

RPWG

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OIL SPILL OFFICE

Department of the Interior
OFFICE OF THE SECRETARY
Office of Environmental Affairs - Alaska

NOTE

October 22, 1992

TO: Restoration Team
FROM: Doug Mutter, DOI
RE: Public Advisory Group Meeting 10/29/92

The agenda and Volume I of the Document Control Binder for the PAG have been mailed to PAG members, the RT and the TC. Volume II, including the Framework and Supplement and the 1993 Workplan, will be distributed at the meeting.

Attached is the latest assignments for presentations at the meeting. If you have any handouts other than what is in the notebooks, please make 50 copies, have them 3-hole punched and mark them so they can be easily inserted by PAG members into their notebooks: for example, the top of the first page of any handouts for the symposium would be marked "Insert Tab VIII.C", or for the restoration plan as "Insert Volume Two, Tab II" (see attached contents pages).

I am going to suggest that the PAG hold its second meeting on December 2, 1992 and focus on the 1993 Workplan, as we previously discussed (see attached draft agenda). Any comments?

Attachments: 4 pages

Assignments
PAG Meeting of 10-29-92

<u>Time</u>	<u>Topic</u>	<u>Person</u>
9:30	Call to order	Cole, chair
	--Opening remarks	Cole & TC Members
	--Introductions	Cole
	--PAG member backgrounds	PAG Members
	--Mission/charge to PAG	Cole & TC Members
	--PAG and TC discussion	TC & PAG
10:30	Break	
10:45	Administration/operations	Mutter, chair
	--Agenda/next meeting	Mutter
	--Role of PAG	Rutherford
	--Authorities & ethics	Goltz
	--Information/materials	Mutter
	--Travel/expenses	Mutter
11:45	Lunch break	
1:00	Background/program	Gibbons, chair
	--Brief history	Gibbons
	--Court agreement	Tillery or Gibbons
	--Status of joint funds	Broderson
	--Public involvement	Rutherford
2:30	Break	
2:45	Restoration activities	Gibbons, chair
	--Restoration plan	Strand
	--Environmental impact statement	Rice
	--Habitat protection	Rutherford
	--1993 work plan	Montague
	--Oil spill symposium	Morris
4:15	Public comment	PAG Member, chair

Document Control Binder
Exxon Valdez Oil Spill
Public Advisory Group

VOLUME ONE

<u>TAB</u>	<u>SUBJECT</u>
I.	<i>Trustee Council</i>
A	Trustee Council Members
B	Trustee's Memorandum of Understanding
C	Trustee Council Operating Procedures
II.	<i>Restoration Team</i>
A	Restoration Team Members
B	Restoration Team Operating Procedures
III.	<i>Working Groups</i>
A	Summary of Each Working Group --Members --Tasks
B	Working Group Operating Procedures
IV.	<i>Public Advisory Group</i>
A	Public Advisory Group Members
B	Charter
C	Public Advisory Group Operating Procedures
D.	Regulations/Background Information
V.	<i>Staff</i>
A	Organization Chart
B	Staff Job Descriptions
VI.	<i>Finance</i>
A	Finance Committee Members
B	Financial Operating Procedures
C	Annual Budget
D	Quarterly Reports
VII.	<i>Court Settlement</i>
A	Agreement and Consent Decree
B	Memorandum of Agreement and Consent Decree
C	Court Requests
VIII.	<i>Scientific Review</i>
A	Chief Scientist
B	Peer Reviewers
C	Symposium

Document Control Binder

Exxon Valdez Oil Spill
Public Advisory Group

VOLUME TWO

<u>TAB</u>	<u>SUBJECT</u>
<i>I.</i>	<i>Restoration Framework</i>
<i>II.</i>	<i>Restoration Plan</i>
<i>III.</i>	<i>Environmental Impact Statement</i>
<i>IV.</i>	<i>Annual Work Plans</i>
<i>V.</i>	<i>Habitat Protection</i>

DRAFT

Meeting Announcement

- A. **MEETING:** Exxon Valdez Oil Spill Public Advisory Group (PAG)
- B. **DATE/TIME:** Wednesday, December 2, 1992 @ 9:30 AM
- C. **LOCATION:** First floor conference room
645 G Street, Anchorage, AK
- D. **PURPOSE:**
 1. Review and discuss the status of current restoration and related activities.
 2. Review and make recommendations on the 1993 Work Plan for the Exxon Valdez Oil Spill Trustee Council.
 3. Elect officers.

