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Attorney Work Product

RESTORATION PLANNING WORK GROUP MEETING

DATE: October 2, 1991
9:25 a.m.

Attendees:

RPWG

M. Brodersen	<u> X </u>
R. Yender	<u> </u>
S. Rabinowitch	<u> X </u>
K. Rice	<u> X </u>
S. Senner	<u> X </u>
J. Strand	<u> X </u>
A. Weiner	<u> X </u>
K. Klinge	<u> X </u>
B. Iseah	<u> X </u>

MANAGEMENT TEAM

D. Gibbons	<u> </u>
J. Montague	<u> </u>
B. Morris	<u> </u>
S. MacMullin	<u> *X </u>
C. Roy	<u> </u>
R. Spies	<u> </u>

LEGAL TEAM

G. Belt	<u> </u>
G. Fisher	<u> </u>
M. Fox	<u> </u>
B. Freedman	<u> </u>
M. Lisowski	<u> </u>

C. O'Connor	<u> </u>
A. Swiderski	<u> </u>
R. Sleater	<u> </u>
D. Street	<u> *X </u>
R. Jacobsen	<u> </u>

OTHERS

Donna McCready, DOL

TELECONFERENCE

* _____

Copies of agenda were distributed. Donna McCready, Oil Spill Litigation Section, Department of Law, was hired in a science litigation position and attended the meeting.

Issues addressed:

1. Where is restoration program heading
2. RPWG personnel resources - Jennifer Hayes

Ken - Barton refused to sign agreement to hire Hayes; "pilot" position is now open, will take applications, review them and hire someone; there is a problem with creating position-FTE problem

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Sandy - discuss ways that NPS and Forest Service could write a cooperative agreement to fill position?

Stan - pursue advertising position ASAP

Mark - are there any other avenues to explore to fill position

Sandy - should someone be hired for education project; has seven candidates; money is in the bank and on paper

3. Post-spill issues

4. What tasks to do regardless of settlement

Stan - should lay out an aggressive schedule and make RPWG indispensable;

Sandy - need to write a credible restoration plan, involving all interests and broaden to the full range of injury

Mark - have to state elements of plan and schedule for getting done quickly

Art - what is this group's mandate? determine if MOA and NRDA regulations are the driving factors

Ken - Science is the stem of the umbrella; politics is the cloth

Stan - need a progress report that includes restoration options that warrant further public consideration, need a new version of the injury summary

Sandy - can solidify RPWG position by following with a round of public hearings

Mark - there is significant pressure to put into writing where group is going

5. Possible RPWG Work Schedule

Stan - need to take outline for the restitution hearing and put in the context of a broader explanation of the program and where RPWG is headed; one possibility is to review what we now have; identify what is not there and break into subcommittees; could have an outline subcommittee

David - reviewed work schedule list to see if there was a legal requirement not covered; didn't find any suggestions for changes at this point

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Ken - there should be a monitoring component in this listing; component needs to become a chapter of this plan

Stan - need to add a section V.D to list for cost benefit; will need guidance re: NRDA criteria or whether they should be broadened; must make working assumptions about what guidelines will be in post-settlement; an example would be enhancement; need to be in step with expectations

David - settlement documents would control; there is no additional public comment period contemplated for the civil settlement (this information is confidential); the expectation is the court when entering the plea bargain will enter an order that enters the settlement agreement; the parties are bound to follow the terms of the document; if there are any conflicts between settlement agreement and NRDA, we will abide by the settlement agreement

Art - need attorneys to provide list of criteria

Sandy - need attorneys to approve list of criteria prepared by RPWG; archaeology is mentioned in settlement document

Ken - what are the opportunities for doing some restoration/enhancement; several different approaches for restoration

Mark - is it necessary to have a direct link to injury?

Stan - how strong does the evidence of injury have to be?

