

**RESTORATION PLANNING WORK GROUP/RESTORATION TEAM
FEBRUARY 4, 1993
1:00 P.M.**

Attendees

Marty Rutherford
Sharon Saari
Jerome Montague
Byron Morris
Pam Bergmann
Karen Klinge
John Strand
Veronica Gilbert
Ray Thompson
Chris Swenson
Bob Loeffler
Mark Brodersen
Ken Rice
Sandy Rabinowitch
Carol Gorbics
Dave Gibbons
Art Weiner (in Marty's absence)

INJURY ASSESSMENT STUDIES TABLE

Marty stated that she thought the RT would make the call on format presentation and Spies would make the call on injury status. Pam stated she went through the revised tables and made comments based on her review. It is important that Spies feels comfortable and buy off on the changes. Carol stated that RPWG met with Spies and came up with the table. Three RT members gave comments to RPWG which were incorporated. The next step is to go back to Spies. Marty stated she is uncomfortable with this incorporation. Pam reviewed her notes from the December meeting and read aloud the action items involving the table. The RT was going to work with Bob to resolve conflicts to the table. Mark read his notes which stated: RT to review injury summary and give preliminary comments to Dave by January 5. Marty stated that she is uncomfortable that the comments have already been incorporated. Mark stated that we need to move on from here and review the table. Pam stated she has come up with more specific comments on the table which need to be discussed. Marty asked what kind of comments they were. Pam stated that some of the things involved logic. The description in the text does not match the information in the table. The footnote says population may have been declining and text says there were population declines. There appears to be logic gaps in some information. Footnote D wasn't clear. The "see comments" section does not answer questions. There is a logic problem with killer whales.

Jerome had some significant changes on pink salmon and Dolly

Varden. Pam stated she spent a lot of time going through the tables and hopes the comments will improve the overall product. Jerome stated he doesn't feel it is appropriate for Spies to have the final say on the table. Marty stated that Spies has to be the arbitrator on the injury status. Jerome stated he feels the RT has the expertise to do this. Mark stated that to put down that there is disagreement is intellectually honest. Marty stated the difference of opinion is between peer reviewers and the Chief Scientist. Dave proposed reviewing process type items and submitting other comments to Bob. Marty stated that some agencies are commenting again and again. Pam stated that the RT failed to meet directly with Bob. Dave stated the presentation shouldn't go to Spies but the content should. Carol suggested taking comments to the subgroup with Spies and making a list of unresolved issues. The RT can then go through the unresolved issues. Veronica suggested going over the bald eagle issue.

Mark stated that the RT needs to make a recommendation to the TC regarding a policy decision on what to do when there is disagreement. Ken stated the policy decision is made in the choice of alternatives by the Trustee Council. Karen re-emphasized that if information comes back that changes the injury status, we can deal with it later if the level shows no documented population effect. Mark stated that for species where there is disagreement on sublethal effects, we should take a more liberal viewpoint. The question comes down to professionals who are giving us advice on population effects to resources and services. Mark suggested you treat it as though it had population level effects. Mark stated where there is disagreement the two choices are 1) do you treat the resource or species as sublethal only or 2) as a population level effect.

Jerome stated we should hear what Spies and the other peer reviewers have to say. Marty stated she doesn't think that is the RT's role to be the arbitrator of the science. Dave stated that the verbiage in the injury assessment table seems appropriate. There is a purpose to the wording difference. Jerome stated that he would change cutthroat to unknown. Pam agreed with Carol's suggestion for the RT to get comments to a RPWG subgroup for review with Spies.

Veronica stated that if we give the TC any of the plan's key elements, we need to know which species sustained population level injury or sublethal injury. Marty suggested going species by species to determine any problems. The RT agreed.

Harbor Seals - Dave stated that Kathy Frost said there was no continuing injury. Evidence of continuing sublethal effect should be changed to "no". The number killed was also higher (345). Pam stated in column one it would be helpful to have some population estimates and this information could be pulled from the text. Jerome stated that in many cases the information is available but

may not be in the text. Dave asked if pre-spill numbers would be included. Ken stated if RPWG can do it, the numbers should be put in. Byron stated he would prefer to leave this information in the text because it would be too difficult to convey it in the table.

Humpback Whales - No change.

Killer Whales - Byron stated 13 whales died. Mark suggested adding a footnote: the 13 whales are from AB pod only. Byron stated the second sentence is not accurate. He further stated that sublethal and chronic effects should be changed to "yes" and recovering population status is "unknown". Pam disagreed with the text which stated there is no evidence that deaths were linked to contact with oil and stated you should be consistent among categories. Mark suggested including "possibly" to oil spill mortality. Chris stated that the original intent of "possibly" was to indicate disagreement and not lack of data. Pam asked if there were peer reviewers who believed the injury was oil-spill related. Jerome stated "yes". Pam asked what to do with editorial changes and suggested the table be reviewed for consistency. John requested that the comments be more explicit than just question marks and arrows. Byron stated that several adult males have collapsed dorsal fins, and social disruption of family units was observed.

Sea Lions - No change.

Sea Otters - Carcasses of prime age animals were found on beaches in 1989, 1990 and 1991. Carol will defer to Spies on whether it should be "yes" or "possibly". Evidence could be defined in the footnote.

Black Bear - Jerome stated no field studies were completed but they were attempted.

Bald Eagles - Non-measured declines are not included. Pam suggested the footnote could capture what the criteria is. Ken stated there are a lot of footnotes, and it could possibly be added to the comments.

Black-legged Kittiwakes - No comments.