E. AGENDA

<u>Time</u>	<u>Topic</u>	<u>Person</u>
9:30	Call to order	Designated Federal Officer
9:15	Election of officers	
9:45	PAG Operating Guidelines	Chair
10:30	Break	
10:45	Draft Restoration Plan --key elements --review schedule	Work Group Chair
11:45	Lunch break	
1:00	1993 work plan --Brief overview --Discussion/recommendations	Chair
2:30	Break	
2:15	Continue discussion of 1993 work plan	Chair
3:30	Schedule next meeting	Chair
4:00	Public comment	Chair
5:00	ADJOURN	

F. ATTACHMENTS: None

RESTORATION PLANNING WORK GROUP
October 28, 1992
10:45 a.m.

ATTENDEES

Chris Swenson
Carol Gorbics
Karen Klinge
Sandy Rabinowitch (a.m. only)
John Strand
Bob Loeffler
Veronica Gilbert
Art Weiner

The following items were distributed:

Memo from Doug Mutter, dated October 22, 1992
Memo from John Strand re: Draft Alternative Themes

STATUS OF DETAILED SECTION OUTLINES

John asked the status of the section outlines. He has been working on monitoring and evaluation. Karen asked if this would be given to the RT on Friday. John stated "no" but they are to be submitted to him by Friday to reconcile any glitches before group review. Sandy stated that DOI has expressed a high degree of interest. John asked if all members had received a copy of the DOI outline. The level of detail required and how closely RPWG should comply with the DOI outline will be discussed with Dave. Carol suggested adding to the plan "the following things will not be included in the Restoration Plan but will be included in the EIS document." Barbara will collect the detailed input to the outline and a small group will meet to review the detailed outline. Sandy suggested that everyone give Barbara a disk so that the outline can be combined into one document.

ROLE OF PPWG

Veronica stated that Marty asked if RPWG expects the Public Participation Work Group to coordinate presentations at the public meetings. Marty would prefer not to do this. If she does have to do this, she would like a lot of lead time. Karen felt that this is PPWG's role. Carol stated that we could commit to having a couple of RPWG members attend. Bob suggested that LJ and Peg work on the public meeting plan. Veronica stated that by the end of January a public meeting schedule should be prepared.

CONSULTANTS

Randall Luthi is involved in writing regs for the Oil Spill Act of 1990 and in developing a restoration guidance manual pursuant to

implementing the Oil Spill Act. Randall asked that RPWG try to accommodate the consultants, Ken Finkelstein and Debbie French. They will be utilizing OSPIC today and will attend the PAG meeting tomorrow. John will meet with them on Friday one on one to answer specific questions. Sandy, Karen and Carol volunteered to assist with the consultants. Barbara will prepare a sign-up sheet for scheduling the times to meet with the consultants.

Chuck Gilbert is revising ugly book and asked for any RPWG comments for rewrites by Friday. Veronica requested that any comments be forwarded to her by the end of tomorrow

PAG MEETING

John asked if everyone received a schedule for the PAG meeting. RPWG is scheduled for 2:45. Karen stated that Marty stated she would be willing to give RPWG more time. Doug Mutter stated that RPWG would be allotted more time on December 2, which is the 2nd PAG meeting date. RPWG will have up to an hour at that time.

