

RPWG  
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**RESTORATION PLANNING WORK GROUP**  
**AUGUST 17, 1992**  
**9:00 A.M.**

**Attendees:**

Sandy Rabinowitch  
Bob Loeffler  
Mark Fraker  
Karen Klinge  
John Strand  
Carol Gorbics  
Art Weiner

**The following items were distributed:**

August 14, Memo re: Proposed Restoration Plan Outline  
Draft Evaluation Criteria

**PROPOSED RESTORATION PLAN OUTLINE**

A DOI memo containing comments from Curt McVee was distributed and Sandy briefed the group on its contents. Sandy stated that some terms need to be defined. Many statements are consistent with RPWG's views. RPWG should prepare some responses. Art directed attention to the statement regarding the draft outline is unacceptable and should not be finalized. Art suggested that these comments not be addressed until the other comments are received. John suggested each RPWG member poll his/her Restoration Team member to see if there will be other comments. Karen stated that all comments under "A" are being done by RPWG. Mark agreed that this contained a reasonably good outline of what RPWG is doing and questioned if this was merely a confirmation of RPWG's process. Karen asked if this was showing a lack of understanding of the process. Sandy stated that at the last meeting with the Restoration Team there was some lack of understanding of some of the terminology. John suggested that comments can be dealt with expeditiously if Restoration Team members are polled. A subgroup could write a response and bring it back to RPWG for review. Art stated these comments should not stop RPWG from what we are doing.

Karen expressed concern that the objectives in 4B are too project specific. Bob stated that you push far enough so that people have a basis to see how an option will affect their lives. Designation of geographic locations should be kept general.

RPWG will reconvene at 11:00.

**DRAFT EVALUATION CRITERIA**

The ratings task can be started after some consensus is received from the Restoration Team.

Draft evaluation criteria for rating restoration options for their effect on each resource and service were reviewed by RPWG. Bob stated the criteria are always a direct reprint from the framework document. Several wordsmith changes were adopted. Some changes in parallel structure of wording were also made. "For a significant portion of the injured resource or service" was added to the wording. Art suggested replacing "well used" under technical feasibility with "successfully field tested". It was also suggested to add whether the option will "adequately" test the feasibility. Sandy suggested substituting "habitat" for energy under #3 - Further Explanation. Art suggested under #3 replacing "secondary" resources and services with "non-target". Sandy stated that the statement under rating categories in #3 does not make it clear where "key" is emphasized. Carol suggested the following change under the High Rating category: Benefits more than one resource including one or more key resources. Key resources are those which support many trophic levels. Bob suggested the following: Benefits more than one resource including at least one that supports multiple trophic levels. Sandy felt the subcriteria in #5 was too explicit and should be deleted.

#### **TECHNICAL EDITOR**

Art asked the status of the RFP for the technical editor. John recapped the status information he had given to RPWG last week. John has had several inquiries for getting on the state bidder's list.

Meeting adjourned at 12:00 and will reconvene at 1:15 to continue discussion of the draft evaluation criteria.



# United States Department of the Interior



OFFICE OF THE SECRETARY  
Washington, D.C. 20240

August 14, 1992

## Memorandum:

To: Acting Executive Director, EVOS  
Restoration Team

From: DOI EVOS Trustee Council Representative *[Signature]*

Subject: Proposed Restoration Plan Outline

Interior has reviewed the subject outline that was distributed on 8/11/92. We have several concerns about which we believe the Trustee Council must receive written assurances from the Restoration Team and the RPWG. Two underlying principals have guided our review:

1. Does the outline suggest that a comprehensive, high quality restoration plan will be produced?
2. Will the draft restoration plan be produced within the time-frame previously approved by the Trustee Council? If not, when would a draft plan be available for release to the public?

Completion of the restoration plan is critical and must precede the expenditure of funds for restoration in every instance other than in emergency situations, which have to be clearly demonstrated to be necessary to preserve and or protect endangered resources.