Marbled Murrelets - No change.

Other Seabirds - Carol would like to check with Bob on the number.

Stellar Sea Lions - The spelling "stellar" should be checked.

Cutthroat Trout - Decline in population is "unknown". "See comments" is redundant.

Dolly Varden - "See comments" is redundant.

Pacific Herring - No change.

Rockfish - The number will be put in the comments.

Sockeye Salmon - Pam stated she would like to show that the effects looked at are not due to direct oiling. The effects on the population are unknown. Current population status is "continuing decline". Mark suggested adding "initial" oil spill mortality.

Crabs - Jerome suggested adding there was insufficient data to determine injury.

Intertidal - Pam stated there needs to be a reference to hot water washing. Intertidal organisms were affected by oil spill cleanup, particularly high pressure washing (e.g., *Fucus*).

Subtidal Communities - Delete "see comments". Byron stated we need to address the physical resources, such as air, water and sediment. Dave stated these will be addressed under another category along with archaeology. Carol stated a footnote will be added to "see text". Byron also stated that archaeological resources are a resource and not a service.

Archaeology - There are 24 known sites. Other sites may be determined later. Sandy stated the injury is a description.

Pam suggested having the table peer reviewed. Sandy suggested faxing the table and text to peer reviewers. Dave stated this should be run by Spies.

Subsistence - Jim Fall will review this data. Pam stated that DOI's attorney recommended Chenega Bay's legal people also review this. Dave stated Maria will be asked about the review.

Recreation/Tourism - There is limited data. Ken questioned if RPWG can separate tourism and recreation. Veronica stated it can be done and asked if the split is whether the individuals make money or not. Jerome stated that separating them would be too complicated and unnecessary. Sandy stated that you will take a pretty thin pile of data and make it thinner. Ken stated he would charge RPWG with determining whether the data allows for separating tourism and recreation.

Sport/Commercial Fishing - Byron stated that recreational fishing should be included under recreation. Pam stated that everything recreational should be under recreation because we should be using logic. Veronica stated we are analyzing how things were affected and not how business went down. Associations of people who do these types of things were contacted. Byron stated that the problem is not a labeling issue but substance.

Wilderness/Intrinsic Values - Ken suggested adding wilderness study

areas. "Tenacious" was removed. Mark stated you should delete "wilderness" because you are begging for trouble. Intrinsic value captures this service. Dave stated he would take out "intrinsic" and leave "wilderness". Mark stated that the concept of lost use has to be captured. It is a service provided by the resource. Wilderness will be legislated wilderness. Mark suggested lumping intrinsic values and lost use together. It was decided to leave it to RPWG's discretion of whether to separate intrinsic values and lost use.

Dave stated that since closure could not be reached on services, discussion of the table would be discontinued.

Jerome raised the issue of trapping. Pam stated that if you are going to pull these out, then why not hiking and kayaking. Pam suggested under recreation, the user groups need to be defined.

Dave stated that the Restoration Plan is already too complex for the public to understand. Dave proposed that the services table not be included in the package to the TC and the alternatives be reviewed tomorrow.

Break at 4:05.

Dave suggested forwarding the services table to the TC with the note that it is a working draft not for public review. Pam did not agree with giving them something that is not finished. Mark suggested stamping draft on the table and forwarding it to the TC. Ken asked what is Pam's fear in forwarding it to the TC. Pam stated because it doesn't just go to the TC, and it is not ready to go to the public. Dave stated in the past the TC has received draft working documents which did not go to the public. Sandy stated that pretty much what the table says has already been given to the public. Mark stated that we are close on the total content but disagreement lies in splitting various parts. The concern is over presentation. Veronica suggested the RT assign one liaison member to review the information in an effort to work together jointly and funnel concerns. Dave stated the liaison might not represent the group. Ken stated that if the guidance received by the RT cannot be done or is not sufficient, RPWG should come back to the RT.

It was decided to include the services table as a working draft to the TC only. Pam asked what are the action items to keep working on this. Dave asked how soon could RPWG have the table incorporating trapping, intrinsic values and lost use. The RT will receive a copy next week.

SUMMARY OF RESTORATION PLAN ALTERNATIVES

Bob gave an overhead presentation on the table, Summary of Restoration Plan Alternatives. All stages of recovery was changed

to resources recovered and not yet recovered. Alternative 2 was changed to habitat protection. Bob stated there are things for which there are no effective actions. Ken asked what is meant by protect or increase existing uses through habitat protection. Bob stated it is the extent to which you would like to provide opportunities and access for human use to the resources and services. Pam stated that she agreed with Byron that "public uses" captures this.

Marty stated that all alternatives, except natural recovery, assume injury to services. Mark suggested changing "injury" to resources addressed. All injured services are addressed in all alternatives. Mark suggested changing status of recovery to status of resource recovery. Marty asked what is baseline. Ken stated it is where a resource would be had there been no oil spill.

Mark suggested the following changes to the variable headings:

resources addressed
status of resource recovery
effectiveness
service actions implemented

Veronica stated that lots of people do not want "accessibility" to imply roads. The category, opportunities for human use, was developed because of this. Marty asked how RPWG felt about "types of service actions implemented". Pam stated the problem is in characterizing what you are trying to show. Veronica stated ordinary people don't necessarily understand the clear distinction between resources and services.

Carol suggested the following changes to the variables:

under injury, adding services to all alternatives
effectiveness of restoration actions for resources and services
strategies for public uses

Carol's suggestions were agreed to.

RPWG's portion of the meeting adjourned at 5:25 p.m.