John talked with Bob regarding what RPWG might present to the PAG. Bob laid out some elements for presentation. John will begin by explaining RPWG's purpose and the specifics of where we are now. RPWG may need one designee to the PAG. Bob recommended that this be Sandy. Sandy asked what this would entail. John stated his view is the designee would attend meetings and be the first line of interface to bring back specific requests and coordinate any requests from our group to them. Sandy agreed to be the designee. John felt that other RPWG members could attend as their schedules allow. John will make some general comments and introduce the person who will be the liaison (Sandy). Bob stated that he would do the portions of the briefing he has written. Sandy suggested going over what we want to get across to the PAG. Veronica asked if the December 15th date for providing the key elements to the PAG will be advanced to the December 2nd date of their 2nd meeting. Veronica also asked if the 2nd could be used as an opportunity to present some of the elements. Bob stated that what we want to give the PAG is actually not alternatives but to separate the fact finding portion of what was injured by the spill, is it recovering, what are the options and how are we dealing with them. This should be given to the PAG unencumbered by other information. Bob stated that the workshops will be useful for separation. Carol stated we need to get a good straw man of the alternatives. Veronica recommended that if the RT submits comments by November 30th, then something could be presented to the PAG on the 2nd. Bob stated that the priority is the fact finding before the conclusions. The other elements are necessary to understand the alternatives. Sandy stated that we need to do a good job so that we don't leap to any conclusions. Bob agreed with Veronica that it would have more of an impact if the information is personally presented to the PAG to provide an opportunity to ask questions. RPWG agreed to make a presentation of some of the elements on December 2. Sandy

suggested a mini presentation could be done in some of the PAG members' areas. Bob explained his portion of the PAG presentation for tomorrow and suggested inviting the PAG members to the next peer review session. The PAG should be involved more in the fact finding. John stated that we will be asking for comments reflective of their interests and asked if that is consistent with the charter under which the PAG operates. Sandy added that RPWG thinks the PAG can help in the draft plan by working on a one-to-one level. Bob stated the second level is joint fact finding with non PAG groups; however, this should not be presented to the PAG. Sandy viewed this as a threat to the PAG members. Bob stated it could be done in a non-threatening manner.

Sandy asked what handouts will be distributed to the PAG tomorrow and suggested adding a copy of the annotated outline to the PAG notebooks. John provided a copy to Cherri for inclusion in the PAG notebooks.

The December 2nd PAG meeting will be an opportunity to give the PAG the key elements.

ROUTINE RPWG MEETINGS

John stated that RPWG needs to come to consensus on whether PAG members may attend routine RPWG meetings. Bob stated that Mark Brodersen stated that PAG members can be restricted from attending RPWG meetings. Sandy suggested that PAG members could be told to contact Barbara to schedule a time to come and observe RPWG's process. Bob stated that according to Charlie Cole, all meetings are closed. Bob is comfortable with the position that RPWG meetings are not advertised but they are always open.

INJURY SUMMARY

Karen had to leave at 11:30 but stated that she has some comments on injury, relating to the categories. John suggested this could be dealt with in a smaller group. Karen briefed Carol on her comments regarding injury for presentation in her absence. Carol stated that the substance comments and the blanks should be set aside for later discussion. Carol also suggested going over the format. Spies' injury table was reviewed in conjunction with the Restoration Framework. The injury summary was reviewed to determine what was missed. Cathy Berg took everything from Spies' table and attempted to assign a spot in her table. Carol referred to pink book and the complete list of species studied. The next step would be the whole universe of things which could be studied, which would relate back to public comment. John suggested this could be addressed in Carol's chapter. Veronica asked if direct mortality or population decline would be looked at. Carol stated population decline could define significance. Bob stated that knowing how many were killed is useful information. Carol stated that we don't have that number for most species, but where we have

this information it could be put in the comments section. Karen wanted population decline to define if an injury happened at some point or is continuing to decline. Bob stated it is useful to separate injury from recovery. Direct mortality is whether something was found dead. Carol stated she is trying to steer away from too much complexity in the tables. Everything cannot be captured in the table but in the text. John stated he would like some number on direct mortality. Sandy suggested an estimate could be used.

Lunch break.

RPWG reconvened at 1:30.

During lunch, Carol and Chris tried to capture in a chart the concept of injury and where we are now. Initial mortality was included under injury. Bob asked if you can have direct mortality without a measurable effect on the population. Carol answered "yes".

Resource	Description of Injury			Status of Recovery			Geo Extent of Injury	Comments
	Initial Mortality	Pop. Decline Post 1989	Sublethal Chronic Effects or Exposure	Pop. Status	Sublethal Chronic Effects or Exposure	Dep. on Degraded Habitat		
Marbled Murrelet ¹	yes	yes	yes	c.d.	n.d.	n.d.		
Pigeon Guillemot ¹	yes 1500-3000 (est.)	yes	n.d.	unk.	n.d.	n.d.		
Pink Salmon ¹	n.d.	n.d.	yes	unk.	yes	yes		

¹Population may have been declining prior to the spill

n.d. - not detected but studied

no - studied, no likely injury

yes - studied, significant evidence of injury

unknown - not studied

Bob made the following suggestions to the table:

- use 11 point type
- use subheadings
- footnotes on every page
- if possible, don't use abbreviations

Carol will work on a draft and get back to the group on Tuesday. Karen suggested giving a copy to Spies also for comments.

