: injury assessment, restoration, replacement, enhancement of natural resources and acquisition of equivalents
 - c. Spending guidelines in settlement

1. Geographic limits
 2. Resources and services included
 3. Requirement for public participation
 - d. Decision-making process for expenditures
 1. Settlement guidance
 2. TC operating procedures and summary
 3. Annual petition of court for funds
 - e. Re-opener clause
 2. Criminal Fines
 - a. Amount and distribution of fines
 3. Restitution Payments
 - a. Definition of restoration: replacement and enhancement of affected resources, acquisition of equivalent resources and services, and long-term environmental monitoring and research programs directed to the prevention, containment, cleanup and amelioration of oil spill
 - b. State and federal spending guidelines in settlement
 1. Geographic limits
 2. Resources and services included
 3. Requirements for public participation
 - c. Update on state/federal spending and plans
 1. State
 2. Federal
- D. Relationship to the Draft Environmental Impact Statement
Thompson
1. Purpose and goals of an EIS
 2. Why an EIS

3. Concepts
 - a. alternatives
 - b. preferred alternative
 - c. analyses of impacts
4. Differences between EIS and RP

II. Injured Resources and Services **Rabinowitch**

A. Background: Guidance, Definitions and Criteria

1. Explanation of settlement guidance for injury
2. Definitions of natural resources and services
3. Definition of Injury to Natural Resources
4. Definition of Injury to Services
5. The criteria
 - a. Introduction to criteria; their development and use
 - b. Changes from those presented in the Restoration Framework
 - c. Application of the criteria

B. Conclusions **Loeffler**

1. Summary
 - a. Injury: description of the nature of the injury, its severity, and our certainty. Also include comparison with pre-spill population, and other useful information.
 - b. Recovery: status of recovery: population declining, recovering, stable, unknown, continuing effects.
 - c. Summary of restoration options for each resource or service.
2. Background Information: For many resources, there will be some background concerning habitat, behavior, or how a resource is managed that is necessary to understand either the injury, current knowledge of recovery, or some of the options. If the information is extensive enough, it will be set out in a special section.
3. Restoration Options: A summary of how each restoration option affects each resource or service.
4. Graphics: map showing one of the following: where the injury was, where the habitat is, where the resource is. (A map may not be appropriate for all resources and services.)

III. Restoration Options

A. Development of Restoration Options **Klinge**

1. Definition of restoration options
2. Development of restoration options

B. Evaluation Process

1. Settlement Guidance
2. Purpose and use of the criteria
 - a. Changes from those used in the Restoration Framework

C. Application of criteria

1. Development of alternatives

IV. Restoration Plan Alternatives **Loeffler**

A. Definition of an alternative?

1. Description, policies, goals
2. Options
3. How options will change as we get more information

B. Why a preferred alternative?

C. Overall Management goals (and, if appropriate, objectives) for the Spill Area

D. Alternatives¹ **Loeffler/Gorbics/Klinge/Gilbert**

Alternative 1: (title)

- (1) Theme, including basic goals and objectives of the alternative.
- (2) Resources Addressed (may include some or all of the following):
 - (a) Marine mammals
 - (b) Marine invertebrates
 - (c) Fishes
 - (d) Terrestrial mammals
 - (e) Birds
 - (f) Vegetation
- (3) Services Addressed (may include some or all of the following):
 - (a) Archaeological sites and artifacts
 - (b) Recreation

¹Before the draft plan is adopted a preferred alternative will be identified.

- (c) Subsistence
- (d) Intrinsic values
- (e) Wilderness
- (4) Summary of options
 - (a) By resource or service
 - (b) Timing and priority
- (5) Monitoring Program
- (6) Evaluation
 - (a) Effect on recovery of resource or service (time and extent)
 - (b) Ecosystem effects
 - (c) Geographic distribution (include maps)
 - (d) Social benefit (include economic impact)
 - (e) Cost
 - (f) Certainty of the above evaluation factors
- Alternative 2 (same as above)
- Alternative 3 (same as above)
- Alternative 4 (same as above)
- Alternative 5 (same as above)
- Alternative 6: No Action (same as above except for (3))

E. Comparison of alternatives **Rabinowitch/Gilbert**

V. Implementation Process for Life of the Settlement

- A. Description of annual work plans **Fraker**
 - 1. Implementation document
 - 2. Annual solicitation of ideas
 - 3. Annual public review of draft plans
 - 4. Timing of annual plans
- B. Operations/Administration **Strand**
 - 1. Settlement Guidance
 - 2. Organization (including organization) chart
 - a. State of Alaska Trustees
 - b. Federal Trustees
 - c. Trustee Council
 - d. Restoration Team
 - e. Work Groups
- C. Funding mechanisms **Brodersen/Loeffler**
 - 1. Current Mechanisms
 - a. Describes current CHRIS mechanisms
 - b. Forecast of availability (use) of funds

2. Endowment
 - a. Introduction (Why an endowment)
 - b. Questions
 1. Purposes (Different purposes for an endowment)
 2. Governing (Different governing structures)
 3. Endowment Life (fixed life v. perpetual)
 4. Endowment Management
 5. Examples of Alaskan Endowments
 - c. Endowment Proposals
 - d. Addendum: explanation of financial assumptions

- D. Monitoring/Evaluation (Comprehensive Restoration Monitoring Program) **Strand**
 1. Conceptual Monitoring Design (Phase 1)
 - a. Management structure;
 - b. Expectations and goals;
 - c. Study strategy including conceptual model to determine monitoring and related project priorities;
 - d. Resources and services to monitor;
 1. Natural Resources (by species)
 - Marine mammals
 - Terrestrial mammals
 - Marine birds
 - Other birds
 - Fish
 - Shellfish
 - Coastal habitat
 2. Other Resources and Services
 - Archaeological sites and artifacts
 - Recreation
 - Subsistence
 - Intrinsic values
 - Wilderness
 - e. Relationships to other monitoring programs in the spill zone;
 - f. Current clean-up, damage assessment and restoration studies that best serve the

purposes of the intended monitoring program;
and

- g. Funding for monitoring for the long term.
2. Technical Monitoring Design (Phase 2)
- a. The boundaries (spatial, temporal, ecological, technical, social, political) of the intended monitoring program;
 - b. The locations (fixed and rotating) where monitoring will be conducted;
 - c. Technical design (how and when data will be collected, analyzed, interpreted and reported) for each monitoring component taking into consideration results of past studies and influence of natural variability;
 - d. Data management system to support needs of Trustees and other decision makers. This assumes a system that facilitates a variety of retrieval and analysis functions and is flexible and expandable to meet changing needs;
 - e. Rigorous quality assurance program to ensure that monitoring data produces defensible answers to management questions and will be accepted by scientific researchers and the public;
 - f. Cost estimates for each monitoring component;
and
 - g. Strategy for review and update to ensure that the most appropriate and cost-effective monitoring methods are applied.
3. Implementation and Management (Phase 3)
- a. Audits to determine if plans, projects, and related activities have been implemented as designed and in compliance with the Restoration Plan;
 - b. Audits of data and procedures to determine compliance with established QA/QC plans;

- c. The design and implementation of an annual meeting to review technical results of the previous year of monitoring; and
 - d. Review and publication of annual and other progress reports.
- E. Public participation/Public education **Kehrer/Evans**
 - 1. Introduction
 - a. Settlement guidance
 - b. Additional legal requirements: NEPA, Americans with Disabilities Act, Federal Advisory Committee Act, Alaska Open Meetings Act
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- F. Amendments to the final Restoration Plan **Fraker**
 - 1. Major revisions
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Appendices

- A. Restoration options **Various authors**
Summary of options and suboptions
- B. Charter of the Public Advisory Group
 - 1. Public Advisory Group charter **Editor**
 - 2. List of PAG principal interests **Editor**
 - 3. List of current PAG members and their affiliation **Editor**
- C. List of other publications **Editor**
- D. Court settlement documents **Editor**
- E. Glossary **Editor/Swenson**

Brochure **Loeffler**

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- A. Background
 - 1. The spill
 - 2. Activities to date
- B. The planning process
- C. How you (the public) can be involved
- D. Relationship to EIS
- E. What the plan will not do
- F. Summary of Implementation

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- B. Spending Guidelines

III. Summary of Injury, Recovery, and What, if anything, can be done to help. For each injured resource and service, a description of injury by the spill, status of recovery, and what techniques are available, if any, to aid recovery, and the effectiveness of those techniques. Land acquisition will be included in this description (as a technique to aid recovery and avoid further degradation).

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V. Comparison of alternatives

VI. Implementation

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 - a. Amount and distribution of fines
 3. Restitution Payments
 - a. Definition of restoration: replacement and enhancement of affected resources, acquisition of equivalent resources and services, and long-term environmental monitoring and research programs directed to the prevention, containment, cleanup and amelioration of oil spills
 - b. State and federal spending guidelines in settlement
 1. Geographic limits
 2. Resources and services included
 3. Requirements for public participation
 - c. Update on state/federal spending and plans
 1. State
 2. Federal
- D. Relationship to the Draft Environmental Impact Statement
Thompson
1. Purpose and goals of an EIS
 2. Why an EIS

3. Concepts
 - a. alternatives
 - b. preferred alternative
 - c. analyses of impacts
4. Differences between EIS and RP

II. Injured Resources and Services **Rabinowitch/Loeffler**

A. Background: Guidance, Definitions and Criteria

1. Explanation of settlement guidance for injury
2. Definitions of natural resources and services
3. Definition of Injury to Natural Resources
4. Definition of Injury to Services
5. The criteria
 - a. Introduction to criteria; their development and use
 - b. Changes from those presented in the Restoration Framework
 - c. Application of the criteria

B. Conclusions **Loeffler/Spies**

1. Summary
 - a. Injury: description of the nature of the injury, its severity, and our certainty. Also include comparison with pre-spill population, and other useful information.
 - b. Recovery: status of recovery: population declining, recovering, stable, unknown, continuing effects.
 - c. Summary of restoration options for each resource or service.
2. Background Information: For many resources, there will be some background concerning habitat, behavior, or how a resource is managed that is necessary to understand either the injury, current knowledge of recovery, or some of the options. If the information is extensive enough, it will be set out in a special section.
3. Restoration Options: A summary of how each restoration option affects each resource or service.
4. Graphics: map showing one of the following: where the injury was, where the habitat is, where the resource is. (A map may not be appropriate for all resources and services.)