Possible RPWG Work Schedule:

- I., I.A, and I.B - are taken care of
- I.C. - needs discussion
- I.C.1 - needs to go to trustees
- I.C.2 - tentatively scheduled for November 5 and 6
- I.C.3 and 4 - after lit. review
- II. - well under way, more species to do life history on for Karen; may need a consultant to pull data on recreation together
- III.A1 - already have that; needs additional peer review for other species
- III.A2 - Ken is working on
- III.A3 - Karen is working on
- III.A4 - pretty much done
- III.A5 - " "
- III.A6 - " "
- III.A7 - " "

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III.A8 - " " all need to ensure full coverage for the re-sources

III.C - need to change to apply NRDA/settlement criteria

Stan - someone needs to review the MOA with the Natives; need to capsulize I, II and III in one document; will be the focus for the next three months

IV. - stop at this point for the next several months; need a public participation mechanism

V. - need to do some preliminary cost estimation

Mark - next few months will be rather constrained as far as time because RPWG still has to deal with oil year 4

Stan - proposed breaking into two groups to add tasks that are not adequately reflected for monitoring, archaeology and subsistence and attempt an outline for the overall document; then reconvene as a group with results at 3:00; will fax information to David and Susan regarding peer reviewers review of restoration endpoints

Art - needs to discuss housekeeping issues with Susan re: move

Susan - everything seems to be going ahead as planned with CACI move; notice has been given at "E" street location

The following subcommittees were formed:

Tasks not reflected

Outline

Art
Stan
Karen
Mark
Donna
Barbara

Sandy
John
Ken

Major elements that might be in a restoration plan:

Injuries - damage assessment summary
- selected for further action

Natural Recovery

Criteria - restoration options, including habitat
species/resources/services

Restoration options - selected for further consideration
- already rejected

Life histories/resource - service descriptions

Monitoring

Public participation - ?

Habitat review process

Restoration Framework - initially would be an internal document and later a public document

- introduction, including settlement and legal context
- injuries
- resources/services selected
 - sufficient evidence of significant injury
 - natural recovery
- life histories/resource descriptions
- criteria for selecting options
- describe restoration endpoints/options
- further consideration
- already rejected
- evaluation and decision-making
 - technical
 - public
- appendices
- monitoring
- habitat process
- cost

6. Synthesis of recovery literature - tentative for November 5th and 6th

Ken - is it necessary to have peer reviewers at meeting to review recovery literature product

Stan - could invite six restoration peer reviewers; will ask Susan and Ruth to contact peer reviewers; some possible ones are Robey, Costa, Petersen, and Simonsted

7. Development of a monitoring plan - up to date; language sent to Management Team
8. Review of restoration literature - Klinge has reviewed literature housed at RPWG; reviewing species by species with options

Meeting adjourned until 10/3/91 at 8:30 at CACI.

RESTORATION PLANNING WORK GROUP MEETING

DATE: October 3, 1991
8:30 a.m.

Attendees:

RPWG

M. Brodersen	<u> x </u>
R. Yender	<u> </u>
S. Rabinowitch	<u> x </u>
K. Rice	<u> x </u>
S. Senner	<u> x </u>
J. Strand	<u> x </u>
A. Weiner	<u> x </u>
K. Klinge	<u> x </u>
B. Iseah	<u> x </u>

LEGAL TEAM

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D. Street	<u> *x </u>
R. Jacobsen	<u> </u>

TELECONFERENCE

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Issues addressed:

1. Needs for economic/cost-benefit analyses

Stan - in the current fiscal year, there is \$300,000 in Fish & Game budget; three study plans reviewed by work group; one regarding Dolly Varden had some merit; absent a settlement, resources are limited; \$300,000 available for studies and should be taken advantage of

Art - need to look at economics of land acquisition; should be a priority; a team of economists would be valuable; questions about timber values and effect on the local economy should be answered

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Sandy - consider economic implications of options

Stan:

Land acquisitions

harbor and land values
effects on local economies

Economic implications of restoration actions

Effects of restoration of wild salmon studies on hatchery fishery

Economic benefits of enhancing recreational opportunities
(including sport fishing)

Art - real estate and timber markets are not nearly as
volatile as commercial fishing market

Stan - what are the implications of wild stock on the hatchery
fisheries

Mark - need to do a cursory look at fishery stock; need to
have a feeling for what individual projects would cost

Ken - if there is some level of injury, will have to develop
restoration options around them