Veronica stated that the HPWG discussed the summary of injury and stated possible Carol's table could serve that group also. John envisions writing a cover memo to Spies detailing what was done in the table. Art asked how much information will be in the narrative section describing injury. Carol stated "lots". Art stated there is a lot of complex information behind the tables. Veronica suggested presenting this as an outline of the injury narratives that Spies will do, and RPWG should agree on what kind of information is useful and what are the key points that need to be extracted. Carol stated that Spies captured those points. John stated that substantively RPWG agrees with Spies. The original intent was to have a table that summarizes everything. The table is a stand-alone product. Veronica stated that the table may not be terribly useful for laymen. Bob raised the issue that habitat degradation may be misinterpreted by the public. Art stated that it will be important from the habitat protection point of view for the public to understand habitat types, and defining habitat types and sites will need to go somewhere in the document. Art also stated that the assumption he would make, if he were the public, would be the extent of injury is equal across the board. If the public doesn't read the narratives, they can make a lot of incorrect assumptions. Bob raised the issue that Spies will not fill out services. Sandy has been assigned to fill out the table on services. Carol stated Sandy thinks that services should have the status of injury changed to the three bullets from the Restoration Framework document. Carol requested comments on the table by c.o.b. Monday. Art questioned if wilderness and intrinsic values have been discussed. Bob stated "yes". Sandy will be writing this.

DRAFT SKETCH ALTERNATIVES

Veronica prepared a package detailing how to present the six draft alternative themes to the Restoration Team. We are in an awkward position because we are unsure what the database will do for us. Karen stated she had some comments on wording. Karen tried to think of different approaches to developing the alternatives. She would take something similar to alternatives 5 and 6 and keep the expanded list of injuries in the pot. There is the risk of getting complicated if we restrict the target injury. Decisions have to be made on replacement options or equivalent resources. Karen used alternative 6 with a conservative view. You emphasize those things that have a greater certainty of injury. The database is sorted

for what things apply and the component funding determined. You don't drop out things with less certainty of injury. Alternative 8 is much more relaxed and is based on how effective the projects might be. Veronica stated she thought about Karen's concerns and went back to the outline on page 2 of the cover memo. Options are not mentioned at this stage. Veronica does not feel comfortable with this because the database has not been revamped yet. Carol stated the options would give a range. Veronica stated she understood this would be done generally by theme. The distinction is that this would be a basis for structuring alternatives. Karen stated that she thought about the alternatives in this respect because she didn't want to eliminate a lot of the Trustee's flexibility in doing things. Veronica stated that at this stage we need to address some of the basic cuts. Veronica stated there are two questions: 1) what do we want these to look like and 2) what do we need from the Restoration Team. John stated that we need some consensus from the RT on what the differences between the alternatives would be. Carol questioned if we have moved forward with the present themes. Veronica asked what she would like to see added. Carol stated that adding the options would show that some progress was made. Veronica stated if we could all agree on the list of resources that were injured at a population level, that might be something that helps. Karen agreed with Carol and felt the alternatives were too general and stated the assumptions are not targeted in the right direction. Carol stated the adequacy of natural recovery does not change from one species to another, and you should talk about rate or speed. Veronica stated that she has no problem dropping the assumptions. Carol stated she felt the assumption regarding impact of other activities was good. Karen stated you don't make arbitrary decisions about allocations until some of your options are brought out. Veronica suggested using a method of allocating funds across the board to see if there are substantial differences. If you look at the notion of cost and then look at the alternatives, you minimize cost by looking at the most effective things at the lowest cost. Bob recommended capturing the following ideas: 1) an option is not always an option 2) what are the oil spill boundaries. John stated that a decision needs to be made on what the alternatives are. Veronica stated in terms of whether things will be done outside or inside the affected area, she is confused on whether it is presumed or by definition. Is this done in advance as a constraint of the options you set? John stated we have to decide this to come up with some recommendations to the RT. Karen suggested using the term geographic constraints to cover this issue. Karen suggested using her ideas for alternatives 4,5, and 6 with type focuses. Chris suggested deleting framework alternatives and protection from the table. Replacement could be added to 4,5, and 6. Karen stated that protection is usually direct restoration. Veronica stated the language may include land outside EVOS, but won't necessarily. Karen stated the difference between 3 and 4 is you are opening up your options by adding those moderately affected. The choice is doing enhancement inside the EVOS area (2,3,5) or outside.

