

RESTORATION TEAM AND RESTORATION PLANNING WORK GROUP
AUGUST 26, 1992
9:30 A.M.

Attendees:

Dave Gibbons
Mark Fraker
Pam Bergmann
Henry Gerke
Marty Rutherford
Mark Brodersen
Ken Rice
Ray Thompson
Bob Loeffler
Karen Klinge
Tim Steele
Jerome Montague
Byron Morris
John Strand
Jim Slocomb
Art Weiner

The following handouts were provided:

Agenda
Issue Statements
Pamela Bergmann 8/25 Memo
RPWG 8/21 Memo Regarding Response to Restoration Team Comments
Mike Barton 8/24 Memo
Draft Evaluation Criteria
Draft Alternative Themes, Status Report for RT Review

The following agenda items were discussed:

MEETING EXPECTATIONS - Strand

John stated that this meeting will also include topics originally scheduled for the 19th. There are four major items for discussion: issue statements, annotated outline, draft evaluation criteria and rating categories and draft themes. RPWG has some expectations for these deliverables and would like to reach closure on them. With respect to the outline, RPWG would like to come away with some clearer guidance from the RT. John asked if there were any additions from the Restoration Team to the agenda. Jerome asked if there is a new RPWG schedule. John stated the most up-to-date internal RPWG timeline should be August 12th. It reflects formation of alternatives and review of options but did not deal with any delay in the overall schedule. RPWG's intention is still to deliver in November all that was promised.

ISSUE STATEMENTS - Strand

Ray will answer any substantive questions on the issue statements. RPWG has not received any additional comments on the issue statements; therefore, John concluded, barring any further guidance from the Restoration Team, the issues in the last version will be included in a package to the Trustee Council. Ray stated the last changes were not substantive. Mark asked when the version that will be presented to the Trustee Council will be available for Restoration Team review. John stated that this version has been distributed. Mark asked what would be proposed as an introduction to the package for the Trustee Council. John stated that guidance is needed on what will go to the Trustee Council. Karen stated that Sandy suggested that a memo go to the Trustee Council requesting sign off. Mark asked if the whole package will go to the Trustee Council by the 8th of September and Dave stated it will. John stated RPWG will have some things to go out in this package. The next meeting with the RT will be on the 3rd.

Jerome had a question on issue statement #10. Ken concurred and stated he would question whether the Restoration Plan will resolve the question of opportunities for people outside the agencies to compete for funds. Ken stated he is skeptical if the plan needs to do that. Tim suggested that the plan will address this via a policy statement. Ken questioned if the plan is the place to resolve this kind of issue. Marty stated if this is not included how will the public have input to the Trustee Council, and she doesn't think this question has been broached in a straight-forward fashion. Ken stated he is reluctant to move off of this issue immediately. Karen stated that the public comments reflect a desire for an opportunity for the private sector to be involved. Henry stated it would affect the options of how your money would be allocated. An administrative decision has to be made and so stated in the plan. Marty stated that the public might react differently if they knew how funds would be dispersed. Tim stated that the plan is the place for policy decisions or statements, and managing of the funds is dealt with in the financial procedures. Henry stated if you have an option, how you budget your money determines what options are open to you. Budget is an implementation criteria. Bob stated that different options have different implications for what parts go to the public sector. John stated that these issue statements are built from public comments which suggested there is a need to be more competitive and not just support the agencies. Dave suggested revising #10 to reflect how will the plan be structured to provide equal opportunity for qualified parties (Trustee parties and outside) to compete. Mark suggested changing #10 to how will restoration funds be managed. Marty stated that there might not always be equal opportunity to compete so she would agree with Mark's suggestion. Pam suggested taking "equal" out of this statement. Mark stated he wants to know how the funds will be managed. Henry stated you have to tell how the funds will be managed, but how they will be implemented is

totally different. Marty stated there are several questions: how funds will be managed and what are the criteria for the Trustees to decide if bidding will be competitive? The statement was revised to "how will restoration funds be managed". John asked for any other suggested revisions. Ken asked if #4 is a subset of #11. Marty stated it is a subset in terms of how the habitat protection work group has considered it. Ray stated #4 has stood the test and has stayed the same since the start of this process. #11 is a combination of two other statements. Marty stated that #11 should stand. Byron stated waters are not covered in #11. Ray stated there were a number of comments on special management areas as well as protection; therefore, separate issue statements were developed. Tim stated that he would not like for #4 to get lost in #11. Dave suggested the following combination of #4 and #11: How will habitat protection mechanisms such as special management designations, land acquisition, and others, for public and private lands and waters be integrated into an overall restoration program. Henry questioned issue statement #5.

Ray stated the public expressed interest in having information on a regular basis. Henry stated the issue is dissemination and not on the information itself. This issue raises the specter that some information is being hidden. How and where the dissemination will occur is a national issue and not just a state or local. Ken stated it is important to know what information is valuable to the public; otherwise, overload will occur if all information is sent out. Pam suggested changing #5 to "what and how should information be disseminated". Jerome suggested changing #5 to "what information should be distributed to the public and how should it be disseminated," and this version was agreed upon.