Stan - one of studies proposed had an element of it tied to
the survey of restoration and enhancement; do we need to look
at the cost of stream enhancements overall; would be a mistake
to look at enhancement on a stream-by-stream basis;

Mark - need expertise to design studies at a reasonable cost

Art - need to protect genetic diversity, very difficult to
quantify the benefits of the wild stock

Sandy - on a number of restoration projects because cost is
large enough on a sight-by-sight basis, need to do some type
of cost benefit analysis

Stan - for every project, need cost estimates

1. Cost estimates
2. Cost benefit analysis
3. Economic effects/consequences, e.g., on local economies,
commercial users

Art - suggests doing one fish study, one land study, and one

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economic study with money

Sandy - need to do a one day workshop with economist and follow up with economic peer reviewers

Stan - can provide economist with endpoints as an introduction

John - need to decide on when to have workshop with economist

Sandy - can set a tentative date but need to confirm with economist

Stan - only need small number of key people to attend workshop

Art - need to bring in experts who can address land acquisition, fisheries and recreation issues

Ken - need to check with steering committee to find potential experts and in-house economist

Stan - should just invite some individuals and keep number pretty tight; Sandy can ask Cordell Roy for potential federal peer reviewers; possible workshop dates are October 29, 30, or 31; October 29th is target date; need to consider each member's agency to see if there is an economist available to participate; will prepare a background introduction with restoration endpoints

Art - need to organize a group to prepare briefing package

Stan - meeting tentatively set for October 10, at 1:00 at RPWG (could possibly change if Management Team meeting is held in Juneau); need to bring list of potential economist; will assemble background packet and an agenda for October 29th workshop; Management Team meeting is October 11th; need to date versions of calendar and make calendar several months in advance

2. Management of Public Lands

Ken - prepared a document containing information categories for habitat protection systems/designations and the current management direction and opportunities, along with examples of information categories

Art - what is difference between management uses and future directions?

Ken - used years 1990 and 2000 estimates to show growth in recreation and change in harvest

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Stan - trying to get organized on the upland designations

Sandy - do we need to know if specific units were oiled?

Art - need to know the degree of the hit

Ken - may take effort to put in relative terms

Art - ask Jim Slocomb for degree of oiling

Ken - can look at an oiling map to determine degree of oiling

Mark - do not need to spend excessive resources on oiling question

Art - has three years of segment reports, should he bring them with him in the move

Stan - will check with Sue Lattin to find out if space exists for segment files to be housed at CACI

Ken - will prepare a stand-alone document and later a matrix for designations; time frame is late November for completion of designations product

Stan - priority is unit specific information

Art - need to involve Jim Fachon for assistance and possibly have a briefing meeting with him

3. Life Histories - Restoration Literature

Karen - should a literature search for all other species be done?

Stan - need to do literature reviews on related species; danger is missing previous work done that is possibly relevant

Karen - concerned about obtaining studies that may not be applicable to Harlequin Duck

Art - time constraints are somewhat eased now than when the project began

Karen - should she obtain all abstracts that have the most relevance?

Stan - everyone should review abstracts before acquiring documents

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Karen - most restoration-oriented literature at RPWG is seagrass; will pass out abstracts as they are obtained; Spies will bring pro cite

4. Funds Budgeted for Restoration Science Studies

John - NOAA has \$120,000.00 in their budget for science studies

Ken - does not know at this time how much Forest Service budgeted for science studies

Art - oiled mussel project will be a multi-agency proposal and will be pretty expensive

Stan - who takes responsibility for pulling this proposal together for the November meeting?

John - Art is putting together a proposal for developing the project

5. Restoration Options Products

Karen - explained the matrices for species restoration options status

Stan - explained the evaluation of restoration options; suggested sending peer reviewers copies of their particular species for review; asked for volunteers to get the options products around to various peer reviewers and compiling their comments

Ken - feels it would be unnecessary for peer reviewers to examine restoration options products

David - would be upheld in a court or by public opinion if not put to peer reviewers

Stan - peer reviewers have seen endpoints and made suggestions

David - that should be enough if they have reviewed endpoints

Mark - should send the products to Ruth and Susan for distribution to peer reviewers

Karen - would this duplicate work if we have to send more products later for peer reviewers; why not wait until later