Alternatives 4 and 6 are inside and outside. Chris asked if alternative 2 is considered a conservative protection option. Karen stated the premise is to provide protection so that natural recovery can proceed at the most rapid rate. John suggested changing the term "active restoration" to "progressive restoration." Veronica suggested asking the editor for words which capture the meaning. Chris questioned if sublethal affects are included under the variable for Alternative 2, and stated it should be included. Karen suggested making this more explicit in 3 and 4 by adding "limited to resources injured at a population level." John suggested changing alternative 5's title to expanded and RPWG agreed. John asked if it is anyone's sense that the RT is looking for a pie chart. Karen stated that at some time in the future they will want to see one. The final question to address is budget constraints or allocation. Karen stated her reaction is 2,5 and 6 would have variation in allocation, and 3 and 4 would not because of the focus on certainty of injury. John asked if it is possible to capture this. His view is we should have a couple of conventions for how we deal with that. Karen stated monitoring should show up in all of these. Veronica suggested having a footnote that all alternatives include monitoring. Veronica also suggested that budget constraints could be added as a fifth variable. Karen stated that emphasis would be on those species which suffered the most severe injury. It is not necessary to make an explicit exclusion for things which don't fit. John asked if we could add some rationale to take to the RT that addresses cost allocation for each alternative. Bob stated he is not sure you make the allocation and force the alternative to fit. John suggested taking a couple of examples or conventions to the RT for dealing with costs associated with each alternative. John stated he is afraid to ask them anything without giving them something. Bob suggested doing an arbitrary allocation of cost by framework characteristics. Karen suggested putting the criteria into words because all the RT may not know what the criteria means. Veronica will redo the table. John will make some points of clarification to the cover letter. Karen asked if it would helpful to describe the differences between 3 and 4. Veronica stated that she had done this originally but she is concerned about introducing lots of verbiage in the table; however, this could be expanded in the cover letter. Karen asked if it is stressed in the memo that the database has been modified. Veronica stated that she mentioned this.

The remainder of RPWG's agenda will be completed Friday morning at 8:30. Meeting adjourned at 4:40.

TO: Restoration Team

DATE: October 28, 1992

FROM: John Strand, Chairman
Restoration Planning Work Group

SUBJECT: Draft Alternative Themes

This memo transmits draft alternatives themes for your review. I understand you have scheduled a meeting for November 6 to discuss these alternatives. I would be pleased to send a member of the Restoration Planning Work Group to that meeting as a resource person if you like. We would appreciate your comments on the draft Sketch Alternatives as soon as possible thereafter.

The decision process for the Restoration Plan was recently subjected to peer review. Peer reviewers found it generally sound but suggested a few refinements. One of the major suggestions was to explicitly reflect the level of certainty in our estimates of injury and assessments of the effectiveness of restoration activities. We intend to modify the options assessment decision process and continue using it to generate alternatives.

The peer reviewers also suggested a few other ways of approaching alternatives. These are listed under question 2 below.

Alternative 1 is the no action alternative; Alternative 2 is a pure protection alternative; Alternatives 3 through 6 vary according to the nature and certainty of injury, level of knowledge of recovery,

and effectiveness of techniques.