III. Restoration Options

- A. Development of Restoration Options **Klinge**
 - 1. Definition of restoration options
 - 2. Development of restoration options
- B. Evaluation Process
 - 1. Settlement Guidance
 - 2. Purpose and use of the criteria
 - a. Changes from those used in the Restoration Framework
- C. Application of criteria
 - 1. Development of alternatives

IV. Restoration Plan Alternatives **Loeffler**

- A. Definition of an alternative?
 - 1. Description, policies, goals
 - 2. Options
 - 3. How options will change as we get more information
- B. Why a preferred alternative?
- C. Overall Management goals (and, if appropriate, objectives) for the Spill Area
- D. Alternatives **Loeffler/Gorbics/Klinge/Gilbert**
 - Alternative 1: (title)
 - (1) Theme, including basic goals and objectives of the alternative.
 - (2) Resources Addressed (may include some or all of the following):
 - (a) Marine mammals
 - (b) Marine invertebrates
 - (c) Fishes
 - (d) Terrestrial mammals
 - (e) Birds
 - (f) Vegetation
 - (3) Services Addressed (may include some or all of the following):
 - (a) Archaeological sites and artifacts
 - (b) Recreation
 - (c) Subsistence
 - (d) Intrinsic values
 - (e) Wilderness
 - (4) Summary of options

- (a) By resource or service
- (b) Timing and priority
- (5) Monitoring Program
- (6) Evaluation
 - (a) Effect on recovery of resource or service (time and extent)
 - (b) Ecosystem effects
 - (c) Geographic distribution (include maps)
 - (d) Social benefit (include economic impact)
 - (e) Cost
 - (f) Certainty of the above evaluation factors
- Alternative 2 (same as above)
- Alternative 3 (same as above)
- Alternative 4 (same as above)
- Alternative 5 (same as above)
- Alternative 6: No Action (same as above except for (3))

E. Comparison of alternatives **Rabinowitch/Gilbert**

V. Implementation Process for Life of the Settlement

- A. Description of annual work plans **Fraker**
 - 1. Implementation document
 - 2. Annual solicitation of ideas
 - 3. Annual public review of draft plans
 - 4. Timing of annual plans
- B. Operations/Administration **Strand**
 - 1. Settlement Guidance
 - 2. Organization (including organization) chart
 - a. State of Alaska Trustees
 - b. Federal Trustees
 - c. Trustee Council
 - d. Restoration Team
 - e. Work Groups
- C. Funding mechanisms **Brodersen/Loeffler**
 - 1. Current Mechanisms
 - a. Describes current Court Registry Investment System (CRIS) mechanisms
 - b. Forecast of availability (use) of funds
 - 2. Endowment
 - a. Introduction (Why an endowment)

- b. Questions
 - 1. Purposes (Different purposes for an endowment)
 - 2. Governing (Different governing structures)
 - 3. Endowment Life (Fixed life v. perpetual)
 - 4. Endowment Management
 - 5. Examples of Alaskan Endowments
 - c. Endowment Proposals
 - d. Addendum: explanation of financial assumptions
- D. Monitoring/Evaluation (Comprehensive Restoration Monitoring Program) **Strand**
- 1. Conceptual Monitoring Design (Phase 1)
 - a. Management structure;
 - b. Expectations and goals;
 - c. Study strategy including conceptual model to determine monitoring and related project priorities;
 - d. Resources and services to monitor;
 - 1. Natural Resources (by species)
 - Marine mammals
 - Terrestrial mammals
 - Marine birds
 - Other birds
 - Fish
 - Shellfish
 - Coastal habitat
 - 2. Other Resources and Services
 - Archaeological sites and artifacts
 - Recreation
 - Subsistence
 - Intrinsic values
 - Wilderness
 - e. Relationships to other monitoring programs in the spill zone;
 - f. Current clean-up, damage assessment and restoration studies that best serve the purposes of the intended monitoring program; and
 - g. Funding for monitoring for the long term.

2. Technical Monitoring Design (Phase 2)
 - a. The boundaries (spatial, temporal, ecological, technical, social, political) of the intended monitoring program;
 - b. The locations (fixed and rotating) where monitoring will be conducted;
 - c. Technical design (how and when data will be collected, analyzed, interpreted and reported) for each monitoring component taking into consideration results of past studies and influence of natural variability;
 - d. Data management system to support needs of Trustees and other decision makers. This assumes a system that facilitates a variety of retrieval and analysis functions and is flexible and expandable to meet changing needs;
 - e. Rigorous quality assurance program to ensure that monitoring data produces defensible answers to management questions and will be accepted by scientific researchers and the public;
 - f. Cost estimates for each monitoring component; and
 - g. Strategy for review and update to ensure that the most appropriate and cost-effective monitoring methods are applied.
3. Implementation and Management (Phase 3)
 - a. Audits to determine if plans, projects, and related activities have been implemented as designed and in compliance with the Restoration Plan;
 - b. Audits of data and procedures to determine compliance with established QA/QC plans;
 - c. The design and implementation of an annual meeting to review technical results of the previous year of monitoring; and
 - d. Review and publication of annual and other progress reports.

- E. Public participation/Public education **Kehrer/Evans**
 - 1. Introduction
 - a. Settlement guidance
 - b. Additional legal requirements: NEPA, Americans with Disabilities Act, Federal Advisory Committee Act, Alaska Open Meetings Act
 - 2. Program goals
 - 3. Public participation/education strategy
 - a. PAG: origin, purpose, operational procedures, future expectations
 - b. Information & Education Programs: compliance with settlement and other legal mandates, OSPIC, NRDA reports, newsletter, education efforts, annual work plans, TC meetings
- F. Amendments to the final Restoration Plan **Fraker**
 - 1. Major revisions
 - 2. Minor amendments

Appendices

- A. Restoration options **Various authors**
Summary of options and suboptions
- B. Habitat Acquisition Process **Weiner/C. Gilbert**
- C. Charter of the Public Advisory Group
 - 1. Public Advisory Group charter **Editor**
 - 2. List of PAG principal interests **Editor**
 - 3. List of current PAG members and their affiliation **Editor**
- D. List of other publications **Editor**
- E. Court settlement documents **Editor**
- F. Glossary **Editor/Swenson**

Brochure **Loeffler**

Public Meetings -- Where & When

- I. Introduction
 - A. Background

- 1. The spill
 - 2. Activities to date
 - B. The planning process
 - C. How you (the public) can be involved
 - D. Relationship to EIS
 - E. What the plan will not do
 - F. Summary of Implementation
- II. The Settlements
- A. Criminal & Civil
 - B. Spending Guidelines
- III. Summary of Injury, Recovery, and What, if anything, can be done to help. For each injured resource and service, a description of injury by the spill, status of recovery, and what techniques are available, if any, to aid recovery, and the effectiveness of those techniques. Land acquisition will be included in this description (as a technique to aid recovery and avoid further degradation).
- IV. Alternatives
- A. Introduction
 - 1. Options
 - B. Goals, objectives, and policies common to all alternatives
 - C. Description of alternatives (probably one newspaper page per alternative). One of which will be the no-action alternative; another will be the preferred alternative.
- V. Comparison of alternatives
- VI. Implementation
- A. Annual Work Plans
 - 1. Implementation document
 - 2. Annual solicitation of ideas
 - 3. Annual public review of draft plans
 - 4. Timing of annual plans
 - B. Operations/Administration
 - 1. Settlement Guidance
 - 2. Organization (including organization) chart
 - a. State of Alaska Trustees
 - b. Federal Trustees
 - c. Trustee Council
 - d. Restoration Team
 - e. Work Groups
 - C. Funding Mechanisms
 - 1. Current Mechanisms

- a. Describes current Court Registry Investment System (CRIS) mechanisms
 - b. Forecast of availability (use) of funds
2. Endowment
- a. Introduction (Why an endowment)
 - b. Questions
 - 1. Purposes (Different purposes for an endowment)
 - 2. Governing (Different governing structures)
 - 3. Endowment Life (Fixed life v. perpetual)
 - 4. Endowment Management
 - 5. Examples of Alaskan Endowments
 - c. Endowment Proposals
 - d. Addendum: explanation of financial assumptions

**RESTORATION PLANNING WORKING GROUP
EXXON VALDEZ OIL SPILL OFFICE
645 "G" STREET
ANCHORAGE, ALASKA 99501**

MEMORANDUM

TO: Distribution **DATE:** October 9, 1992
FROM: John Strand *JS*
RE: Draft Restoration Plan - Writing Assignments

Attached for your information and use is a copy of the Annotated Outline for the Draft Restoration Plan including my first cut at assigning authors to write the various sections. You will note that prospective authors include members of the RT, RPWG, other work groups, as well as the Chief Scientist and the Public Information Officer. If for some reason you are unable to help in the writing, please let me know as soon as possible. Suggested page-lengths for each section of the Draft Plan also can be found on the attached Annotated Outline. These page-lengths should not be exceeded if possible.

I also have drafted and attached a tentative production schedule for the Draft Restoration Plan. There really is no slack in the schedule if we are to have a draft of the key elements (alternatives and the process to create alternatives) of the Draft Plan to the RT by mid- to late-November, as promised. It would be a good idea to try and schedule a "working session" with the TC sometime in late November or early December to review the same key elements of the Draft Plan.

The schedule calls for each of the prospective authors to first submit an outline of their respective section(s). Hopefully, the annotations will provide sufficient information to allow each author to create their respective outlines. If they don't and there are questions in this regard, please give me a call. I will call each author after I have reviewed their outlines.

You will note that on page 6 of the Annotated Outline, I have added the provision to prepare a brochure that would be published simultaneously with the Draft Plan. The brochure summarizes the Draft Restoration Plan and includes the comment sheet for the plan. It is a stand-alone summary that can be distributed separately from

the plan for those who are not interested in reading the full document.

I also would like to form a "blue-ribbon" committee to review the entire document before it is released to the public. While the document will be reviewed by the RPWG, RT, TC and PAG, I believe we also should seek review from experts outside the Trustee Organization, e.g., Randall Luthi. We employed this option prior to publishing the Framework Document. Perhaps some of you will have nominations for this small committee. More about this later.

Attachments (2)

Distribution: RT
RPWG
L. J. Evans
Peg Kehrer
Bob Spies

PRODUCTION SCHEDULE - DRAFT RESTORATION PLAN

	<u>WHEN</u>	<u>WHAT</u>	<u>TO WHOM</u>
I. Alternatives			
	10/30	Sketch Alternatives (without costs or geography)	RT
	11/7	RT comments Meet with RT before return of comments	RPWG
	11/15	Draft sketch Alternatives	RT/EIS/TC
II. Restoration Plan			
	1st draft		
	10/30	Outlines from section authors	RPWG/Chair
	11/15	Key elements (Draft sketch of Alt., Chapt. II (injury), III.C. (habitat), V.C. (funding), Appendix A Options)	RT/EIS
	11/30	RT comments	RPWG
	2nd draft		
	12/10	Key elements + rest of document	RT
	12/15	Key elements + rest of document	PAG
	1/10	RT/PAG comments	RPWG
	1/10-2/20	Workshops to resolve comments	RPWG/RT/PAG
	2/1	Complete draft document	TC
	2/20	TC Decision	
	2/20-3/15	Production of camera-ready copy	Printer
	3/24	Mail document	Public

Draft Annotated Outline
DRAFT RESTORATION PLAN

10/9/92

- i. Cover Letter (front/back [Trustee signatures]) Editor (1 pg)
- ii. Acknowledgements (Planning Team) John
- iii. Table of Contents Editor
- iv. Executive Summary Editor/John/Bob L.

I. Introduction

A. Purpose of document

Presents the proposed action (see Restoration Framework, page 1) and explains the function of the Draft Restoration Plan as providing overall direction for the restoration process and guidance for implementation of annual work plans, including all anticipated annual and periodic activities. Explains the relationship among alternatives, options and restoration projects and types of actions to implement them. **John/Bob L. (1 pg)**

B. Background

*Summarizes the history of the oil spill, including the cleanup; pre-settlement NRDA program; A summary of Trustee Activity since the settlement, including the role of the U.S. District Court of Alaska; criminal and civil settlements; and the EVOS trustee organization and administration. Presents the number and nature of the public's comments received on the Restoration Framework and how they were used. **Ray/Veronica (5-10 pgs)***

C. Spending guidelines for EVOS settlement

1. Civil settlement

*Summarizes guidelines for spending civil settlement money. Includes a description of the decision-making process for expenditures. **Chris (2 pgs)***

2. Criminal settlements (state and federal)

Summarizes state and federal guidelines for spending criminal settlement money. Explains

relationship to civil settlement guidelines.
Chris (2 pgs)

D. Relationship to Draft Environmental Impact Statement

Following a brief outline of the NEPA process, the relationship of the Draft Environmental Impact Statement (DEIS) to the Draft Restoration Plan will be explained. Explains that the DEIS will be programmatic in nature and the impacts of the preferred restoration alternative will be presented and compared with those of all other restoration alternatives. Ray (1 pg)

II. Injured Resources and Services

A. Criteria for selecting injured resources and services

Injury criteria will be listed and briefly explained. Any changes from those in the Restoration Framework will be explained. Sandy (2-3 pgs)

B. How criteria are applied

The decision-making process for applying the injury criteria will be explained. Bob L./Sandy (2-3 pgs)

C. Conclusions: List of resources and services injured: tables/graphics of resources and services that meet the injury criteria

Presents summary of information on the range of injuries from the ecosystem level to individual resources and services as we now understand it. Injuries will be explained in terms of injured life history stages or user groups, the geography of the injury, and the status and prospects for natural recovery. Bob Spies/Veronica/Sandy/Bob L. (40-80 pgs)

III. Restoration Options

A. Explanation of restoration options

Briefly explains restoration options: their origins, the evolution of these public and professional ideas into options and the central importance of them to the plan. Karen (3 pgs)

B. Evaluate restoration options

1. Criteria for evaluating restoration options

Identifies and defines criteria that are used in evaluating and ranking candidate restoration options. Explains any changes from Restoration Framework. Karen (3 pgs)

2. How criteria are applied

Describes the process used in ranking options (as high, medium, or low) for each criteria. Includes a description of the process used to generate candidate restoration alternatives. Bob L. (3-5 pgs)

C. Evaluate habitat protection and acquisition options

Describes the evaluation process that will be used in identifying and prioritizing habitat for protection and acquisition, including how protection for services will be approached. Includes description of threshold criteria, habitat types, and the imminent threat analysis for determining whether accelerated protection is required due to immediate threats to restoration potential.