Henry asked where does the aspect of monitoring come in. Dave stated it fits into #1 and #3. Ken stated the Restoration Plan should provide some direction as to an overall restoration strategy. Dave stated the issue statements are identified as part of the package going to the Trustee Council. Mark suggested deleting "long-term" from #3 and this revision was accepted. Pam suggested titling this product "Issue Statements for the Draft Restoration Plan," and John stated that this revision will be made. Henry suggested adding "oversight" to #3. John stated that oversight ensures that what you designed into the plan was implemented. Ray stated there is a real concern about adding too many staff from the public comments and he sees oversight as associated with agencies. Ken stated that oversight has too many connotations and should be left out.

REVIEW OF REVISED ANNOTATED OUTLINE FOR RESTORATION PLAN - Strand

John prepared a memo to the Restoration Team on 8/21 addressing specific Restoration Team comments. John stated that the rationale for why some things were not changed was also addressed. Capital letters represent additions. Lines represent deletions. Nine out

of the 11 suggestions were heeded. The most significant comments dealt with how RPWG would present the information on alternatives. John stated RPWG needs some clear guidance on how to present the preferred alternative in the Restoration Plan. The draft plan presents alternatives more completely and provides some opportunity for the public to help decide the preferred alternative which would then be reflected in the final plan. John wants some discussion as to which way to go. Dave asked if preferred alternative will be included in a suite or will the preferred alternative stand alone. Bob stated NEPA requires that they be parallel alternatives. Henry disagreed because if the two documents are sent out as combined, you have to identify your proposed action. Ken stated the plan gives the reasonable alternatives. The preferred alternative will come out after the Trustee Council has looked at each one in equal detail. Byron stated this heads in the direction of writing four different restoration alternatives. Ken stated that we are talking about the draft plan and if alternative ways are developed for restoring the oil spill area, they should be displayed equally giving the decisionmakers and public a variety of ways for achieving that end. Ken stated there will be some overlap between the plan and the EIS. Bob stated that what we do is the most efficient way to get to your goal with one set of actions that will do. It has been his experience that the more public distrust you have, the more problems you have. If you put all the alternatives out, the process goes quicker. Four alternatives will be put out. The question is whether the preferred alternative will be in a separate chapter from all the others. Ken stated the draft plan and draft EIS should be stand alone documents; however, there will be some duplication. Dave stated a comparison of the contents of the DEIS and draft Restoration Plan to determine differences would be interesting. Byron stated he doesn't want to lay out four equal alternatives without stating the preferred alternative. Dave stated that appears what RPWG is proposing to do. Bob stated to get informed public comment, you give a range of informed choices. The objective is to make it easy for the public to read, see what we are doing and see what other choices were not made that could be recommended. Henry raised the issue of the level of specificity. John stated you can't get too specific as to geography or sites of restoration because the data doesn't allow you to do that. Ken stated the plan will take a suite of options and put some emphasis on those with different alternatives. Mark Fraker stated that one way to think of this is we are providing a tool box. John suggested Henry and Pam review the full notebook of RPWG restoration options.

Break at 10:55.

John again requested that RPWG would like some clear indication on how to proceed and asked if this is an issue that needs to be resolved with the Trustee Council? Pam stated Interior feels that as long as the draft Restoration Plan identifies the preferred alternative and includes the other alternatives as well, they will

go along with the group. John asked if Byron is comfortable with that. Byron stated that it is a matter of packaging. Bob stated there will be a better picture when it is written up. John stated RPWG can take this guidance and run with it. Henry stated DOI wanted clarification of where the criteria would be applied. John stated there are two separate sets of criteria: criteria for evaluation of restoration options and criteria for screening habitat protection and acquisition projects. Karen perceived DOI's concern being resolved by a letter describing the process, which does not presently come across in the outline. Henry stated the process has not been laid out sufficiently. Pam does not want to buy off on a process that may have been applied to the wrong thing. Karen suggested a presentation be made of the process. John asked what more DOI would like to see in the annotated outline showing that the process is appropriate. Pam stated a detailed attachment might be more appropriate. John stated he is open to adding more words to the goals and objectives; however, Bob stated he would prefer a separate attachment rather than wordsmithing the outline. Mark suggested getting in the habit of using "types of action" rather than just "action". John stated the 1990 Progress Report started with a whole list of restoration ideas, and the criteria were applied to get down to the options contained in the Restoration Framework. John stated the attachment will be prepared for Restoration Team review. Marty asked if RPWG has enough time to get this done. John stated he will caucus with RPWG to see what can be done within a week. John stated the information is there but he needs to talk with RPWG. There is a clear indication that some additional information on process needs to be provided. Ken questioned if a list of Public Advisory Group members needs to be provided. Marty stated that the principal interests would be more appropriate. Mark further suggested providing where principal interests can be contacted. Mark Fraker suggested it might be appropriate to note who the current PAG member is for each principal interest. Byron questioned the way that habitat protection and acquisition is presented in Section IVB. Bob stated that because habitat protection and acquisition will receive such scrutiny, it was presented this way to simplify things for the public. Byron stated IVB says what the criteria are and IVC says how the criteria are applied. RPWG needs to review this some more to work out clarification.

