

RPWG
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Restoration Planning Working Group

EXXON VALDEZ OIL SPILL RESTORATION OFFICE

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TO: RT, RPWG

DATE: May 19, 1993

FROM: Bob Loeffler

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SUBJECT: Notes from 5/18 & 5/19 RPWG/RT Meeting: Review of Draft Restorat'n Plan

These are the notes from the RPWG/RT meeting reviewing the May 10th version of the Draft Restoration Plan. They are discussed by Chapter. They do not include notes from the draft made by RPWG (see 5/18 notes by Veronica). Also, they do not include RT notes for Appendix E.

Finally, they do not include notes given to me by individual RT members.

Chapter I.

p1, ¶2. 3rd Sentence. Change as, "~~The Annual Work Plan is a mix of restoration activities to be funded~~ **It will be** based on the policies and spending guidelines for the Restoration Plan...

¶4, 2nd sentence. Change "doing nothing" to "natural recovery". Add concept that the 5th alternative we do everything we can but are constrained by money. (We noted to RT that we might drop sentence.)

¶5, 1st line. Change "the best way" to "how". 5th line. Change ..."animals, plants, and ~~people~~ **human uses** injured..." 2nd to last line, change "to prepare a Final Restoration Plan ~~for your review~~ **to be presented to the public** in the fall of ..."

p2, ¶1. Change 1,200 miles to greater than 1,500 miles.

¶5. Add that there was limited clean-up in 1992 to the paragraph.

Figure I-1. Need to put EVOS area on map. Add either beach oiling or have two maps. In any case, indicate that there was more than the surface oiling in this future. Perhaps have two maps. Leave how to do it up to RPWG.

p3, 2nd & 3rd ¶ under Settlements. Make consistent with "Settlement 101". Change "forgiven" to "remitted (forgiven)". Criminal fine is \$150 million. \$13 million were paid to the North American Wetlands...and \$13 million into the Victims of Crime Act Account. Delete the part about \$50 million each paid to US and State. Add a sentence to the end of the paragraph that "In addition, Exxon agreed to pay \$50 million to each.....in restitution."

p5, ¶2. Change to, "It *does not* manage fish and wildlife resources or ~~make land~~

~~use decisions manage lands.~~ Fish and game management decisions ~~or land use decisions~~ are made by fish and game boards, ~~or by appropriate federal or state agencies.~~ The Trustee Council may make recommendations to state and federal agencies, provide funds for state and federal management (add approximate language here like "above normal agency management"), or fund research to provide information to those agencies or other groups. The Trustee Council may also fund the purchase of private land or private property rights.

p5, Table. Eliminate bullets underneath \$240 million. Asterisk or otherwise note seal Bay purchase (but don't put in table). Add "governments for remaining past expenditures." Also Veronica checks DOI suggestions, etc. with Balfour (sp), the budget guy.

p7, ¶ on PAG. Get DEIS changes to this paragraph from RAY. Specifically change advise, there are 15 voting and 2 ex-officio members. 1st term began Oct 15, 1993. Say how many PAG meetings there have been and that they have all been in Anchorage.

p8, Issues. Re-order issues by putting those that contain similar thoughts together. In second issue, eliminate "..including socio-economic studies..."

p9, last two sentences. In some cases an environmental assessment or a categorical exclusion from ~~further analysis formal documentation~~ may be appropriate. In any case the documentation of the effects analysis will be submitted to the Trustees Council as a component of Annual Work Plans.

p9. All of EIS sections. Get review by lawyers. Also, wherever it says, "requires and EIS" get lawyers reviews.

Chapter 2. No discussion

Chapter 3.

General:

- Put Option Names/Titles tables into back of the chapter.
- Make sure its clear in those tables that there are no general restoration Options in Alternatives #1 and #2.
- For each alternative, put summary of costs for General Restoration Options that adds up all of the costs for options identified for that alternative. (Expected costs & range). Show how much remaining between that and potential allocation in the alternative as a balance for new options.
- Identify Resources & Services addressed in each alternative.

Add paragraph under Injuries Addressed policy question about whether we should address only the population that was injured, or the specie, but make no changes in comment sheet on the subject.

Specific comments:

p1, ¶2. Last sentence. "That alternative ~~will likely~~ ~~could~~ be made..."

p2, ¶2. Change "gulf of Alaska" to "colonies within the Oil Spill Area" (we can name them if we want to).

¶4, ..."and those that were injured but whose populations ~~did not measurable~~ ~~the scientists were unable to measure a~~ decline." (or something like that).

¶5. Use a different example, other than littleneck and butter clams. Check with Bob Spies to see if scientific studies have been completed to change our assessment of these clams in the injury table. If so, change the table(s).

p4, ¶5. "They would also comply with ~~existing~~ or amended ~~existing~~ land-use plans."

¶6. 1st line: "...it is possible to ~~take one side~~ ~~choose one approach~~ or the other."

Eliminate last paragraph. Add something about other issues you may want to address (priorities & addition to injuries addressed issue) to Comment sheet.

p5, ¶7. 1st sentence. We don't prioritize available land, we prioritize possible areas to protect. RPWG should do the actual wording.

p7, ¶1. last full line, "invertebrates, ~~would~~ ~~could~~ ultimately..."