Description of other habitat acquisition issues including 1) land management: which agencies would manage the acquired land; how land management considerations (such as the need for survey, and locatable, contiguous blocks) influence purchases; 2) tools for land acquisition: describes the range of potential tools from development moratoriums to fee-simple purchase; 3) multi-species analysis: describes how the decision to purchase may depend on the benefits provided to more than one resource or service type. Bob L./Art/Veronica (10 pgs)

IV. Restoration Plan Alternatives

Indicates that this section presents a range of restoration alternatives. It explains that while a preferred alternative is presented, clearly no final decision will be made as to the selection of a preferred alternative until the public has had opportunity to comment and the Trustees can take full consideration of the public's opinion. The reason for presenting a preferred alternative at this time is the Trustee's desire to indicate direction at this point in the process and to facilitate compliance with the National Environmental Policy Act of 1969, as amended, i.e., simultaneous publication of the Draft Environmental Impact Statement. Bob L./Sandy will write up-front (5 pgs)

A. Description of alternatives

3 - 5 Alternatives will be presented.

1. No action alternative (natural recovery)

Describes the scope and nature of the no action alternative. Explains reliance on natural processes and the limited activities that would occur. Distinguishes between these and the more active restoration options presented in other alternatives. Bob L./Carol/Karen/Veronica (? pgs)

2. Other alternative

Describes the scope and nature of one of the other alternatives (not including the preferred alternative). Presents a summary of the options included in the alternative and considers the following: responsiveness to recognized injuries and the proposed action, timing of implementation, geographic scope of application, and relative amounts of funding required for option categories presented in the alternative (e.g., management of human uses, habitat protection, etc.). Bob L./Carol/Karen/Veronica (? pgs)

3. Preferred alternative

Describes the scope and nature of the preferred alternative. Presents a summary of the options included and considers the following: responsiveness of the alternative to recognized injuries and the proposed action, timing of implementation, geographic scope of application, and relative amounts of funding required for option categories (e.g., management of human uses, habitat acquisition and protection, etc.). Bob L./Carol/Karen/Veronica (? pgs)

4. Other alternative

See annotation for V.A.2. Bob L./Carol/Karen/Veronica (? pgs)

B. Comparison of alternatives

Describes the significant differences between the alternatives so the public can readily see the choices presented. Sandy/Veronica (3-5 pgs)

V. Implementation Process for Life of the Settlement

- A. Development of annual budget and work plans (i.e., selection of projects/studies for a given year legal compliance etc...)

Describes the process and timeline the Trustee Council will follow in prioritizing annual research and restoration needs. Mark F. (3-5 pgs)

- B. Operations/Administration

How the Trustee Council, staff, etc. will operate the restoration program. This will include an organization chart/flow diagram of how restoration program will operate. Dave Gibbons (3-5 pgs)

- C. Funding mechanisms

1. Current mechanism

Describes the current funding mechanism (court registry account). Explains how the process functions and its effects on the nature, extent and future of the restoration program. Mark Brodersen (3-4 pgs)

2. Endowment

Describes the various approaches to endowments that could be suitable for the restoration program. Explains how endowments could function and affect the nature, extent and future of the restoration program. Mark Brodersen (3-4 pgs)

- D. Monitoring/Evaluation

Presents elements of an integrated, long-term monitoring program designed to follow the rate of recovery of injured resources and services and to evaluate the effectiveness of restoration activities. Also presents an evaluation process to determine if plans, projects and related activities have been implemented as designed. John/Mark F. (5-7 pgs)

- E. Public participation/Public education

Describes how the Trustee Council will continue to provide for meaningful public involvement over the life of the settlement. This will include information about the Public Advisory Group (i.e., the process used to establish it and any accomplishments to date) and all other efforts by Trustee Council staff to accomplish this goal.

Explains what actions the Trustee Council will take to provide for an appropriate level of public education about the restoration program. Although this is related to public participation efforts, it differs in that the Trustee Council will generate educational products relating to restoration. Educational efforts may, in part, take the form of annual work plan projects. Peg/LJ Evans (10-15 pgs)

F. Amendments to the final Restoration Plan

Describes the process for amending the final plan. Mark F. (2 pgs)

Appendices

A. Restoration options

Summarizes all options and suboptions. The descriptions will be more detailed than those in the Restoration Framework. Various authors (70 pgs)

B. Charter of the Public Advisory Group

Copy of the Public Advisory Group charter Editor

List of PAG principal interests Editor

List of current PAG members and their affiliation Editor

C. List of other publications Editor

(i.e., 1990 Progress Report, etc...)

D. Court settlement documents Editor

E. Glossary Editor/Chris

Brochure

Annotation

The brochure summarizes the draft plan and includes the comment sheet for the plan. It is a stand-alone summary that can be distributed separately from the plan for those who are uninterested in reading the full document. Bob L./Sandy/Editor/Illustrator (2-4 newspaper size pages)

d:\sandy\outline.tc

MEMORANDUM

State of Alaska

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
EXXON VALDEZ OIL SPILL RESTORATION OFFICE

TO: John Strand, RPWG
and Bob Spies

DATE: October 16, 1992

FROM: Veronica Gilbert
Bob Loeffler
Sandy Rabinowitch

TELE: 278-8012
FAX: 276-7178

SUBJECT: Outline for Injury Summary (Section II. C. of Draft Plan Outline).

John's memo of Oct 9th requested that authors submit an outline of their respective sections. We, with Bob Spies, are the authors of the II. C. Injury Summary. We completed both an outline, and a single example for one injured resource: sea otters. The example shows our intentions in terms of detail and scope.

Draft Outline

I. Summary

A. Injury: description of the nature of the injury, its severity, and our certainty. Also include comparison with pre-spill population, and other useful information.

B. Recovery: paragraph explaining recovery: population declining, recovering, stable, unknown, continuing effects.

C. Summary of restoration options for each resource or service.

II. Background Information. For many resources, there will be some background concerning habitat, behavior, or how a resources is managed that is necessary to understand either the injury, current knowledge of recovery, or some of the options. If the information is extensive enough, it will be set out in a special section. In the case of sea otters, the first paragraph under injury discusses behavior information; it is not set out in a separate section.

III. Restoration Options. A summary of how each restoration option affects each resource or service.

IV. Graphics: where the data exists (and can be summarized on a map), a general map showing one of the following: where the injury was, where the habitat is, where the resource is. A map may not be appropriate for all resources and services.

Observations:

The writing should be understandable to the average reader.

The outline will vary somewhat with the needs of different species.

Example of an Injury/Recovery Summary
Example: Sea Otters¹

SUMMARY. Sea otters (*Enhydra lutris*) were the most abundant marine mammal in the path of the Exxon Valdez oil spill and, unfortunately, were particularly vulnerable to the effects of the spill. The pre-spill population of sea otters in Prince William Sound alone is estimated to be as high as 10,000 out of a total Gulf of Alaska population of at least 20,000 (150,000 state-wide). Estimates indicate that 3,500 to 5,500 sea otters died from acute exposure to oil as a result of the spill.

Not only were many sea otters killed in the months following the spill, they are still showing the effects of the spill. Boat surveys indicate a continuing decline in the Prince William Sound populations, and in oiled areas, there appears to be a higher than normal deaths among both newly weaned and adult sea otters. While scientists are unsure whether the populations in the area are stable (at the lower level), or are still declining, it is clear that they have not recovered to their pre-spill levels and recovery appears to be proceeding slowly, if at all.

There are a number of restoration options with a possibility to help sea otter recovery. These include: voluntary or mandated restrictions on subsistence hunting, protection from incidental human disturbance around their pupping or haul-out areas, and eliminating remaining oil trapped in protected mussel beds. Only the last option, has the potential to greatly improve the rate or degree of recovery, and there are some technical questions about its effectiveness.

Most of the conclusions concerning sea otters are from studies undertaken in Prince William Sound. Much less is known about the extent of injury and recovery within the spill area outside the Sound.

INJURY - Initial Exposure to Oil. Sea otters spend most of their time on the water surface water, often in large numbers, making them susceptible to floating oil. Since they have neither blubber, nor much fat, they depend on rapid metabolism to generate heat. Their luxurious fur and an entrapped air layer with the dense, water-resistant underfur prevent heat loss to the cold Alaskan waters. To maintain the insulating properties of their fur, otters must groom constantly. When sea otter became fouled with oil during the spill, grooming became obsessive, resulting in ingestion of oil.

Many sea otters died as a result of the spill, but an exact number is difficult to determine and will probably never be known. Knowledge of the number of sea otters potentially at risk is sketchy; previous surveys were up to five years old at the time of the spill. In addition, counting sea otters is an inexact science.

During 1989, one thousand and thirteen sea otter carcasses were collected, including animals that died during capture and rehabilitation. Veterinarians determined that up to 95 percent of the deaths were potentially attributable to oil. This information coupled with estimates of the probability of finding carcasses, information from boat surveys, and computer models, indicates that the initial injuries were extensive, killing between 3,500 and 5,500 sea otters in the first months following the spill.

¹ Much of this language is stolen from Carol Gorbic's draft article for Fish and Game Magazine.

Continuing Exposure to Oil. Sea otter injuries are not limited to those just after the spill. Studies document that over three years after the spill, sea otters are still being injured by oil remaining in the environment. Recent surveys show an unusually large number of dead prime-age adult otters, rather than just juvenile and old otters as in the unoiled areas. And a study of young sea otters just after weaning showed an abnormally high death rate in areas affected by the spill.

These continuing injuries may be caused from continued exposure to oil either directly or through eating contaminated prey. 1992 studies show that there are still fresh oil found in protected mussel beds. Sea otters are potentially doubly at risk both from eating these contaminated staples in their diet, and from release of toxic hydrocarbons into their environment by disturbing contaminated substrate while foraging for food.

RECOVERY. Counting sea otters is difficult, but 1992 surveys show little if any population increase in spill-affected areas of Prince William Sound. The recent studies that showed continuing exposure to oil also document abnormally high death rate in prime-aged and recently weaned juveniles.

Most of the conclusions concerning sea otters are from studies undertaken in Prince William Sound. Much less is known about the extent of injury and recovery within the spill area outside the Sound. Without pre-spill baseline data for comparison, we will probably never now exactly what happened to sea otters along the Kenai Peninsula, Kodiak Archipelago, and Alaska Peninsula.

RESTORATION OPTIONS. (For detailed explanation of restoration options, see Appendix A, Restoration Options. Options are described in order of probable effect. The number attached to each option is arbitrarily assigned in Appendix A.)