Art - agreed with Karen

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Sandy - feels products should be sent to peer reviewers

John - if there is some doubt, should send for review

Karen - should modify matrix for all endpoint changes

Barbara - could not hurt; reviewers may have some input that RPWG may have missed

Ken - will go with the group's consensus

Stan - need to combine options product with memos; will try to get Ruth and Susan to handle mailing to peer reviewers

6. Planning for Additional Technical Services Projects

Ken - need information from field people; need to go forward and go to agencies for their study plans similar to the science studies to get them into the budgeting process

Stan - difficulty with thinking also at implementation now; may change if there is a settlement and money is there

Mark - should hold this thought until we have more guidance

Ken - received some guidance from his Management Team member to get some ideas together

Mark - it is very clear the public must be involved, but in what way

Stan - does the Forest Service have more fish projects in mind?

Ken - possibility for some more cutthroat trout projects; need to know ideas for long term and short term

Stan - may not be allowed to follow through on this process

Sandy - how can you involve the public in a meaningful way?

David - spend the money wisely; if no project makes group comfortable, let the money earn money; Trustees must act as trustees

7. Impacts to Recreation

Stan - Art and Ken could discuss aerial photography to determine if there is a desk component

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Art - air photo analysis will be very important in acquisition; possibly John Issacs could help put together ideas on recreation

Stan - Park Service, recreation industries, and visitors needed to document impact of injury to recreation; have to honor the settlement with backup documentation and not just intuition

Ken - many not in agreement with econ studies but there is data to be used

Stan - do we need to do more to find out what the impacts are on recreation?

Donna - is recreation an issue that should be directed to the Trustees?

Mark - all ideas come from this level, never from the top down

Art - his agency can document types of use

Sandy - will have something written up to propose another study regarding recreation impacts

Stan - asked Sandy to talk with Cordell to find out what is in the federal econ studies

David - documentation of injury will be tough

Ken - great level of frustration with regard to econ studies

David - Does RPWG want him to suggest that information on studies be turned over to RPWG if the settlement goes through?

Stan - yes

John - what will be done with information from Jones-Stokes report with respect to a recommendation restoration-wise? is there any tech support project that needs to be developed using the information obtained?

Stan - how do we take this to the next step to make judgments; probably about 6 months away from doing that; would like to take framework and get this developed; options need to be broken out; may need to break up list of species to flesh out options without stepping backwards; should be open to new categories if not identified; stream enhancement is a generic option; there is a link between cost and which action gets done; need to identify potential mechanisms; need to do a feasibility

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test

Stan - for Pink Salmon an endpoint is enhance productivity through stream improvement and augmenting population

options - improve stream/lake habitat (fish pass, fertilization, wood debris, silt removal)
- supplement spawning substrates
- enhance wild stocks rather than hatchery stocks
- preserve wild gene pools through hatchery techniques
- transplants to augment natural resources

Stan - need to make some assignments of species with every action that is reasonably believed to be appropriate

Ken - need to get comments from RPWG members regarding additional input on the evaluation of restoration options before meeting next Friday; comments will be given to Barbara for updating forms

Stan - Barbara will fax calendar on 10/4 regarding upcoming events; scrutiny of product is at hand; have to convince people that RPWG is making a worthwhile effort; Ken will do revisions to tasks list; Stan will do revisions to endpoints list

Meeting was adjourned at 3:35

*Ken Rice
document*

DRAFT

August 13, 1991

**Information Categories
Land Ownership and Management Direction**

1. **Agency:** [Name of land management agency or land owner]
2. **Land Unit:** [Name of the land unit being identified. This is usually the smallest land area managed with discrete management emphasis.]
3. **Location:** [Description of land unit location within the oil spill area. Include, along with a general location description, which topographic map the unit falls within and Township and Range coordinates.]
4. **Acreage:** [Total acreage of land unit.]
5. **Adjacent Landowners:** [Who owns or manages the land adjacent to the unit being described?]
6. **Classification:** [Existing land classification for area and purpose for which units are designated. This may require the enabling legislation]
7. **Management Direction:** [Management direction for the land unit. Include goals and objectives identified in any management plan for the area.]
8. **Land Management Plans:** [When was the current land use plan adopted? When is it scheduled for revision/review? Is there a procedure to revise the plan in response to the oil spill? If so, what is required to make any changes in the land management plan, what would it cost and how long would it take?]
9. **Existing Uses:** [What is the nature and extent of resource use occurring on the unit? What resources are currently used within the unit and what resources are protected?]