Section on "Evaluating General Restoration Options for Resources, reference new language for Appendix D.

p8. Under "Recovery Monitoring" or in the intro paragraph, add concept that we monitor natural & aided recovery.

p9. Endowment: Make changes recommended by RPWG. Also, in ¶2, give range of money that 20% represents.

¶3. "~~Few~~ ~~Some~~ of the injured resources and services are ~~unlikely~~..."

p10, ¶1, line 4. Change "is likely to" to "may".

¶3, delete ¶.

Alternative #1. Make changes to be consistent with the EIS. Get from Ken. Delete "Archaeological resources will not recover. Change second paragraph as, "This alternative is the no-action alternative. ~~required to be part of the draft EIS. Consequently, None of the civil...~~"

p18, bullets: add a bullet something like, "cooperation of private land owners in managing their lands for restoration purposes."

last ¶, 2nd line. "land parcels" See other comment earlier about prioritizing land parcels. RPWG fixes language.

Add to paragraph (or break into 2 ¶s), examples of less than fee simple purchase and say that they would increase the acreage that could be protected.

Chapter IV.

p1, ¶1. "Project proposals will be solicited..." and put rest of sentence in with Part B. For revision of Part B, use Jerome's changes as modified and discussed into five points by Bob Loeffler.

C. Priorities ¶, change as "...will be incorporated into the ~~annual request for project proposals for the draft~~ Annual Work Plan. Criteria for prioritization ~~have not been finalized, but~~ may emphasize..."

p2, 4th bullet. "Projects that benefit injured resources and services ~~identified in the Restoration Plan but~~ not yet addressed ~~by restoration in Annual Work Plans.~~"

p2, II. Compliance with paragraph. 4th line. Delete everything after "requirements ~~although the Trustee Council...completed.~~" (i.e., delete remainder of that sentence and next.)

Appendix A. -- Allocation

Change by footnoting or otherwise noting seal bay in the text but not in the amount totals. Finish unfinished information. Include schedule of Exxon payments.

Appendix B. -- Affected Environment. Change to be consistent with changes made in EIS. Get from Ray.

Appendix C -- Habitat Protection & Acq.

General Changes:

- Change to emphasize the comprehensive process. That is, show interim threat process as the foundation from which we will make the comprehensive process, it is the basis for the comprehensive process, but there may be some changes. Specifically, we know there are problems concerning
 - Parcel boundaries are driven by logging activities, not ecosystems
 - lumped/splitting problem.

Discuss changes that we expect to make (show proposed lump/split categories)

- The introduction needs to emphasize that this is both public and private. (Layout is awkward).

- Put in examples to show how the system works. Maybe top five interim threat parcels. Don't use small parcels as examples.
- Table C-1. Show resources & svcs are linked to upland habitat. Show plan categories (not HPWG categories). Later show HPWG analysis categories.

- Tables C-3 & C-4 are interim.

Specific Changes

p2, First full ¶. "One issue facing the Trustees is whether..."

p3, last ¶. ~~There will also be Potential economic and social impacts that result from the implementation of this process are analyzed in the draft EIS.~~

p9, ¶5. Use language from pg 11.

p11. ¶1. 1st line. "...can include making recommendations for changing agency..." "Appropriate protective actions on public lands would be determined by first identifying injured resources and services on public those lands..."

¶4. Delete AMSAs, move NMS to the Federal list and add other federal examples such as NRAs, administrative designations.

Last ¶. "At this time, the Trustee Council has no recommendations for changes in public land and water management are proposed. However, agencies may be doing some changes on their own. The Trustee Council may propose changes in the future final Restoration Plan..."

Appendix D - General Restoration

General Changes.

- Need introduction to say what this appendix is, what is there. Need to understand what "evaluation by resource or service means, for example. Make it clear how new options are added to the plan. Put the Brochure information about legal review.
- Put a section in about new options that have been identified but not evaluated. Reference in the text of Chapter III. examples are Pigeon Guillemot boxes, shoreline clean-up (assessment?), and other good ideas gleaned from the '94 project list.

Specific

Delete "Study" in table of contents.

Move "Option Number" in contents from existing location.

p2. Change list of criteria by dividing into ones we used and ones that had no effect.

Crit 5, delete last two lines of comment "~~associated with...~~"

Last criteria, in comment change "secondary" to "other"

p6, Killer Whales. Move rejected options into that part of the appendix.

River otters, 2nd ¶. "...some ~~direct~~ benefits..."

Pam Bermann Memo. This part of the notes describes RT conclusions concerning Pam Bergmann's comments in May 18th memo.

P1, 1st & 2nd bullet. Discussed earlier in planning process. Not rediscussed.

3rd bullet. On costs, do as indicated elsewhere in these notes concerning costs. On geographic information, -- can do it but brought up too late. Thus, should be in final.

p2, 1st bullet. Satisfied by how we will modify plan for costs.

2nd. Can't be done in time.

3rd. Do.

4th. If get info back from Bob Spies, will include it. If not, will include latest version.

5th. Deal with these comments when discuss appendix E.

6th. Do.

7th. Public participation information is included in a page that was left out of copy given to Pam. If comments on it, she will give them to RPWG.

8th. Do.

9th. Do.

10th. Do as possible: Will send to Bob Spies and ask him to do it. If he does not give comments, RPWG will cross-check appendix D with injury to ensure no conflicts.

Last paragraph. Veronica will work with DOI budget officer. Part of the table discussed earlier in these notes.