13. Eliminate Oil from Mussel Beds. Protected mussel beds are dense accumulations of mussels away from exposed, rocky shores, and protected from the cleaning action of winter storms. Mussels in these beds accumulate and store hydrocarbons in their tissues and also provide an oxygen-free microhabitat that allows the oil to stay in a fresh and toxic state. Scientists hypothesize that mussels in these protected beds are important prey for young, post-weanling otters especially during winter storms. If this is the case, these protected mussel beds may be one of the primary pathways of continued exposure to oil. Exposure would be both through eating contaminated mussels, and from release of toxic hydrocarbons into their environment by disturbing contaminated substrate while foraging for food.

Feasibility projects have shown that it is possible to eliminate the trapped oil in these protected mussel beds without killing the mussels.

[NEED ONE-PARAGRAPH DESCRIPTION OF THE OPTION, INCLUDING COST AND LOCATION]

Two unknowns complicate this option. First, while scientists hypothesize that the oil remaining in protected mussel beds is causing continued mortality and sublethal affects for otters in the oiled area, the link has not been proven. Second, this option is only feasible if the majority of the oil contaminating the otters is being released from these relatively few, protected mussel beds. It is infeasible to eliminate oil from the huge supply of mussels that occur in small groups throughout area. Scientists are unsure if this larger group of mussels also holds oil. If so, removing oil only from the protected beds would not significantly remove oil from contact with the otters, even if the hypothesized link is true.

8.1 Temporarily Restrict or Prohibit Hunting. Hunting sea otters is prohibited under the Marine Mammal Protection Act of 1972, except for Alaska Natives who may take sea otters for subsistence purposes. Harvest by Alaska Natives is not well documented, but information indicates that the harvest is relatively low -- perhaps less than 50 sea otters during 1992 (?). The Marine Mammal Protection Act allows restriction of subsistence harvest if the population is declared "depleted." Given the 150,000-otter population in Alaska and the fact that outside the spill area they are expanding, it is unlikely that they would meet the definition of "depleted" under the act. Thus, regulatory restrictions on Native subsistence harvest appears infeasible. Given the low level of subsistence harvest, mandatory restrictions would likely have a negligible effect on sea otter populations.

8.2 Education to Achieve Voluntary Decrease in Hunting. Many subsistence users within the spill area have voluntarily reduced their take of marine mammals in an effort to help the recovery of sea otters and harbor seals. In this option, the US Fish and Wildlife Service and the Alaska Department of Fish and Game would provide information on the status of the populations and on the value of the reduced harvest. Providing information on especially sensitive areas would help users decide if their activities might slow the recovery of the harvested population. Likewise, it will be necessary to provide current information on the recovery of specific resources so that subsistence activities can return to their pre-spill status at the earliest date. (COST??)

This option is unlikely to have a large effect on the otter population because while subsistence is not well documented, information indicates that a small number of sea otters were harvested in 1992, perhaps less than 50.

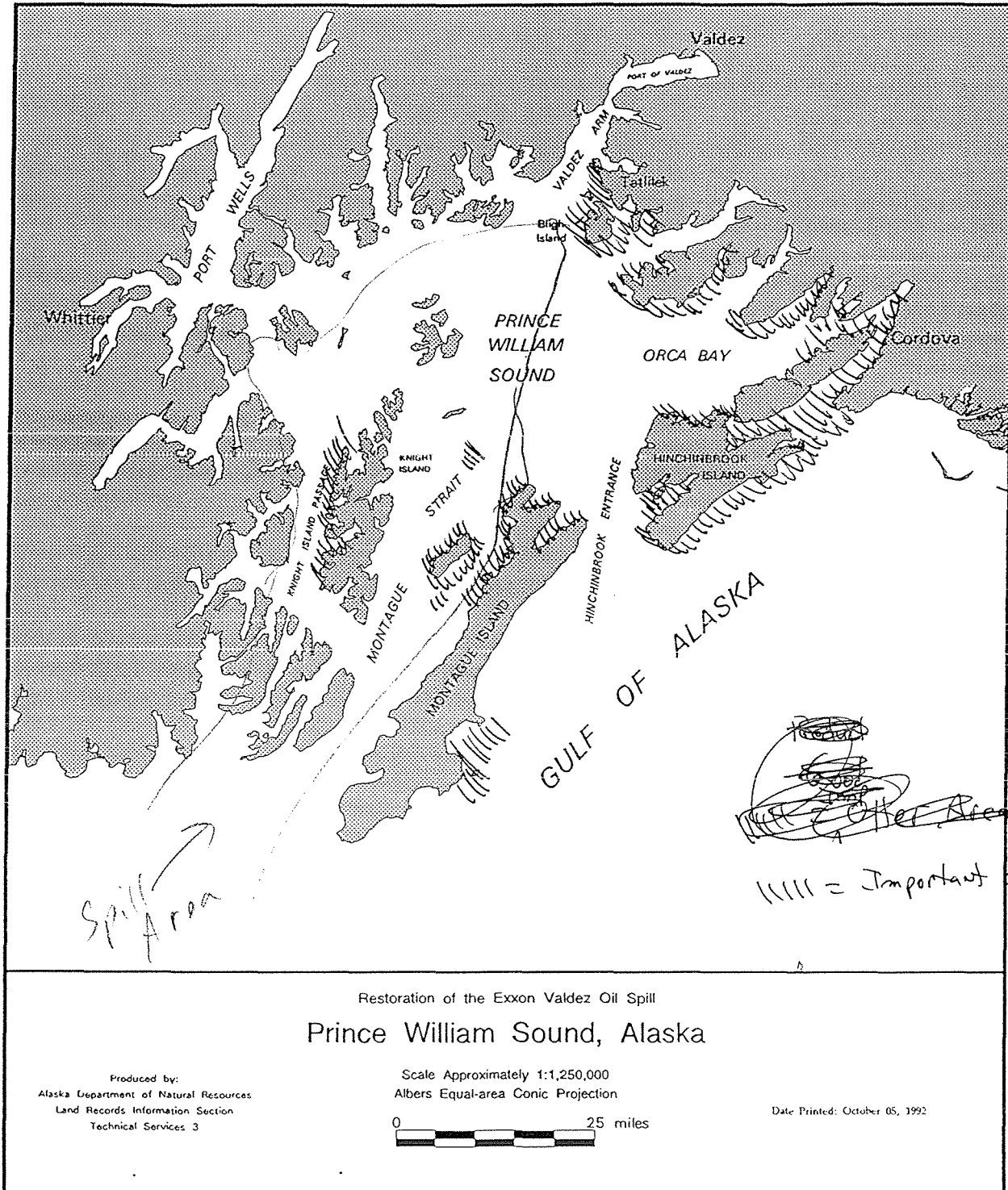
4. Reducing Disturbance at Sea Otter Haul-out Sites, and 40. Special Designation. The importance of sea otter haul-out sites is poorly understood. They are not considered essential to otter survival in California, but may be important for otters in northern climates. Human disturbance near the haul-out sites can reduce the fitness and reproductive success of sea otters. If great enough, the disturbance can result in increased mortality of offspring or reduced health of adults.

This option would establish buffer zones as special designation areas around important sea otter haul-out sites. Buffer zones cannot be established under existing law; therefore, this option would need to be applied in conjunction with authorizing legislation established under (fill in the special designation here).

Buffer zones can vary considerably between specific sites and are designed to meet the needs of each location. Most existing buffer zones encircle areas used by the species for reproducing or for resting during periods of physiological stress (i.e. harbor seal haul-out sites during molting). Restrictions within buffer zones can range from limiting the speed of boat traffic within a couple hundred feet of a specific site for a short time each year, to prohibiting boat or air traffic within a half mile or mile of the location.

Disturbance near sea otter haul-outs is unknown but is generally believed to be low. In addition, it would be difficult to design and enforce buffer zones around sea otter haul-out sites because their habitat and haul-out sites are so wide-spread. For these reasons, this option would be unlikely to have a large effect on sea otter populations.

Sea Otters



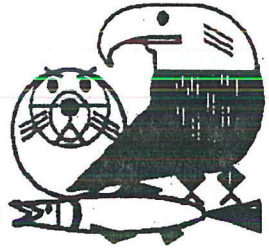
Bob's example sea otter PWS Map

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

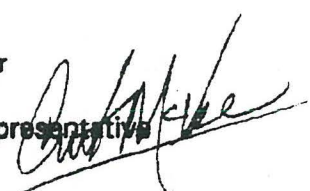
Phone: (907) 278-8012 Fax: (907) 276-7178



October 15, 1992

MEMORANDUM

TO: Dave Gibbons, Interim Administrative Director

FROM: Curtis McVee, DOI EVOS Trustee Council Representative 

SUBJECT: Restoration Plan Outline

According to an October 9, 1992 memorandum from John Stand, the Restoration Planning Working Group (RPWG) is now designating authors for the preparation of each section of the draft Restoration Plan. The memorandum and attached production schedule for the draft Restoration Plan indicate that designated authors need to submit an outline of their respective sections to RPWG by October 30, 1992.

The Department of the Interior (DOI) is pleased that a more detailed outline is being prepared, since we have continued to maintain that providing additional specificity for the outline, particularly on the section dealing with alternatives, is necessary to help ensure that the resulting draft Restoration Plan is adequate.

At my request, a member of our DOI staff prepared our thoughts on a draft detailed outline--which has been enclosed for your information--for the draft Restoration Plan. We are also providing a copy to the RPWG Chairperson for use, as appropriate, by designated authors.

We look forward to receiving a copy of the detailed outline, which will be based on input from designated authors, that will be prepared by RPWG in early November 1992. We believe it is important to provide members of the Trustee Council with this draft for their approval.

CC: John Strand, RPWG Chairperson
enc: As noted

Draft Outline- EVOS Draft Restoration Plan

- i. *Cover Letter***
- ii. *Acknowledgements***
- iii. *Table of Contents***
- iv. *Executive Summary***

- I. *Introduction***
 - A. *Purpose of document***
 - B. *Goals***
 - 1. Fully Recovered Ecosystem that Provides the Same Function and Services as Pre-Spill System**
 - C. *Objectives***
 - 1. Restore**
 - 2. Replace**
 - 3. Enhance**
 - 4. Rehabilitate**
 - 5. Acquire Equivalent Resources**
 - 6. Monitor ***
 - D. *Authorities***

THIS SECTION SHOULD BE A SUMMARY LISTING OF PRIMARY STATUTORY, REGULATORY, ADMINISTRATIVE, AND JUDICIAL AUTHORITIES THAT APPLY TO THE RESTORATION PLAN.

 - 1. Federal**
 - 2. State**
 - 3. Exxon Valdez Oil Spill (EVOS)/Court Settlement**
 - 4. Trustee Memorandum of Understanding**
 - E. *Assumptions***
 - F. *Policies***

G. Background

1. EVOS

- a. Amount
- b. Location
- c. Response
- d. Affected Federal and State Agencies

2. Litigation/ Settlement

- a. Civil
- b. Criminal

3. Restoration Activities

a. Interim Restoration Program

- (1) 1992 Program
- (2) 1993 Program
- (3) 1994 Program

4. Restoration Plan Development

- (1) Authorization
- (2) **Public Participation/Response**
 - (a) State
 - (b) Regional
 - (c) National
- (3) **Public Identified Issues**
 - (a) State
 - (b) Regional
 - (c) National

5. Organization/Administration of EVOS

- (1) Trustees
 - (a) Federal
 - (i) members
 - (ii) responsibilities/authorities
 - (a) State
 - (i) members
 - (ii) responsibilities/ authorities
- (2) Trustee Council
 - (a) Federal
 - (i) members
 - (ii) responsibilities/ authorities
 - (a) State
 - (i) members
 - (ii) responsibilities/ authorities
- (3) Court

H. *Spending Guidelines for EVOS settlement*

1. *Civil Settlement (State and Federal)*

- a. Guidelines for Spending Civil Settlement Monies
- b. Decision-making Process for Expenditures

2. *Criminal settlement (State and Federal)*

- a. Guidelines for Spending Criminal Monies
- b. Relationship to Civil Settlement

I. Environmental Compliance

1. *Relationship to Draft Environmental Impact Statement*

2. Relationship of NEPA Process to the Preferred Draft Restoration Plan

3. Relationship of NEPA Compliance to Specific Restoration Actions

4. Relationship of Joint International Environmental Analysis for Resources under International Treaty or Agreements

II. Pre-Spill Existing Environment

NOTE: THE INFORMATION IN THIS SECTION SHOULD CONSIST OF A BRIEF SUMMARY OF ALL AVAILABLE EXISTING RESOURCE AND SERVICE MATERIAL FOR THE AREA INJURED BY EVOS.