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10. **Access:** How is the unit accessed? Does private land need to be crossed in order to get to it?
11. **Enforcement:** [What is the enforcement capability and by whom?]
12. **Management:** [What is the level and extent of active management that takes place on the unit? How often is the unit visited by agency personnel?]
13. **Future Uses:** [What is the nature and extent of projected future use on the unit? What types of activities and level of uses/outputs are projected for the next 10 years?]
14. **Public Participation:** [How is the public involved in management. What is the process?]
15. **Additional Protection:** [A. What additional protection is available within the current classification?
B. What further protection management options (land classification or designation for all or part of the area) are available to enhance or maintain biological resources?]
16. **Extra Costs:** [If additional protection options are available for the unit, identify any additional costs associated with the additional layer of protection.]
17. **Other Management Authority:** [List other agencies that have management authority affecting resource management within the unit, what their area of authority is and when it is exerted (for example only when a project may affect wetlands etc.)]

18. *oilings info*

extent of unit impacted by oil

DRAFT

Information Categories Habitat Protection Systems/Designations

1. **Name:** [name of conservation system or designation]
2. **Managing agency:** [agency with statutory responsibility for designation and management]
3. **Cooperating agency:** [may be none, but there may be cases where there are both federal and state roles]
4. **Scope of system:** [number of units, acreage, where]
5. **Nearest unit(s):** [nearest to Alaska or nearest to oil-spill area]
6. **Authority:** [names/citations of public law and regulations under which units are established and operated]
7. **Purpose:** [for what general purpose may units be designated? What does the law intend, i.e., conservation, research, etc.??]
8. **Requirements:** [any statutory requirements in terms of process, reporting, and management?]
9. **Protected areas and habitats:** [what types of areas are intended and allowed for protection: e.g., estuaries, adjacent uplands?]
10. **Type of Protection:** [what resources and services are to be protected and how: e.g., by regulation?]
11. **Private lands:** [how are private lands within the boundaries affected?]
12. **Management:** [what is the nature and level of annual management activities? Staff on site? What is the annual program?]

DRAFT

13. **Research:** [what is the nature and level of the annual research program? By government? By other parties?]
14. **Pre-existing uses:** [how are pre-existing uses, e.g., commercial fishing, handled? Can the uses be regulated? Grandfathered in?]
15. **Enforcement:** [what is the enforcement capability and by whom?]
16. **Designation process:** [by what process is a designation achieved? Legislation? EIS needed?]
17. **Public participation:** [how is the public involved in designation and management? What is the process?]
18. **Designation time:** [typical time required from conception to establishment]
19. **Designation cost:** [average cost and range of costs from conception to establishment]
20. **Management cost:** [average annual costs and range of costs following establishment]
21. **Source(s) of funds:** [who pays for designation, management, and research/monitoring costs?]
22. **Other information:** [anything else that is relevant]
23. **Contacts:** [information sources at national, state, and local levels. Include name, address, and telephone numbers]

DRAFT

Habitat Protection Systems/Designations to be Addressed

Alaska Department of Natural Resources

- Marine Parks
- STATE PARKS*

Alaska Department of Fish and Game

- Critical Habitat Areas
- Wildlife Refuges
- Sanctuaries

U.S. National Park Service

- National Parks
- " Preserves
- " Monuments
- " Recreation Areas
- Wilderness

U.S. Fish and Wildlife Service

- National Wildlife Refuges
- Wilderness

U.S. Forest Service

- Wilderness
- National Recreation Area
- Research Natural Area
- National Monument
- National Management Emphasis Area
- National Scenic Area
- Western Hemisphere Shorebird Reserve
- Recreation Area
- wild & SCENIC RIVER*

LEGISLATIVELY DESIGNATED AREAS

Wilderness

National Recreation Areas

National Monuments

National Scenic Areas

National Scenic Research Areas

National Management Emphasis Areas

ADMINISTRATIVELY DESIGNATED AREAS

Scenic Areas

Geological Area

Botanical Area

Zoological Area

Paleontological Area

Historic Area

Recreational Area

Research Natural Areas

Experimental Forest and Ranges

Wild and Scenic Rivers

National Registry of Natural Landmarks

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ATTORNEY WORK PRODUCT**

October 2, 1991

HABITAT PROTECTION SYSTEMS/DESIGNATIONS

1. Name:

National Recreation Area.