The regulatory policy underlying this position is clear:

(i) Except in a situation requiring action to avoid an irreversible loss of natural resources or to prevent or reduce any continuing danger to natural resources or similar need for emergency action, funds may not be used under this chapter for the restoration, rehabilitation, or replacement or acquisition of the equivalent of any natural resources until a plan for the use of such funds for such purposes has been developed and adopted by affected Federal agencies and the Governor or Governors of any State having sustained damage to natural resources within its borders, belonging to, managed by or appertaining to such State ... after adequate public notice and opportunity for hearing and consideration of all public comment. 42 U.S.C. 9611(i).

Similarly, the Natural Resource Damage Assessment Regulations provide:

(a) Upon determination of the amount of the award of a natural resource damage claim as authorized by section 107(a)(4)(C) of CERCLA, or section 311(f)(4) and (5) of the CWA, the authorized official shall prepare a Restoration Plan as provided in section 111(i) of CERCLA. 43 CFR 11.93(a).

Timely completion and release for public comment of a draft restoration plan and draft environmental impact statement are, therefore, essential.

A major question arises in light of the absence of completed NRDA scientific studies. The NRDA studies will presumably identify and quantify the nature and extent of the injuries to resources as result of the oil spill. Since these are not done, one has to ask the question... "On what basis is a plan for restoration premised? What are the injuries to which resources that the plan is directed to remediate?"

While the scientific studies in the Damage Assessment are well along, they are not all complete and not all of them have been published. Additionally, how the '92 and '93 studies are going to be factored into the Restoration Plan needs to be considered. Given that the NRDA studies form the basis for the restoration efforts, i.e., the historical baseline, the sequential and interdependent relationship between the NRDA studies, the Restoration Plan and the EIS has to be addressed. This is certainly not obvious in the proposed outline.

Based on Interior's review of the draft outline, there is little likelihood that a comprehensive or timely product will be developed. This draft is unacceptable and Interior objects to its being finalized until the deficiencies are addressed. Specific concerns and comments are identified below. ✓

A. Our understanding of the process we are going through is this:

1. The draft restoration Plan must first be prepared and approved by the T.C. It must include a proposed plan (which becomes the preferred alternative in the EIS) which will set the general strategy, goals and objectives for the restoration program for the next ten years.
2. Alternatives to the preferred plan will be included in the draft Restoration Plan and evaluated in the draft and final EIS, but will not be included in the Final Restoration Plan approved by the Trustee Council.

3. The draft Restoration Plan and the draft EIS will go through a simultaneous public review process, after which the Plan and EIS will be modified, as necessary, based on this public review process and direction for the T.C.
4. A final programmatic EIS will be issued on the proposed final Restoration Plan.
5. A final Restoration Plan will be issued which will specify the selected plan and how it will be implemented.
6. The Restoration Plan will be implemented via an annual budget and project schedule which will identify specific projects designed to achieve the strategic objectives set forth in the Plan and will be tied to the Federal fiscal year (for budget purposes).
7. Tiered NEPA compliance documents will be developed by the implementing agencies for those individual plans and projects that require compliance.
8. A supplemental EIS may be required after 4-5 years of restoration work and amendments to the Restoration Plan.

#### B. General Comments

1. While it is redundant to include the alternatives in both the Plan and the EIS they are legally required to be in the EIS. Irrelevant of whether the two documents contain redundancies it is Interior's position that they need to be distributed together as a package.
2. In order to prepare a draft EIS, there must be a specific "proposed action" for which the impacts will be analyzed, and alternatives compared.
3. The concept of the plan is fairly simple: it should state where the T.C. wants to be in 9-10 years with respect to the EVOS-affected area: it should establish a baseline, i.e. where the affected area is now relative to the desired state, and how the Trustees propose to get to this desired state. It is essential to not lose sight of these basic elements and not to overload the Plan with unimportant information that is readily available elsewhere.

4. The Plan should be as specific as possible in defining goals and objectives and types of actions, otherwise it will not be clear what the Trustees intend to do or how progress will be measured. For example:

GOALS	OBJECTIVES	TYPES OF ACTIONS
A. Enhance the run of salmon in the affected area.	1. Increase the run of Silver salmon in the Chenega area by 10% over 1989.	a. Build a Silver salmon fish hatchery.
		b. Reduce the Silver salmon take in 1994.

5. The Restoration Plan must tie the planned actions to the injured resources and services in the EVOS-affected area. It must be clear to the public what is planned to be done to restore, enhance, replace, or acquire equivalents of these resources and services.