DETAILED INFORMATION SHOULD BE IN AN APPENDIX ATTACHED TO THE RESTORATION PLAN OR REFERENCED. THE PRE-SPILL ENVIRONMENTAL INFORMATION (IF REFERENCED) SHOULD BE READILY AVAILABLE TO REVIEWERS AT LOCAL, STATE, REGIONAL, AND NATIONAL LEVELS.

THE EXISTING ENVIRONMENT IS NEEDED TO IDENTIFY TRUSTEE BASE RESOURCE AND SERVICE PROGRAM RESPONSIBILITIES VERSES EVOS RESOURCE AND SERVICE RESTORATION ACTIVITIES.

THE SECTION WILL PROVIDE THE INFORMATION NEEDED TO IDENTIFY WHICH RESOURCES AND SERVICES SHOULD BE ACQUIRED AS EQUIVALENT RESOURCES SHOULD RESTORATION ACTIONS NOT BE FEASIBLE FOR A SPECIFIC INJURED RESOURCE OR SERVICE.

A. Natural Resources

1. Marine Mammals (By Species)

a. Life Cycle Requirements

- (1) geographic location by life stage
- (2) population dynamics by life stage
- (3) species interrelationships
- (4) legal status
- (5) trustee/s
- (6) pre-spill species management programs

(a) Federal

- i) specific programs
- ii) magnitude of program (\$ or FTE)

(b) State

- i) specific programs
- ii) magnitude of program (\$ or FTE)

(c) other

- i) specific programs
- ii) magnitude of program (\$ or FTE)

b. Marine Invertebrates (Same as Marine Mammals)

c. Fishes (Same as Marine Mammals)

d. Terrestrial Mammals (Same as Marine Mammals)

e. Birds (Same as Marine Mammals)

f. Vegetation

g. Marine, Fresh Water, terrestrial

- h. Legal Status
- i. Life Cycle Requirements
- j. Species Interrelationships
- k. Geographic Location
- l. Legal Status
- m. Trustee/s
- n. Pre-Spill Species Management Programs
- o. Federal
- p. Specific Programs
- q. Program Commitment (\$ or FTE)
- r. State
- s. Specific Programs
- t. Program Commitment (\$ or FTE)
 - (1) other
 - (2) specific programs
 - (3) program commitment (\$ or FTE)

- a. Fresh Water (Same as Marine)
- b. Terrestrial (Same as Marine)

B. Services

1. Economic Resources (Examples)

a. Timber

(1) acreage/ownership (managers)

- (a) Federal
- (b) State
- (c) private
- (d) Native corporations
- (e) Processing facilities
- (f) type
- (g) employment
- (h) production
- (i) support facilities
- (j) type
- (k) employment
- (l) production

(2) market

- (a) local
- (b) state
- (c) regional
- (d) national
- (e) global

(3) value

- (a) local
- (b) state
- (c) regional
- (d) national
- (e) global

- b. Minerals (Same as Timber)
- c. Fossil Fuel (Same as Timber)
- d. Finfish (wild and cultured by species) (Same as Timber)
- e. Shellfish (wild, and cultured by species) (Same as Timber)
- f. Recreation by Type (sport fishing, site seeing, camping, hunting, canoeing,..)(Same as Timber)
- g. Tourism (Same as Timber)
- h. Subsistence (By species and Use)(food, shelter, barter, clothing)(Same as timber)
- i. Socio-Cultural/Public Services
 - (1) demographic data (census information)
 - (2) public service facilities
 - (3) human health and safety
 - (4) archaeological resources
 - (5) cultural (heritage)

III. Injured Resources and Services

NOTE: THIS CHAPTER WILL ONLY IDENTIFY AND ADDRESS INJURED, LOST, OR DEGRADED RESOURCES AND SERVICES RESULTING FROM EVOS. CHAPTER IV WILL NOT INCLUDE ANY LOSSES OR DEGRADATION OF RESOURCES OR SERVICES OCCURRING PRIOR TO THE EVOS SPILL. EVOS INJURY MUST BE DOCUMENTED OR THIS CHAPTER WILL INCLUDE INJURED RESOURCES AND SERVICES IDENTIFIED BY TRUSTEES OR TRUSTEE COUNCIL MEMBERS BASED ON BEST AVAILABLE INFORMATION WHEN INSUFFICIENT BASELINE DATA OCCURS TO DOCUMENT A SPECIFIC LOSS. ALL TRUSTEES OR THEIR COUNCIL MEMBERS MUST AGREE THAT A RESOURCE/SERVICE LOSS DID OCCUR.

INJURY SUPPORT DATA WHICH DOCUMENTS EVOS LOSSES SHOULD BE IN THE APPENDIX SECTION OF THE DRAFT RESTORATION PLAN AND/OR REFERENCED IF THE DATA ARE READILY AVAILABLE TO ALL SEGMENTS OF THE LOCAL, STATE, REGIONAL, AND NATIONAL PUBLIC.

A. Criteria for Selecting Injured Resources and Services

B. How Criteria Area Applied

C. Identified Injured Resources (Conclusions: List of Resources and Services Injured)

1. Natural Resources (By Species)

a. Marine Mammals

- (1) type of injury
- (2) life stage injured
- (3) general geographic locations of injury
- (4) magnitude of injury
- (5) duration of injury
 - (a) short term
 - (b) long term
- (6) current status of injury
- (7) relationships to other resources/services
- (8) responsible resource trustee/s manager

b. Marine Invertebrates (Same as Marine Mammals)

c. Fishes (Same as Marine Mammals)

d. Terrestrial Mammals (Same as Marine Mammals)

e. Birds (Same as Marine Mammals)

f. Vegetation

g. Marine (Same as Marine Mammals)

h. Fresh Water (Same as Marine Mammals)

i. Terrestrial (Same as Marine Mammals)

2. Services

- a. Archeological
- b. Recreation
- c. Subsistence
- d. Intrinsic Values
- e. Wilderness

IV. Identification of Resources and Service Restoration Measures (Summary)

NOTE: THIS CHAPTER IDENTIFIES ALL RESTORATION ACTIVITIES OR ACTIONS THAT HAVE BEEN TECHNICALLY PROVEN, FEASIBLE, DEMONSTRATED, OR RECOGNIZED AS AN ACCEPTABLE EXPERIMENTAL PRACTICE FOR THE RESTORATION OF RESOURCES AND SERVICES INJURED BY AN OIL SPILL.

THE IDENTIFIED RESTORATION ACTIONS, MANAGEMENT PRACTICES AND/OR TECHNOLOGIES MUST BE SPECIES OR SERVICE SPECIFIC

WHERE POSSIBLE, SPECIFIC ACTIONS, MANAGEMENT PRACTICES AND TECHNOLOGIES WILL BE DEVELOPED FOR RESTORING, REPLACING, ENHANCING, REHABILITATING, MONITORING, AND IDENTIFYING AND ACQUIRING EQUIVALENT RESOURCES AS REQUIRED BY COURT SETTLEMENT FOR EACH INJURED RESOURCE AND SERVICE IDENTIFIED IN CHAPTER IV.

DETAILED EVALUATION CRITERIA AND RESTORATION ACTIONS, BY SPECIES, SHALL BE IN THE APPENDIX.

A. Explanation of Restoration Options

1. Identify and Define Specific Evaluation Criteria for Evaluating Restoration Actions

B. Evaluate Restoration Options

1. *Criteria for Evaluating Restoration Options*
2. *How Criteria Are Applied*

C. Evaluate Habitat Protection and Acquisition Options

1. Identify and Define Criteria for Screening Acquisition Projects
2. Identify How Criteria Will Be Applied

D. Identified Resource and Service Restoration Actions

1. Natural Resources (By Species)

- a. Marine Mammals
- b. Marine Invertebrates
- c. Fish
- d. Terrestrial Mammals
- e. Birds
- f. Vegetation

2. Services

- a. Archeological
- b. Recreation
- c. Subsistence
- d. Intrinsic Values
- e. Wilderness

V. Preferred Draft Restoration Plan (*Preferred Alternate*)

A. Goals

B. Objectives

C. Actions

1. Natural Resources (By Species)

a. Marine Mammals

(1) Monitor

(2) Restore

(3) Replace

(4) Enhance

(5) Rehabilitate

(6) Acquisition of Equivalent Resources

b. Marine Invertebrates (Same as above)

c. Fishes (Same as above)

d. Terrestrial Mammals (Same as above)

e. Birds (Same as above)

f. Vegetation (Same as above)

2. Services

a. Archeological

b. Recreation

c. Subsistence

d. Intrinsic Values

e. Wilderness

VI. Restoration Plan Alternatives

NOTE: ALTERNATIVE PLANS SHALL ONLY UTILIZE THOSE ACTIONS IDENTIFIED IN CHAPTER VI.

EACH OF THE IDENTIFIED ALTERNATIVE PLANS MUST ADDRESS ALL IDENTIFIED INJURED RESOURCES AND SERVICES.

A. No Action Alternative (Natural Recovery)

B. Alternative Restoration Plan (Other Alternative)

1. Goals

2. Objectives

3. Actions

a. Natural Resources By Injured Species

(1) marine mammals

(a) monitor

(b) restore

(c) replace

(d) enhance

(e) rehabilitate

(f) acquisition of equivalent resources

(2) marine invertebrates (same as marine mammals)

(3) fishes (same as marine mammals)

(4) terrestrial mammals (same as marine mammals)

(5) birds (same as marine mammals)

(6) vegetation (same as marine mammals)

b. Services

(1) archeological

(2) recreation

(3) subsistence

(4) intrinsic values

(5) wilderness

C. Alternative Restoration Plan (Same as Above) (Other Alternative)

D. Alternative Restoration Plan (Same as Above) (Other Alternative)

E. Comparison of Alternatives

VII. Implementation Process For Life of Settlement

A. Development of Annual Budget and Work Plans

B. Operations/Administration

C. Funding Mechanisms

1. Current Mechanism

2. Endowment

D. Monitoring/Evaluation

E. Public Participation/Public Education

F. Amendments to Final Restoration Plan

1. Process

APPENDICES

A. Maps

1. EVOS Injured Area
2. Natural Resources

B. Court Settlement Documents

1. Civil Settlement
2. Criminal Settlement

C. Pre-Spill Existing Environment (Use Same Outline as Section II)

D. Resource Injury (Use Same Outline as Section III)

E. Identification of Resources and Service Restoration Measures (*Restoration Options*)

1. Identify and Define Specific Evaluation Criteria for Evaluating Restoration Actions
2. Ability of Resource or Service to Recover Utilizing the Specific Action
 - a. Short-Turn
 - b. Long-Turn
3. Action Is Technically Feasible
4. Little or No Potential for Additional Injury to Other Resources and Services
5. No Potential for Impacts on Human Health and Safety
6. Consistent with and in Compliance with Federal and State Laws, Treaties, Regulations, and Administrative Procedures
7. Cost Effective

F. Identify and Define *Criteria for Screening Acquisition Projects*

1. Compliance with Federal/State Statutes, Regulations and Administrative Process
2. *Prioritization of Habitat for Acquisition by Species*
 - a. *Identify How Criteria Will Be Applied*