2. Managing Agency:

U.S. Department of Agriculture Forest Service.

3. Cooperating Agency:

Cooperating Agencies are variable depending upon the area being designated. Local governments, through their zoning ordinances, may be involved if a NRA surrounds private land subject to county/borough or city zoning. Several NRAs have regulations that require Secretary of Agriculture approval of zoning ordinances and plans.

4. Scope of System:

There are 12 National Recreation Areas within the Forest Service. Additional National Recreation Areas exist within the Department of Interior, including one in Alaska. The size of the National Recreation Areas administered by the Forest Service range from XX acres for the YY NRA to XX acres for the ZZ NRA.

5. Nearest Unit(s):

The White Mountain National Recreation Area, established by Section 403 of ANILCA, is administered by the Bureau of Land Management. It is the closest unit to the oil spill area. Within the National Forest System the closest unit is the Mount Baker National Recreation Area in Washington State.

6. Authority:

Establishment of National Recreation Areas is done in individual acts. For example ANILCA established the White Mountain NRA in Alaska. Establishment of other NRAs is found in 16 U.S.C. 460p, 460q, 460r, 460v, 460z, 460aa, 460gg, 460jj, 460ll, 460nn, 460pp, and 460qq.

The authority for administering NRAs established within National Forests is found in the Organic Administration Act of 1897, 16 U.S.C. 473-475, 477-482, 551; Multiple-Use Sustained-Yield Act of 1960, 16 U.S.C. 528-531; and National Forest Management Act of 1976, 16 U.S.C. 1600 (et seq.).

7. Purpose:

The law establishing a National Recreation Area states the specific management objectives for the area. General objectives for managing special areas established by law are to:

- Provide a showcase for National Forest management standards.
- Provide for public enjoyment of the area for outdoor recreation or other benefits.
- Protect the special values and attributes of the area (that is, scenic, cultural, historic, wilderness, wildlife, or other values) that contribute to public enjoyment.
- Manage for any other values present in the area, in a manner that does not impair the public recreation values or the special attributes of the area.

8. Requirements:

Each act establishing a National Recreation Area provides direction for managing the unit. The amount and kind of direction can vary and can be tailored suit the local situation.

In addition to any special management requirements established in the legislation, the Forest Service provides additional policy direction for management of these special areas. That direction includes:

1. Manage each special area as an integral part of the National Forest System with emphasis on the primary values and resources as directed by the law that established the area.
2. Manage values or resources not emphasized or prohibited in the law in a manner that complements or enhances the primary values of the area and is compatible with overall National Forest management objectives.
3. Manage each special area as a showcase to demonstrate National Forest management standards for programs, service, and facilities.
4. Except for portions of special areas designated as wilderness, provide interpretive services to enhance visitor enjoyment of the area.
5. Manage each special area as a separate unit of National Forest land in harmony with the other units as outlined in the forest plan.
6. Incorporate management direction in the forest plan or

prepare a comprehensive management plan if directed by the law for each area, that gives specific management direction for all resources values within the area.

7. Where wilderness and special area designation overlap, follow wilderness management direction.

9. Protected areas and habitats:

Areas established as National Recreation Areas are areas that have outstanding combinations of outdoor recreation opportunities, aesthetic attractions, and proximity to potential users. They may also have cultural, historic, archaeological, pastoral, wilderness, scientific, wildlife, and other values contributing to public enjoyment.

Human use and enjoyment is one of the primary objectives of NRAs and while protection of habitat is also a prime consideration, it is done within the context of maintaining the habitat for continued public enjoyment.