C. Specific Comments

1. I.A Add the following at the end of the second sentence, "...and types of actions to implement them." Delete the third sentence. The alternatives establish the goals.
2. I.B Include a summary of activity since the settlement. Explain the role of the Court in the EVOS restoration program.
3. II The public commentary on the Restoration Framework should be summarized in the background and any additional, relevant detailed information placed in the appendix. This would eliminate #II as it stands.
4. III A summary of what is injured and how it is injured and its current state of recovery should suffice. This section should describe where the Trustee Council is in terms of restoration actions and what has happened with State and Federal operational programs in the area since the spill. In essence: "Where we are now."

5. IV This section should be the proposed plan. The plan must clearly lay out the proposed action so that the public can react to it and make suggestions. It can include a discussion of how the plan was arrived at, but the alternatives considered should come in the following major section. It should include information about the process to be used to resolve resource/service conflicts.
6. V This section can exclude the preferred alternative because it should be presented previously as the proposed plan. These same alternatives must be in the EIS.
7. VI The sub-sections should be re-ordered in this manner
- |   |           |  |
|---|-----------|--|
| A | old D:    | Annual Budget and Project Schedule (include a discussion of how NEPA requirements will be met and the relationship of this effort to ongoing State and Federal programs in the area) |
| B | none:     | Operations/Administration (how the Trustee Council, staff, etc. will operate the restoration program)  |
| C | old E:    | Funding Mechanisms   |
| D | old C:    | Monitoring/Evaluation  |
| E | old A & B | Public involvement   |
| F | old F:    | Amending the Plan  |
8. App. A This information should be described in the plan and alternatives sections? These are the central points of the plan and should not be relegated to an appendix.
9. App. B This should include a list of PAG members.

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

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Finally, on a related matter, i.e., preparation of the Environmental Impact Statement, Interior has several concerns which we believe must be addressed prior to a final decision to select and hire an outside contractor to prepare the EIS. First, it must be clearly demonstrated that there is not sufficient expertise or capability currently available within the Trustee Departments to prepare this EIS. Similarly, it must be demonstrated that the hiring of a consultant based so far from the project site is cost effective. Moreover, a sole source procurement, as has been proposed, must be fully justified by the contracting officer of the lead federal agency for this EIS project.

Thank you.

CC/ Trustee Council Members  
Restoration Team Members  
Restoration Planning Work Group Members



# Draft Evaluation Criteria

## Draft Criteria for Rating Restoration Options for their Effect on each Resource and Service

Draft for RPWG Review

### CRITERIA

- 1. Potential to improve the rate or degree of recovery:** Will implementation of the restoration option make a difference in the recovery of an injured resource or service? What is the prospect for success?

Further Explanation. This criterion answers the question, "How much will the option help the targeted injury?" It evaluates whether the option will decrease the amount of time required for an injured resource or service to recover. In this criterion, the prevention of further degradation or decline is also considered. In evaluating options under this criterion, the working group assumes that the option will perform as expected. For example, the group assumes that an option that promises to use decoys to synchronize murre breeding in a colony will indeed synchronize the breeding. The question of will the option produce the outputs it promises (e.g., actually clean mussel beds, restore breeding in murre, etc.) is considered in criteria #2, technical feasibility.

#### Rating Categories:

High = Greatly improves the rate or degree of recovery for a significant proportion of the population or service.

Medium = Has potential for either:

a. greatly improving the rate or degree of recovery for a small proportion of the population or service; or,

b. produces a small improvement in the recovery rates for a large proportion of the population or service; or

c. produces moderate effects in recovery rates for a moderate proportion of the population or service.

Low = Small improvement in the rate or degree of recovery over a small proportion of the population or service area.

- 2. Technical feasibility:** Are the technology and management skills available to successfully implement the restoration option in the environment of the oil-spill area?

Further Explanation. Techniques for restoring different injuries and damages from the oil spill vary from the experimental to the well-used. There is some advantage in using tried-and-true techniques. In this criterion options are rated for the documented evidence that they can meet the objectives they aim for. If the objective is to increase the breeding ability of a bird species, this criterion is used to evaluate the team's confidence that the option can, in fact, achieve that objective. For feasibility projects, this criterion is used to rate whether the option will test the feasibility of an unproven technique.