- (6) vegetation
 - i) marine (same as marine mammals)
 - ii) fresh (same as marine mammals)
 - iii) terrestrial (same as marine mammals)

4. Services

a. Archeological

- (1) monitor
 - (a) goal
 - (b) objective
 - (c) action
 - i) description of action
 - ii) general geographic
 - iii) location/s for implementation
 - iv) estimated cost/benefit
 - v) lead/responsible Trustee
- (2) restore (same as above)
- (3) replace (same as above)
- (4) enhance (same as above)
- (5) rehabilitate (same as above)
- (6) acquisition of equivalent resources (same as above)

b. Recreation (same as above)

c. Subsistence (same as above)

d. Intrinsic Values (same as above)

e. Wilderness (same as above)

G. Federal Trustee Pre-Spill Authorities and Resource Management Programs in EVOS Impacted Area

1. FEDERAL

a. Department of Interior

- (1) authorities (U.S. Fish and Wildlife Service, National Park Service)
 - (a) statutory
 - (b) treaties
 - (c) executive orders
 - (d) regulatory programs
 - (e) administrative authorities

3. Identified Resource and Service Restoration Actions

a. Natural Resources

(1) biological resources (by species)

(a) marine mammals

- i) monitor
 - a) goal
 - b) objective
 - c) action (same as monitor)
 - (a) description of action
 - (b) general geographic
 - (c) location/s for implementation
 - (d) estimated cost/benefit
 - (e) lead/responsible Trustee
- ii) restore
 - a) goal
 - b) objective
 - c) action (same as monitor)
- iii) replace
 - a) goal
 - b) objective
 - c) action (same as monitor)
- iv) enhance
 - a) goal
 - b) objective
 - c) action (same as monitor)
- v) rehabilitate
 - a) goal
 - b) objective
 - c) action (same as monitor)
- vi) acquisition of Equivalent Resources
 - a) goal
 - b) objective
 - c) action (same as monitor)

(2) marine invertebrates (same as marine mammals)

(3) fish (same as marine mammals)

(4) terrestrial mammals (same as marine mammals)

(5) birds (same as marine mammals)

- (2) specific resource management programs
 - (a) pre-spill resource management programs (by resource and service)
 - (b) magnitude pre-spill program allocations (by resource and service)

b. Department of Agriculture (U.S. Forest Service) (Same as Above)

c. Department of Commerce (National Marine Fisheries) (Same as Above)

2. STATE

a. Alaska Department of Fish and Game

(1) authorities

- (a) statutory
- (b) executive orders
- (c) regulatory programs
- (d) administrative authorities

(2) Specific resource Management Programs

- (a) pre-spill resource management programs (by resource and service)
- (b) magnitude pre-spill program allocations (by resource and service)

(3) Alaska Department of Conservation (Same as Above)

(4) Alaska Attorney General

- (a) authorities
- (b) statutory
- (c) executive orders
- (d) regulatory programs
- (e) administrative authorities

H. *List of Other Publications*

1. *1990 Progress Report*

2. 1992 Work Plan

3. 1993 Work Plan

4. 1994 Draft Work Plan

I. Public Response to Restoration Plan Scoping Actions

J. Public Advisory Group

1. Charter of Public Advisory Group

2. List of Principal Interests

3. List of Current PAG Members

K. *Glossary*

**RESTORATION PLANNING WORKING GROUP
EXXON VALDEZ OIL SPILL OFFICE
645 "G" STREET
ANCHORAGE, ALASKA 99501**

MEMORANDUM

TO: Distribution **DATE:** October 9, 1992
FROM: John Strand *JAS*
RE: Draft Restoration Plan - Writing Assignments

Attached for your information and use is a copy of the Annotated Outline for the Draft Restoration Plan including my first cut at assigning authors to write the various sections. You will note that prospective authors include members of the RT, RPWG, other work groups, as well as the Chief Scientist and the Public Information Officer. If for some reason you are unable to help in the writing, please let me know as soon as possible. Suggested page-lengths for each section of the Draft Plan also can be found on the attached Annotated Outline. These page-lengths should not be exceeded if possible.

I also have drafted and attached a tentative production schedule for the Draft Restoration Plan. There really is no slack in the schedule if we are to have a draft of the key elements (alternatives and the process to create alternatives) of the Draft Plan to the RT by mid- to late-November, as promised. It would be a good idea to try and schedule a "working session" with the TC sometime in late November or early December to review the same key elements of the Draft Plan.

The schedule calls for each of the prospective authors to first submit an outline of their respective section(s). Hopefully, the annotations will provide sufficient information to allow each author to create their respective outlines. If they don't and there are questions in this regard, please give me a call. I will call each author after I have reviewed their outlines.

You will note that on page 6 of the Annotated Outline the provision to prepare a brochure that would simultaneously with the Draft Plan. The brochure Draft Restoration Plan and includes the comment sheet. It is a stand-alone summary that can be distributed s

the plan for those who are not interested in reading the full document.

I also would like to form a "blue-ribbon" committee to review the entire document before it is released to the public. While the document will be reviewed by the RPWG, RT, TC and PAG, I believe we also should seek review from experts outside the Trustee Organization, e.g., Randall Luthi. We employed this option prior to publishing the Framework Document. Perhaps some of you will have nominations for this small committee. More about this later.

Attachments (2)

Distribution: RT
RPWG
L. J. Evans
Peg Kehrer
Bob Spies

PRODUCTION SCHEDULE - DRAFT RESTORATION PLAN

	<u>WHEN</u>	<u>WHAT</u>	<u>TO WHOM</u>
I. Alternatives			
	10/30	Sketch Alternatives (without costs or geography)	RT
	11/7	RT comments Meet with RT before return of comments	RPWG
	11/15	Draft sketch Alternatives	RT/EIS/TC
II. Restoration Plan			
1st draft			
	10/30	Outlines from section authors	RPWG/Chair
	11/15	Key elements (Draft sketch of Alt., Chapt. II (injury), III.C. (habitat), V.C. (funding), Appendix A Options)	RT/EIS
	11/30	RT comments	RPWG
2nd draft			
	12/10	Key elements + rest of document	RT
	12/15	Key elements + rest of document	PAG
	1/10	RT/PAG comments	RPWG
	1/10-2/20	Workshops to resolve comments	RPWG/RT/PAG
	2/1	Complete draft document	TC
	2/20	TC Decision	
	2/20-3/15	Production of camera-ready copy	Printer
	3/24	Mail document	Public

**Draft Annotated Outline
DRAFT RESTORATION PLAN**

10/9/92

- i. Cover Letter (front/back [Trustee signatures]) Editor (1 pg)
- ii. Acknowledgements (Planning Team) John
- iii. Table of Contents Editor
- iv. Executive Summary Editor/John/Bob L.

I. Introduction

A. Purpose of document

Presents the proposed action (see Restoration Framework, page 1) and explains the function of the Draft Restoration Plan as providing overall direction for the restoration process and guidance for implementation of annual work plans, including all anticipated annual and periodic activities. Explains the relationship among alternatives, options and restoration projects and types of actions to implement them. **John/Bob L. (1 pg)**

B. Background

*Summarizes the history of the oil spill, including the cleanup; pre-settlement NRDA program; A summary of Trustee Activity since the settlement, including the role of the U.S. District Court of Alaska; criminal and civil settlements; and the EVOS trustee organization and administration. Presents the number and nature of the public's comments received on the Restoration Framework and how they were used. **Ray/Veronica (5-10 pgs)***

C. Spending guidelines for EVOS settlement

1. Civil settlement

*Summarizes guidelines for spending civil settlement money. Includes a description of the decision-making process for expenditures. **Chris (2 pgs)***

2. Criminal settlements (state and federal)

Summarizes state and federal guidelines for spending criminal settlement money. Explains

relationship to civil settlement guidelines.
Chris (2 pgs)

D. Relationship to Draft Environmental Impact Statement

Following a brief outline of the NEPA process, the relationship of the Draft Environmental Impact Statement (DEIS) to the Draft Restoration Plan will be explained. Explains that the DEIS will be programmatic in nature and the impacts of the preferred restoration alternative will be presented and compared with those of all other restoration alternatives. Ray (1 pg)

II. Injured Resources and Services

A. Criteria for selecting injured resources and services

Injury criteria will be listed and briefly explained. Any changes from those in the Restoration Framework will be explained. Sandy (2-3 pgs)

B. How criteria are applied

The decision-making process for applying the injury criteria will be explained. Bob L./Sandy (2-3 pgs)

C. Conclusions: List of resources and services injured: tables/graphics of resources and services that meet the injury criteria

Presents summary of information on the range of injuries from the ecosystem level to individual resources and services as we now understand it. Injuries will be explained in terms of injured life history stages or user groups, the geography of the injury, and the status and prospects for natural recovery. Bob Spies/Veronica/Sandy/Bob L. (40-80 pgs)

III. Restoration Options

A. Explanation of restoration options

Briefly explains restoration options: their origins, the evolution of these public and professional ideas into options and the central importance of them to the plan. Karen (3 pgs)

B. Evaluate restoration options

1. Criteria for evaluating restoration options

Identifies and defines criteria that are used in evaluating and ranking candidate restoration options. Explains any changes from Restoration Framework. Karen (3 pgs)

2. How criteria are applied

Describes the process used in ranking options (as high, medium, or low) for each criteria. Includes a description of the process used to generate candidate restoration alternatives. Bob L. (3-5 pgs)

C. Evaluate habitat protection and acquisition options

Describes the evaluation process that will be used in identifying and prioritizing habitat for protection and acquisition, including how protection for services will be approached. Includes description of threshold criteria, habitat types, and the imminent threat analysis for determining whether accelerated protection is required due to immediate threats to restoration potential.

Description of other habitat acquisition issues including 1) land management: which agencies would manage the acquired land; how land management considerations (such as the need for survey, and locatable, contiguous blocks) influence purchases; 2) tools for land acquisition: describes the range of potential tools from development moratoriums to fee-simple purchase; 3) multi-species analysis: describes how the decision to purchase may depend on the benefits provided to more than one resource or service type. Bob L./Art/Veronica (10 pgs)

IV. Restoration Plan Alternatives

Indicates that this section presents a range of restoration alternatives. It explains that while a preferred alternative is presented, clearly no final decision will be made as to the selection of a preferred alternative until the public has had opportunity to comment and the Trustees can take full consideration of the public's opinion. The reason for presenting a preferred alternative at this time is the Trustee's desire to indicate direction at this point in the process and to facilitate compliance with the National Environmental Policy Act of 1969, as amended, i.e., simultaneous publication of the Draft Environmental Impact Statement. Bob L./Sandy will write up-front (5 pgs)

A. Description of alternatives

3 - 5 Alternatives will be presented.

1. No action alternative (natural recovery)

Describes the scope and nature of the no action alternative. Explains reliance on natural processes and the limited activities that would occur. Distinguishes between these and the more active restoration options presented in other alternatives. Bob L./Carol/Karen/Veronica (? pgs)

2. Other alternative

Describes the scope and nature of one of the other alternatives (not including the preferred alternative). Presents a summary of the options included in the alternative and considers the following: responsiveness to recognized injuries and the proposed action, timing of implementation, geographic scope of application, and relative amounts of funding required for option categories presented in the alternative (e.g., management of human uses, habitat protection, etc.). Bob L./Carol/Karen/Veronica (? pgs)

3. Preferred alternative

Describes the scope and nature of the preferred alternative. Presents a summary of the options included and considers the following: responsiveness of the alternative to recognized injuries and the proposed action, timing of implementation, geographic scope of application, and relative amounts of funding required for option categories (e.g., management of human uses, habitat acquisition and protection, etc.). Bob L./Carol/Karen/Veronica (? pgs)

4. Other alternative

See annotation for V.A.2. Bob L./Carol/Karen/Veronica (? pgs)

B. Comparison of alternatives

Describes the significant differences between the alternatives so the public can readily see the choices presented. Sandy/Veronica (3-5 pgs)

V. Implementation Process for Life of the Settlement

- A. Development of annual budget and work plans (i.e., selection of projects/studies for a given year legal compliance etc...)