10. Type of Protection:

Natioanal Recreation Areas are established to provide for public enjoyment of the area for outdoor recreation and to protect the special attributes that make it attractive. Regulations are promulgated under 36 CFR Part 292 under the authority of the act establishing the NRA and vary from NRA to NRA. Only two of the 12 NRAs under Forest Service administration have special regulations. Regulations may regulate the development of private land including commercial and residential land, and the development of mineral resources on public land.

11. Private Lands:

Private lands within the exterior boundry of a NRA may be restricted on the type and amount of development that may take place. Depending on the enabling legislation, development of private land may be restricted to protect the values for which the NRA was established.

Zoning ordinances must be approved by the Secretary of Agriculture. Development plans for private land may be submitted to the District Ranger for approval. Should the development plan not be in compliance with the zoning ordinance, or should the zoning ordinance be changed so that it does not further the purposes of the special area designation, the Secretary may acquire the property through condemnation.

Only two of 12 NRA within the National Forest system have regulations affecting the development of private land. Those two NRAs are the Whiskeytown-Shasta-Trinity NRA and the Sawtooth NRA.

12. Management:

October 2, 1991

Land Ownership and Management

1. Agency.

U.S. Department of Agriculture Forest Service, Chugach National Forest.

2. Land Unit.

Gravina Management Area, Prince William Sound.

3. Location.

The unit is located in the northeastern portion of Prince William Sound between Orca Inlet near Cordova, and Valdez. Hawkins and Hinchinbrook Islands are excluded from this management area.

4. Acreage

There are 205,391 acres of National Forest System land within the unit. There is an additional 394,142 acres of saltwater within the exterior boundary of the management area.

5. Adjacent Landowners.

The land to the west and south of Gravina Management Area is predominantly National Forest with some state land. The land to the east is a mixture of private and National Forest. The land to the north is state land. The towns of Cordova and Valdez border the management area.

Listed below are acreage and status figures for State and private lands within the exterior boundary of the management. The majority of the coastline within the management unit is in private ownership.

Ownership	Conveyed Acres	Selected Acres
Eyak Corp	32,437	15,675
Chugach Alaska Corp	5,088	39,153
Tatitlek Corp	71,313	20,274
Other Private	573	0
State	5,202	5,386
Duel Eyak & CAC		1,285
Duel CAC & State		1,724
Duel Tatitlek & State		1,064
Duel Tatitlek & CAC		16,569

6. Classification.

The land is classified as National Forest System land. It is administered under the Organic Administration Act of 1897, 16 U.S.C. 473-475, 477-482, 551; Multiple-Use Sustained-Yield Act of 1960, 16 U.S.C. 528-531; and National Forest Management Act of 1976, 16 U.S.C. 1600 (et seq.).

7. Management Direction.

The Chugach Land and Resource Management Plan of 1984, as amended, sets the management direction for this area. The primary management goals and objectives for the unit are:

- improve marine oriented recreation opportunities by constructing recreation cabins and marine recreation facilities,
- maintain wildlife habitat,
- improve fish habitat with an emphasis on commercial fish,
- harvest timber and reforest,
- coordinate management practices with adjacent landowners,
- maintain landscape character.

8. Land Management Plan.

The Land and Resource Management Plan for the Chugach National Forest was signed July 1984. It is scheduled for revision between 1994 and 1996. A Federal Register (56 FR notice 24786) was published May 31, 1991 announcing the intent to amend the Forest Plan to reflect changes in management as a result of the Exxon Valdez oil spill. An EIS will be prepared analyzing alternative management strategies and identifying management direction for Prince William Sound. The Amendment and accompanying EIS are expected to be completed by December 1992.

9. Existing Uses.

Commercial fishing and marine oriented recreation are the predominant uses in the area. Some sport hunting for black and brown bear and mountain goats take place in the unit. Sport and commercial fishing are regulated by the Alaska Department of Fish and Game. Federal subsistence regulations may restrict the harvest of fish and game on federal lands within this unit. Mining is allowed in the unit and there are numerous mining claims within the unit. All mining activity is subject to review and approval of plans of operations under 36 CFR 228.