Rating Categories:

High = There is documented evidence of the ability of the proposed option to restore the targeted injured resource or service.

Medium = There is documented evidence of the ability to restore a similar resource or service.

Low = The technical feasibility is, in general, unproven.

- 3. Degree to which proposed action benefits more than one resource or service:** Would the restoration option benefit multiple resources and services, both injured target resources and services, as well as secondary resources and services?

Further explanation: Other criteria evaluate options for their effect on an individual resource or service. This criterion evaluates whether the option will help more than one service or resource, and whether it will restore a key resources that provide food and energy for many others.

Rating Categories:

High = Benefits greater than one resource which includes key species which support many trophic levels (e.g. mussels, fucus, salmon etc...). Benefiting such species will produce high benefits for multiple services which depend on them.

Medium = Benefits greater than one species or service

Low = Benefits one species or service

**4. Measurement of Results:** Do projects that fall under this option have measurable results?

Further explanation: For some project and options, it will be easier to answer the question, "Did the project work? Did it help restore the injury or damage it was addressing?" The monitoring program will be designed to help the Trustees determine which injuries and damages are being restored, and which projects are helping the restoration process. Those projects with measurable outputs are easier to assess. Without being able to measure the results of the project in some way -- directly, through indirect evidence, or in some other fashion -- it is difficult to tell if the project is working. This criterion asks whether the option includes projects with measurable results.

Rating Categories:

High = The majority of projects would produce measurable results.

Medium = Less than the majority of the projects are likely to produce measurable results.

Low = Projects are unlikely to produce measurable results.

**5. Potential for additional injury resulting from proposed actions, including long-term and indirect impacts:** Will implementation of the restoration option result in additional injury to target or nontarget resources or services: Is the project of net environmental benefit?

Subcriteria: additional injury to other target or nontarget *resources*?

Subcriteria: additional injury to other target or nontarget *services*?

Further Explanation: This criteria records injuries that an option might cause to resources and services. For ease of evaluation, the injuries to resources and to services are recorded in the two respective subcriteria.

Rating Categories for Injury to Resources:

High = There is no expectation of additional injury.

Medium = Additional injury may occur, however, it will be minor or short-term.

Low = Major or long-term injury could result from implementation of this option

Rating Categories for Damages to Services:

High = There is no expectation of additional injury.

Medium = Additional injury may occur, however, it will be minor or short-term.

Low = Major or long-term injury could result from implementation of this option

**6. Potential effects of the action on human health and safety:** Are there hazards to adverse impacts on humans associated with implementation of the restoration option?

Rating Categories:

High = There is no evidence for adverse affects on human health or safety, for the public or for persons implementing the option (includes normal occupational hazards)

Medium = There is evidence for some adverse affects on human health or safety, for the public or for persons implementing the option (includes higher than normal occupational hazards, or other adverse affects which could be prevented through extra precautions etc...)

Low = There is evidence for strong adverse affects on human health and safety, for the public or for persons implementing the option which would be difficult to prevent or counteract.

7. **The relationship of the expected costs of the proposed actions to the expected benefits: Do benefits equal or exceed costs?**

Further Explanation: This is not intended to be a straight cost/benefit analysis, but a broad consideration of the direct and indirect costs [including losses uses] and the primary and secondary benefits associated with implementation of the restoration option.

Rating Categories:

High = There are outstanding benefits associated with improving the level of service or the rate of recovery, and it can be done at low or modest cost.

Medium = Less than outstanding benefits at modest or low cost, or high benefits at high cost.

Low = There is a high cost that is not balanced by outstanding benefits.

**TRACKING CRITERIA** (These criteria are not used to choose options for alternatives, but they are useful to track information that may be useful to RPWG, the RT, or the Trustees in scheduling options (when they are accomplished), or provide information useful on an ad-hoc basis for ranking options within alternatives.)

8. **Degree to which proposed action enhances the resource or service:** Would the restoration option improve on or create additional natural resources or services that go beyond pre-spill levels?

Rating Categories:

Yes = The option would bring the resource or service beyond pre-spill levels for a significant portion of the spill area.