Describes the process and timeline the Trustee Council will follow in prioritizing annual research and restoration needs. Mark F. (3-5 pgs)

- B. Operations/Administration

How the Trustee Council, staff, etc. will operate the restoration program. This will include an organization chart/flow diagram of how restoration program will operate. Dave Gibbons (3-5 pgs)

- C. Funding mechanisms

1. Current mechanism

Describes the current funding mechanism (court registry account). Explains how the process functions and its effects on the nature, extent and future of the restoration program. Mark Brodersen (3-4 pgs)

2. Endowment

Describes the various approaches to endowments that could be suitable for the restoration program. Explains how endowments could function and affect the nature, extent and future of the restoration program. Mark Brodersen (3-4 pgs)

- D. Monitoring/Evaluation

Presents elements of an integrated, long-term monitoring program designed to follow the rate of recovery of injured resources and services and to evaluate the effectiveness of restoration activities. Also presents an evaluation process to determine if plans, projects and related activities have been implemented as designed. John/Mark F. (5-7 pgs)

- E. Public participation/Public education

Describes how the Trustee Council will continue to provide for meaningful public involvement over the life of the settlement. This will include information about the Public Advisory Group (i.e., the process used to establish it and any accomplishments to date) and all other efforts by Trustee Council staff to accomplish this goal.

Explains what actions the Trustee Council will take to provide for an appropriate level of public education about the restoration program. Although this is related to public participation efforts, it differs in that the Trustee Council will generate educational products relating to restoration. Educational efforts may, in part, take the form of annual work plan projects. Peg/LJ Evans (10-15 pgs)

F. Amendments to the final Restoration Plan

Describes the process for amending the final plan. Mark F. (2 pgs)

Appendices

A. Restoration options

Summarizes all options and suboptions. The descriptions will be more detailed than those in the Restoration Framework. Various authors (70 pgs)

B. Charter of the Public Advisory Group

Copy of the Public Advisory Group charter Editor

List of PAG principal interests Editor

List of current PAG members and their affiliation Editor

C. List of other publications **Editor**

(i.e., 1990 Progress Report, etc...)

D. Court settlement documents **Editor**

E. Glossary **Editor/Chris**

Brochure

Annotation

The brochure summarizes the draft plan and includes the comment sheet for the plan. It is a stand-alone summary that can be distributed separately from the plan for those who are uninterested in reading the full document. Bob L./Sandy/Editor/Illustrator (2-4 newspaper size pages)

d:\sandy\outline.tc

the plan for those who are not interested in reading the full document.

I also would like to form a "blue-ribbon" committee to review the entire document before it is released to the public. While the document will be reviewed by the RPWG, RT, TC and PAG, I believe we also should seek review from experts outside the Trustee Organization, e.g., Randall Luthi. We employed this option prior to publishing the Framework Document. Perhaps some of you will have nominations for this small committee. More about this later.

Attachments (2)

Fated to

Distribution:

- ~~RT~~
- ~~RPWG~~ Boxes
- ~~L. J. Evans~~ Box
- ~~Peg Kehrer~~ Fax
- ~~Bob Spies~~ Fax

Dave

Mark

Ken

Marty

Boxes

Fax to

~~Jerome~~

~~Byron~~

²
~~Pam~~

ATTACHMENT TO THE ANNOTATED OUTLINE

The following information is provided in response to DOI's request for a description of the process for the development of an alternative and a description of what would be included in an alternative. This information is preliminary and will be further developed as the process evolves.

Process for Alternative Development

STATUS	STEPS
ongoing	1. Identify injuries and status of recovery - this includes information such as the life history stage effected, whether the injury was to the habitat or population, the resources' trophic level, and the geographic scope of the injury (if possible), etc. This has been requested of the Chief Scientist. RPWG is currently working with all resources/services and will continue doing so until the list is approved by the TC.
nearly complete	2. Identify and describe options and suboptions (actions) that can be taken to assist recovery of injured species and services. (Final edits will be complete by end of September.)
complete	3. Preliminary evaluation of options and suboptions (actions) using criteria described in <u>Restoration Framework</u> .
ongoing	4. Evaluate options and suboptions (actions) <u>on a injured resource and service level</u> using newly described criteria which has been reviewed and approved by the RT.
to be done	5. Incorporate peer review into RPWG recommendations.
to be done	6. Sort options and suboptions (actions) into potential alternatives and describe alternatives.
to be done	7. Prioritize options and suboptions (actions) within each alternative (see discussion in the Description of an Alternative).
to be done	8. Compare the alternatives and identify significant differences between them.
to be done	9. Select preferred alternative for recommendation to the RT.

These alternatives will be incorporated into the Restoration Plan as described in the annotated outline.

Description of an Alternative

- A. There will be an introduction which generally describes the scope and nature of each alternative.
- B. Each injured resource and service will be listed and each options and suboptions that is found in this alternative would be listed and described including the link to injured resources or services.

Within the alternative, options and suboptions (actions) will be identified as the direct restoration, replacement etc. consistent with the settlement.

The options and suboptions (actions) will be described with as much specificity as is available including:

- implementation actions
- benefits to injured resources and services
- geographic scope
- timing of implementation

- C. Options and Suboptions (actions) will be prioritized after considering factors such as level of injury, time critical nature, public concern, effectiveness, etc. Although RPWG has not developed the procedures for prioritization, it is anticipated that groups of options and suboptions could be a high priority within the alternative.
- D. Alternatives will be reviewed to ensure that they encompass injuries on a spill-wide basis and consider the overall health of the ecosystem.
- E. Significant differences between alternatives will be described so the public can readily see the choices presented.
- F. Appendix A will include descriptions of options and suboptions that are in the draft restoration plan.

**RESTORATION PLANNING WORKING GROUP
EXXON VALDEZ OIL SPILL OFFICE
645 "G" STREET
ANCHORAGE, ALASKA 99501**

MEMORADUM

TO: Restoration Team

DATE: August 21, 1992

FROM:  John Strand, Chair RPWG

SUBJECT: Response to Specific RT Comments: Draft August 10, 1992 Restoration Plan Outline

We have received written and verbal comments from DOI and NOAA that specifically address the Draft Restoration Plan Outline. We list the comments below and offer proposed changes or responses and attach a revised draft outline for further review and comment. DOI comments dealing with other aspects of restoration planning (August 14, 1992 letter to David Gibbons from Curtis McVee) will be addressed in a subsequent transmittal.

Section I. (A) Add the following at the end of the second sentence, "... and types of actions to implement them." Delete the third sentence. The alternatives establish the goals.

Changes made.

Section I. (B) Include a summary of activity since the settlement. Explain the role of the court in the EVOS restoration program.

Changes made.

Section II. The public comment on the Restoration Framework should be summarized in the background and any additional, relevant detailed information placed in the appendix. This would eliminate #II as it stands.

Changes made.

Section III. A summary of what is injured and how it is injured and its current state of recovery should suffice. This section should describe where the Trustee Council is in terms of restoration actions and what has happened with State and Federal operational programs in the area since the spill. In essence: "Where we are now."

RPWG proposes to leave this section as is. The Restoration Framework published these criteria and specifically asked for public comment. For public understanding and trust, the criteria must be clearly presented in the draft plan, as well as an explanation of how they were used.

Section IV. and V. This section should be the proposed plan. The plan must clearly lay out the proposed action so that the public can react to it and make suggestions. It can include a discussion of how the plan was arrived at, but the alternatives considered should come in the following major section. It should include information about the process to be used to resolve resource/service conflicts.

This section can exclude the preferred alternative because it should be presented previously as the proposed plan. These same alternatives must be in the EIS.

Criteria for screening habitat protection and acquisition projects (IV - D, E) need not be described in a separate section from criteria to evaluate restoration options in general (IV - B, C).

RPWG proposes to leave this section as is. We believe that it is important to fairly and equally present each alternative in the draft plan in a single section. Presenting the "preferred alternative" in it's own section would only raise complaints about unequal treatment, an argument that can be avoided in the draft plan.¹

RPWG also recommends presenting criteria to screen habitat protection and acquisition projects in a separate section. Clearly, the public needs to know that two sets of criteria will be applied in identifying and prioritizing habitat for protection and acquisition options. First the criteria described in Section IV - B are used in an overall evaluation of a proposed option to protect/acquire habitat. Second, the more specific criteria used in identifying/prioritizing which habitats to protect/acquire (Section IV - D) are applied.

Section VI. The sub-sections should be re-ordered in this manner

- | | | |
|-----------|---------------|---|
| A. | old D: | Annual Budget and Project Schedule (include a discussion of how NEPA requirements will be met and the relationship of this effort to ongoing State and Federal programs in the area) |
| B. | none: | Operations/Administration (how the Trustee Council, staff, etc. will operate the restoration program) |
| C. | old E: | Funding Mechanisms |

¹The draft EIS may organize this differently?

-
- | | | |
|----|------------|-----------------------|
| D. | old C: | Monitoring/Evaluation |
| E. | old A & B: | Public involvement |
| F. | old F: | Amending the Plan |

Changes made.

Appendix A This information should be described in the plan and alternatives section? These are the central points of the plan and should not be relegated to an appendix.

In concept, the RPWG agrees with the statement about the importance of options and that these central points should be in the alternatives section. We have modified the text in Section IV - A. (Restoration Plan Alternatives) to emphasize this point. However, we continue to recommend that Appendix A should contain a single and complete set of option summaries. This numerically ordered set will be the place in the document where a person can see the full range of options in an easy to use set.

Appendix B This option should include a list of PAG members.

Changes made.

New appendix Add an appendix D to include the court settlement document, since this is how the public can judge if the plan meets the requirements and intent of the court agreement.

Changes made.

cc: RPWG

Attachment

Attachment

**Draft Annotated Outline
DRAFT RESTORATION PLAN¹**

8/21/92

- i. Cover Letter
- ii. Comment Sheet
- iii. Table of Contents
- iv. Executive Summary
- I. Introduction

A. Purpose of document

Presents the proposed action (see Restoration Framework, page 1) and explains the function of the Draft Restoration Plan as providing overall direction for the restoration process and guidance for implementation of annual work plans, including all anticipated annual and periodic activities. Explains the relationship among alternatives, options and restoration projects AND TYPES OF ACTIONS TO IMPLEMENT THEM. ~~Indicates that document presents preferred, no action, and other alternatives and explains how the alternatives will accomplish the goals of the proposed action.~~

B. Background

Summarizes the history of the oil spill, including the cleanup; pre-settlement NRDA program; A SUMMARY OF TRUSTEE ACTIVITY SINCE THE SETTLEMENT, INCLUDING THE ROLE OF THE U.S. DISTRICT COURT OF ALASKA; criminal and civil settlements; and the EVOS trustee organization and administration. Presents the number and nature of the PUBLIC'S comments received on the Restoration Framework and how they were used.

¹Note: Additions to 8/10/92 version of outline indicated by ALL CAPS; deletions to 8/10/92 version of outline indicated by striking out.

C. Spending guidelines for EVOS settlement

1. Civil settlement

Summarizes guidelines for spending civil settlement money. Includes a description of the decision-making process for expenditures.

2. Criminal settlements (state and federal)

Summarizes state and federal guidelines for spending criminal settlement money. Explains relationship to civil settlement guidelines.

D. Relationship to Draft Environmental Impact Statement

Following a brief outline of the NEPA process, the relationship of the Draft Environmental Impact Statement (DEIS) to the Draft Restoration Plan will be explained. Explains that the DEIS will be programmatic in nature and the impacts of the preferred restoration alternative will be presented and compared with those of all other restoration alternatives.