The Forest Service maintains one recreation cabin in the unit. There are no maintained trails and access is very limited. No timber management has occurred in the unit since the mid 1970s although the Forest Plan allows for an average annual harvest of 2.7 million board feet.

10. Access.

Access to the Gravina Management Area is provide by boat or float

plane from Valdez and Cordova. There are no roads or trails within the management area. Access is further restricted by the private ownership pattern along the coastline.

11. Enforcement.

The Cordova Ranger District enforces all laws and regulations relating to the occupancy and use of National Forest System lands within the unit. The District Ranger has the capability of calling upon a special agent or law enforcement officer if the situation warrants.

12. Management.

The Cordova Ranger District currently has a staff of 15 people involved in resource management and administration. They are actively involved in recreation and fish and wildlife management. In addition, they can call on specialists to deal with mining, soils, hydrology or other resource questions. Agency personnel are in this part of Prince William Sound on a periodic basis through out the summer. Little to no agency visitation takes place from late September through March.

13. Future Uses.

Based on figures from the Forest Plan, the following table estimates current and expected use of National Forest System land within the management area. Figures are given in Recreation Visitor Days (RVD) which is one person for 12 hours.

Activity	1990 Estimate	2000 Estimate
Developed Recreation	1,000 RVD	2,000 RVD
Dispersed Recreation	17,000 RVD	23,000 RVD
Wildlife Use	1,000 RVD	2,000 RVD
Sport Fish Use	2,000 RVD	3,000 RVD
Commercial Fish Use	3 Million lbs	3 million lbs
Mining Plans of Operation	0	0
Timber Harvest	3.0 million bf	1.5 million bf

14. Public Participation.

All proposals to conduct or permit activities on the unit require NEPA analysis. As part of the scoping for all activities, public comment and participation is solicited. The level of public participation solicited is commensurate with the level of the complexity and controversy of the project. Any amendment to the land management plan controlling management of this area would involve considerable public participation.

Any decision for the management of this area that involves NEPA analysis is subject to administrative appeal under 36 CFR 217. The appeal rights provide any member of the public with the chance to challenge the adequacy of analysis that went into the

decision making process.

15. Additional Protection.

Additional protection options that could be considered for the area include Wilderness designation, National Recreation Area designation, National Management Emphasis Area, National Scenic Area, Recreation Area, and Research Natural Area. Several of these designations would require Congressional designation while others could be done administratively.

The Chief, Regional Forester or Forest Supervisor has the authority under 36 CFR 261 Subpart B to issue orders which close or restrict the use of described areas within the Forest, including this unit. Areas could be closed to protect special biological communities, threatened, endangered, rare, unique or vanishing species of plants, animals birds or fish.

16. Extra Costs.

A special designation would not necessarily add any additional costs to the administration and protection of the area. Special area designation could make it easier to deny an activity or require more time and effort to approve an activity. This could increase management costs.

Special restrictions or orders closing an area would require additional enforcement which would require additional manpower and equipment. Boats, aircraft time and resource personnel, including law enforcement officers needs would increase. An additional outlay of \$100-150,000 would be needed for equipment to provide additional protection. An additional \$60-80,000 would be needed per year for the increased staffing needs. This cost would be spread out over other units in Prince William Sound that could also need additional protection.

17. Other Management Authority.

The Alaska Department of Fish and Game has management authority over fish and wildlife harvest, consistent with Federal subsistence management regulations. The Corps of Engineers issues permits for activities in wetlands and floodplains and the State Division of Governmental Coordination reviews projects for consistency with the State Coastal Zone Management Act.



OIL SPILL RESTORATION PLANNING OFFICE

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DATE: 10/4/97

- BRODERSEN, Mark.....465-2378
- COMERCI, Linda.....271-2467
- RABINOWITCH, Sandy.....257-2510
- RICE, Ken.....276-7178 *delivered*
- SENNER, Stan.....271-2467
- STRAND, John.....789-6608
- WEINER, Art.....563-7122

- Karen Klinge _____ *delivered*
- Donna McCready _____
- _____
- _____

FROM: Stan Senner _____

Pages (including coversheet) 15

MEMO

Attached are the RPWG calendars and minutes of the Oct. 2-3, meeting.

Barbara