No = The option would **not** bring the resource or service beyond pre-spill levels for a significant portion of the spill area.

9. **Will the restoration opportunity be lost if implementation of the option is delayed?** Would delay in the project result in further injury to a resource or service or would we forego a restoration opportunity?

Further Explanation: This criterion is important, not for choosing an option, but for scheduling it once it is chosen. For example, timing is critical if the Trustees are to purchase habitat under imminent threat, if we are to restore a species population that is currently not breeding in adequate numbers, or if we are to prevent the decline of threatened archaeological resources.

Rating Categories:

Yes = An opportunity may be lost if implementation is delayed.

No = An opportunity will not be lost if implementation is delayed.

10. **Public comments.** This portion of the evaluation records whether or not significant numbers of public comments were received concerning an option. An accompanying field includes a summary of the comments.

Categories:

Positive = Generally supportive comments received.

Negative = Generally negative comments received.

Mixed = Both positive and negative comments received.

## **RATING BY SPECIES**

After all options are ranked by service and resource, we need to create a field rates all the options for that service or resource only. For example, it is possible that one resource may have no options with any "H"s in them. If so, when we choose options for one alternative, we might end up including all a whole bunch of options for, say, Salmon, because there are lots of effective things we can do, but leave out lots of species which don't have options with H's. That would probably not be our intention. Therefore this field in the database would capture the relative rank for a resource or service. (There still may be resources with no effective restoration options. If so, we may not want to choose an ineffective option just to make sure its covered. But this field gives us the opportunity to decide that question intentionally, rather than have it just fall out.)

## **ADDITIONAL CHARACTERISTICS FOR EVALUATION DATABASE**

The following characteristics will be answered with Yes or No:

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

We anticipate that the above characteristics will be useful in describing the Alternatives (i.e. What proportions of the Alternatives are Habitat Acquisition versus Management etc...).

**CRITERIA NOT USED** (These are criteria from the framework document, Cha VI. It is important to note which of the framework document's criteria we are **not** proposing to use.)

Criteria: The effects of any other actual or planned response or restoration actions: Are there other actions, such as additional clean-up work, that bear on the recovery of a resource targeted by the restoration option?

Reason: On an option level, this criteria overlaps with numbers 3 and 6. It remains useful on a project-specific level to ensure coordination between projects. Therefore it should be taken into account on annual work plans which will implement the restoration plan.

Criteria: Cost Effectiveness: Does the restoration option achieve the desired objective at the least cost?

Reason: Useful on an implementation level. That is, it useful to choose between projects within an option. (That is, do two projects give similar outputs, but one is cheaper.) On the option level, this criteria is a complete overlap with the benefit/cost criteria.

Criteria: Consistency with applicable Federal and State laws and policies: Is the restoration option consistent with the directives and policies with which the Trustees agencies must comply? Potential conflicts must be resolved prior to implementation.

Reason: All options comply with this criteria. Thus, it is not useful to compare options to each other. As the criteria indicates, any potential conflict must be resolved before implementation. Projects done to implement the restoration plan must still comply with NEPA, agency permitting requirements etc. Projects could still fall out at that level.

## Draft Evaluation Criteria Summary Worksheet

**RESOURCE or SERVICE:**

**OPTION:**

CRITERIA	RATING	COMMENT
1. Potential to improve the rate or degree of recovery:		
2. Technical feasibility:		
3. Degree to which proposed action benefits more than one resource or service:		
4. Measurement of results:		
5. Potential for additional injury resulting from proposed actions, including long-term and indirect impacts:		
○ to other target or nontarget <i>resources</i> ?		
○ to other target or nontarget <i>services</i> ?		
6. Potential effects of the action on human health and safety:		
7. The relationship of the expected costs of the proposed action to the expected benefits:		



Summary Worksheet Continued

TRACKING CRITERIA	RATING	COMMENT
8. Degree to which proposed action enhances the resource or service:		
9. Will the restoration opportunity be lost if implementation of the option is delayed?		
10. Public comments.		
ADDITIONAL CHARACTERISTICS	Yes/No	COMMENT
Direct Restoration		
Replacement		
Acquisition of Equivalent Resources		
Management of Human Uses		
Manipulation of Resources		
Enhancement Activity		
Habitat Acquisition		