III. Injured Resources and Services

A. Criteria for selecting injured resources and services

Injury criteria will be listed and briefly explained. Any changes from those in the Restoration Framework will be explained.

B. How criteria are applied

The decision-making process for applying the injury criteria will be explained.

C. Conclusions: ~~listing and summary~~ LIST OF RESOURCES AND SERVICES INJURED: tables/graphics of resources and services that meet the injury criteria

Presents SUMMARY OF information on the range of injuries from the ecosystem level to individual resources and services AS WE NOW UNDERSTAND IT. Injuries will be explained in terms of injured life history stages or user groups, the geography of the injury, and the status and prospects for natural recovery.

IV. Restoration Options

A. Explanation of restoration options

Briefly explains restoration options: THEIR ORIGINS, THE EVOLUTIONS OF THESE PUBLIC AND PROFESSIONAL IDEAS INTO OPTIONS AND THE CENTRAL IMPORTANCE OF THEM TO THE PLAN.

B. Criteria for evaluating restoration options

Identifies and defines criteria that are used in evaluating and ranking candidate restoration options. Explains any changes from Restoration Framework.

C. How criteria are applied

Describes the process used in ranking options (as high, medium, or low) for each criteria. Includes a description of the process used to generate candidate restoration alternatives.

D. Criteria for screening habitat protection and acquisition projects

Identifies and defines threshold and other criteria.

E. How the criteria will be applied in the process of screening habitat protection and acquisition projects

Describes the evaluation process that will be used in identifying and prioritizing habitat for protection and acquisition. Includes description of imminent threat analysis for determining whether accelerated protection is required due to immediate threats to restoration potential.

V. Restoration Plan Alternatives

Indicates that this section presents a range of restoration alternatives. It explains that while a preferred alternative is presented, clearly no final decision will be made as to the selection of a preferred alternative until the public has had opportunity to comment and the Trustees can take full consideration of the public's opinion. The reason for presenting a preferred alternative at this time is the Trustee's desire to indicate direction at this point in the process and to facilitate compliance with the National Environmental Policy Act of 1969, as amended, i.e., simultaneous publication of the Draft Environmental Impact Statement.

A. Description of alternatives

3 - 5 Alternatives will be presented.

1. No action alternative (natural recovery)

Describes the scope and nature of the no action alternative. Explains reliance on natural processes and the limited activities that would occur. Distinguishes between these and the more active restoration options presented in other alternatives.

2. Other alternative

Describes the scope and nature of one of the other alternatives (not including the preferred alternative). Presents a summary of the options included in the alternative and considers the following: responsiveness to recognized injuries and the proposed action, timing of implementation, geographic scope of application, and relative amounts of funding required for option categories presented in the alternative (e.g., management of human uses, habitat protection, etc.).

3. Preferred alternative

Describes the scope and nature of the preferred alternative. Presents a summary of the options included and considers the following: responsiveness of the alternative to recognized injuries and the proposed action, timing of implementation, geographic scope of application, and relative amounts of funding required for option categories (e.g., management of human uses, habitat acquisition and protection, etc.).

4. Other alternative

See annotation for V.A.2.

5. Other alternative

See annotation for V.A.2.

B. Comparison of alternatives

Describes the significant differences between the alternatives so the public can readily see the choices presented.

VI. Implementation Process for Life of the Settlement

- A. Development of annual BUDGET AND work plans (i.e., selection of projects/studies for a given year LEGAL COMPLIANCE ETC...)

Describes the process and timeline the Trustee Council will follow in prioritizing annual research and restoration needs.

- B. OPERATIONS/ADMINISTRATION

HOW THE TRUSTEE COUNCIL, STAFF, ETC. WILL OPERATE THE RESTORATION PROGRAM. *This will include an organization chart/flow diagram of how restoration program will operate.*

- C. Funding mechanisms

1. Current mechanism

Describes the current funding mechanism (court registry account). Explains how the process functions and its effects on the nature, extent and future of the restoration program.

2. Endowment

Describes the various approaches to endowments that could be suitable for the restoration program. Explains how endowments could function and affect the nature, extent and future of the restoration program.

- D. Monitoring/Evaluation

Presents elements of an integrated, long-term monitoring program designed to follow the rate of recovery of injured resources and services and to evaluate the effectiveness of restoration activities. Also presents an evaluation process to determine if plans, projects and related activities have been implemented as designed.

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Describes how the Trustee Council will continue to provide for meaningful public involvement over the life of the settlement. This will include information about the Public Advisory Group (i.e., the process used to establish it and any accomplishments to date) and all

other efforts by Trustee Council staff to accomplish this goal.

Explains what actions the Trustee Council will take to provide for an appropriate level of public education about the restoration program. Although this is related to public participation efforts, it differs in that the Trustee Council will generate educational products relating to restoration. Educational efforts may, in part, take the form of annual work plan projects.

F. Amendments to the final Restoration Plan

Describes the process for amending the final plan.

Appendices

A. Restoration options

Summarizes all options and suboptions. The descriptions will be more detailed than those in the Restoration Framework.

B. Charter of the Public Advisory Group

Copy of the Public Advisory Group charter

LIST OF CURRENT PAG MEMBERS and their affiliation.

C. List of other publications

(I.E. 1990 PROGRESS REPORT ETC...)

D. COURT SETTLEMENT DOCUMENTS

letter head

draft

To: David Gibbons
Restoration Team
From: John Strand, Chair RPWG

and attach a revised draft outline for further review and comment.

Subject: Response to RT Comments: Draft August 10, 1992 Restoration Plan Outline

DOI and NOAA ←

We have received written and verbal comments from two agencies. We will list the comments BELOW and offer proposed changes or responses. *Specific* *that specifically address the draft Restoration Plan Outline.* *DOI comments dealing with other aspects of restoration planning will be addressed in a subsequent transmittal.*

Section I. (A) Add the following at the end of the second sentence, "... and types of actions to implement them." Delete the third sentence. The alternatives establish the goals.

Change made. *(August 14, 1992 letter to David Gibbons from Curt McVee)*

Section I. (B) Include a summary of activity since the settlement. Explain the role of the court in the EVOS restoration program.

Changes made.

Section II. The public comment on the Restoration Framework should be summarized in the background and any additional, relevant detailed information placed in the appendix. This would eliminate #II as it stands.

Changes made.

Section III. A summary of what is injured and how it is injured and its current state of recovery should suffice. This section should describe where the Trustee Council is in terms of restoration actions and what has happened with State and Federal operational programs in the area since the spill. In essence: "Where we are now."

RPWG proposes to leave this section as is. The Restoration Framework put forward PUBLISHED these criteria and specifically asked for public comment. For public understanding and trust, the criteria must be clearly presented in the draft plan, as well as an explanation of how they were used.

Section IV. and V. This section should be the proposed plan. The plan must clearly lay out the proposed action so that the public can react to it and make suggestions. It can include a discussion of how the plan was arrived at, but the alternatives considered should come in the following major section. It should include information about the process to be used to resolve resource/service conflicts.

This section can exclude the preferred alternative because it should be presented previously as the proposed plan. These same alternatives must be in the EIS.

Criteria for screening habitat protection and acquisition projects need not be described in a separate section from criteria to evaluate restoration options in general (IV-B,C). *(IV-D,E)*

Insert (A)

RPN6 also recommends presenting criteria to screen habitat protection and acquisition projects in a separate section. Clearly, the public needs to know that two sets of criteria will be applied in identifying and prioritizing habitat for protection and acquisition. First, the criteria described in Section II 9. are used in ^{options} ^{to overall} evaluation of a proposed option to protect/acquire habitat. Second, the more specific criteria to identify/prioritize which habitats to protect/acquire are applied.
(Section IV-D)

INSERT (A) as new #

RPWG proposes to leave this section as is. We believe that it is important to fairly and equally present each alternative in the draft plan IN A SINGLE SECTION. Presenting the "preferred alternative" in it's own section would only raise the complaints about unequal treatment, an argument that can be avoided in the draft plan.¹

Section VI. The sub-sections should be re-ordered in this manner

- A. old D: Annual Budget and Project Schedule (include a discussion of how NEPA requirements will be met and the relationship of this effort to ongoing State and Federal programs in the area)
- B. none: Operations/Administration (how the Trustee Council, staff, etc. will operate the restoration program)
- C. old E: Funding Mechanisms
- D. old C: Monitoring/Evaluation
- E. old A & B: Public involvement
- F. old F: Amending the Plan

Changes made.

Appendix A This information should be described in the plan and alternatives section? These are the central points of the plan and should not be relegated to an appendix.

In concept, the RPWG agrees with the statement about the importance of options and that these central points should be in the alternatives section. We have modified the text in section V (Restoration Plan Alternatives) to emphasize this point. However, we continue to recommend that appendix A should contain a single and complete set of option summaries. This numerically ordered set will be the place in the document where a person can see the full range of options in an easy to use set.

IV (A)
[scribbles]

Appendix B This option should include a list of PAG members.

Changes made.

New appendix Add an appendix D to include the court settlement document, since this is how the public can judge if the plan meets the requirements and intent of the court agreement.

~~Agree that appendix containing settlement documents should be added.~~
changes made

¹The draft EIS may organize this differently?

7 NOTE: additions to 8/10/92 version indicated by ALL CAPS; deletions to 8/10/92 version indicated by striking out.

of outline
**Draft Annotated Outline
DRAFT RESTORATION PLAN 1**

21
8/22/92

- i. Cover Letter
- ii. Comment Sheet
- iii. Table of Contents
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1

1

D. Relationship to Draft Environmental Impact Statement

Following a brief outline of the NEPA process, the relationship of the Draft Environmental Impact Statement (DEIS) to the Draft Restoration Plan will be explained. Explains that the DEIS will be programmatic in nature and the impacts of the preferred restoration alternative will be presented and compared with those of all other restoration alternatives.

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Injury criteria will be listed and briefly explained. Any changes from those in the Restoration Framework will be explained.

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all caps → ^{SUMMARY of} Presents ~~SOME WHAT DETAILED~~ information on the range of injuries from the ecosystem level to individual resources and services AS WE NOW UNDERSTAND IT. ✓
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V. Restoration Plan Alternatives *Insert (3)*

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See annotation for V.A.2.

5. Other alternative

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Describes the significant differences ^{among} between the alternatives so the public can readily see the choices presented. ✓

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C. Funding mechanisms ✓

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the
(italics) This will include an organization chart / flow diagram of how restoration program will operate.

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Copy of the Public Advisory Group charter

LIST OF CURRENT PAG MEMBERS and their affiliation. ✓

C. List of other publications

(I.E. 1990 PROGRESS REPORT ETC...)

D. COURT SETTLEMENT DOCUMENTS

Insert (B)

is the Trustees' desire to indicate direction at this point in the process and to

Indicates that this section ~~will~~ presents a range of ~~possible~~ restoration alternatives; ~~their~~ ~~scope and nature~~. It ^{Explains} further indicates that while a Preferred alternative is presented, clearly, no final decision will be made as to the selection of a Preferred alternative until the public has had opportunity to comment. ^{and the Trustees can take full consideration of the public's opinion} The reason for presenting a Preferred alternative at this time facilitates compliance with the National Environmental Policy Act of 1969, as amended; i.e., simultaneous publication of the Draft Environmental Impact Statement.

TRACKING CRITERIA

- 8. Degree to which proposed action enhances the resource or service**
- 9. Will the restoration opportunity be lost if implementation of the option is delayed?**
- 10. Public comments**

ADDITIONAL CHARACTERISTICS

- 1. Direct Restoration**
- 2. Replacement**
- 3. Acquisition of Equivalent Resources**
- 4. Management of Human Uses**
- 5. Manipulation of Resources**
- 6. Enhancement Activity**
- 7. Habitat Acquisition**
- 8. Habitat Protection**