Once we have your concurrence on the general approach to alternatives we will further elaborate on each alternative by addressing the following subjects:

1. Specific actions (options)
 - a. By resource or service
 - b. Timing and priority
2. Monitoring Program
3. Evaluation
 - a. Effect on recovery of resource or service (time and extent)
 - b. Ecosystem effects
 - c. Geographic distribution (including maps)
 - d. Social benefits (including economic impact)
 - e. Cost and methods of estimation or derivation
 - f. Certainty of the above factors

We would appreciate all comments, but especially responses to the following questions:

1. Objectives: We presume the restoration process should address the following objectives, but we would like your concurrence or other suggestions.
 - a. Recovery to pre-spill conditions
 - b. Protection from further degradation or decline [relationship to habitat protection]
 - c. Minimize cost

- d. Social benefits (education, economic stability)
- e. Geographic distribution
- f. Ecosystem effects

2. Alternatives: Do you understand how the alternatives were derived? Do you support the basic themes of the alternatives proposed? If not, would you prefer a different approach to alternatives. Those suggested by peer reviewers are the following:

- a. Various allocation mixes by categories such as protection, manipulation, and enhancement.
- b. Mix of geographic distribution.
- c. Distribution of at least one project for each injured resource or service.
- d. Cluster options by services, e.g., subsistence resources, commercial fishing, and recreation.

We need and appreciate your guidance at this important juncture of the restoration plan. Thank you.

Attachment

	Alternative 1 Natural Recovery	Alternative 2 Protection	Alternative 3 Limited Restoration	Alternative 4 Moderate Restoration	Alternative 5 Active Restoration	Alternative 6 Comprehensive Restoration
Theme	No action other than monitoring.	Protect injured resources and services from further degradation or decline.	Use the best techniques to protect and restore injured services and resources injured at a population level.	Take all reasonable actions to protect, restore, and enhance injured services and resources injured at a population level.	Use the best techniques to protect, restore, and enhance all injured resources and services.	Take all reasonable actions to protect, restore, and enhance all injured resources and services.
Assumptions 1. Adequacy of Recovery	Affected area is recovering adequately on its own.	Affected area is recovering adequately on its own.	Natural recovery is not adequate to restore the affected area to pre-spill conditions.	Natural recovery is not adequate to restore the affected area to pre-spill conditions.	Natural recovery is not adequate to restore the affected area to pre-spill conditions.	Natural recovery is not adequate to restore the affected area to pre-spill conditions.
2. Impact of Other Activities	N/A	May cause further degradation or decline in injured resources or services.	May cause further degradation or decline in injured resources or services.	May cause further degradation or decline in injured resources or services.	May cause further degradation or decline in injured resources or services.	May cause further degradation or decline in injured resources or services.
Variables¹: 1. Injury	N/A	All injured resources and services.	Resources injured at a population level and injured services.	Resources injured at a population level and injured services.	All injured resources and services. Includes sublethal effects and injuries not well documented.	All injured resources and services. Includes sublethal effects and injuries not well documented.
2. Knowledge of Recovery	N/A	Known and unknown	Known	Known and unknown.	Known and unknown.	Known and unknown.

¹Major variables used to construct alternatives. Other options have been considered in the evaluation of options.

	Alternative 1 Natural Recovery	Alternative 2 Protection	Alternative 3 Limited Restoration	Alternative 4 Moderate Restoration	Alternative 5 Active Restoration	Alternative 6 Comprehensive Restoration
3. Effectiveness of Restoration Activities	N/A	Most certain to prevent further degradation or decline.	Most certain to produce greatest improvement in rate and/or degree of recovery or prevent further degradation or decline.	Reasonably certain to produce at least moderate improvement in rate and/or degree of recovery or prevent further degradation or decline.	Most certain to produce greatest improvement in rate and/or degree of recovery or prevent further degradation or decline.	Reasonably certain to produce at least moderate improvement in rate and/or degree of recovery or prevent further degradation or decline.
Framework Alternatives/ Settlement Characteristics	N/A	Protection	Protection and Direct Restoration	Protection, Direct Restoration, Acquisition of Equivalent Resources, and Enhancement	Protection, Direct Restoration, Acquisition of Equivalent Resources, and Enhancement	Protection, Direct Restoration, Acquisition of Equivalent Resources, and Enhancement
Selection Criteria (old database)	N/A	Framework = PR or Criteria 1b = H	Framework = PR or Criteria 1a = H or Criteria 1b = H	Framework = PR or Criteria 1a = H or M or Criteria 1b = H or M or Criteria 4 = H or M	Framework = PR or Criteria 1a = H or Criteria 1b = H or Criteria 4 = H	Framework = PR or Criteria 1a = H or M or Criteria 1b = H or M or Criteria 4 = H or M