Meeting adjourned for lunch until 1:00.

EIS CONTRACT

Dave stated he received a memo from Mike Barton which states they decided not to go with the contract with Walcoff. A copy of the memo was provided to all RPWG members. This could set the process back several months.

REVIEW OF DRAFT EVALUATION CRITERIA AND RATING CATEGORIES - Klinge

This item is another holdover from the 18th meeting. Karen presented RPWG's view of the criteria used to evaluate options and how to go about building ratings categories to go along with the criteria. Karen distributed copies of draft evaluation criteria for rating restoration options for their effect on each resource and service. The handout discusses each criteria and its definition. An overhead presentation was also given. Jerome questioned how a land purchase would be addressed. Karen stated that land acquisition was included under the first criteria where you can't promote recovery but can stop further degradation. Pam suggested that further degradation or decline could be set up as a separate criteria. Karen stated that we could do this; however, the group followed the precedent set by the Framework Document. Bob stated that the footnote allows this to apply to all rating categories. Mark Fraker suggested expanding the footnote. Karen suggested expanding the definition of our rating system. Ken asked if RPWG is proposing comparing the options against each other or against themselves. Karen stated this process consists of ranking or rating the options. Mark asked why we are doing this if we aren't ranking one option against the other. Bob stated this will provide a list in prioritized order. Jerome stated that his understanding of the answer to his question is no change.

Ken suggested changing the rating categories under technical feasibility as follows: high-works consistently, medium-mixed results, low-least results. Pam agreed with Ken's suggestions. Karen stated that Ken's suggestions soften the definition up. The agreed upon definition for high is as follows: There is documented evidence that the option has consistently worked when applied to this resource or service. The agreed upon definition for medium is as follows: There is documented evidence that the option has the potential to restore a similar resource or service or has worked with mixed results when applied to the proposed resource. Bob stated the low rating should be used intelligently. Byron stated there is a big difference between unknown and unproven. Mark is disturbed with the low category. If you have an option that is unproven, you should do a technical feasibility test. Pam stated you are measuring the level of certainty. John stated some level of gradation has to be built in to sort. Bob suggested adding to the low definition that if an option is rated low, it will probably require a feasibility study. Ken stated that implementation should be looked at on a year-by-year basis. Henry questioned where is the quantification using high, medium and low. Bob stated documentation provides objectivity. Karen stated that each RPWG member's expertise is relied upon heavily. Mark is concerned that innovative techniques will have a much more difficult time than the old tried and true practices. Karen stated these criteria are used for evaluating the options that will form the alternatives. Bob stated if low does not give the true meaning, maybe low should be changed to unknown. Pam suggested that this may be problematic and

should be put through the process to see what happens, and we should keep high, medium and low. John stated that even yes or no could be used. Pam stated this should be caveated so that it does not preclude technical feasibility tests as suggested by Mark. Pam suggested adding unknown to the low category. Bob suggested changing the low category to unproven. Mark stated that if the public's proposals fall into the low category, it sends a bad message rather than if an unproven category is used. Marty asked if Mark's concern was a wordsmithing issue. Pam again recommended moving on and paying attention to the technical feasibility later. RPWG will also discuss the category definitions under "degree to which proposed action benefits more than one resource or service". Karen stated the "measurement of results" criteria is new and was added to determine if what we have done can be quantified. Mark asked if the results are measurable, are we willing to spend the money to do it. Henry stated the first three criteria were being used in a two-stage process and then #4 is being evaluated on a one-stage process. Art stated to fund on an annual basis, you must have a measurable perimeter. Bob stated that this has to be applied to single projects and gave several examples. Pam stated she doesn't think we lose anything by dropping this criteria from the list because it is confusing. Marty is bothered by the transition from single projects to a suite of projects and asked for clarification.

Pam asked what is the difference between #1 and #4. Mark Fraker stated one is how well you can measure and the other is whether you can attribute changes. Art stated it is hard to measure the effects of an education program. John stated that criteria #4, measurement of results, will be deleted. Karen stated criteria #5 is applied separately to resources and services. Bob stated you answer the question separately for harm to people or species. Mark suggested rewording this explanation of separate application for presentation to the Trustee Council. Henry stated that this only reflects the negative impacts. Ken suggested using net environmental benefits. Henry stated it is hard to manage any resource without impacting another resource. Additional injuries are injuries beyond what conditions would be like pre-spill. Karen stated that the aspect of safety concerns of people implementing the option was added to criteria #6. Marty stated that this should not be applicable to agency people implementing the options. Ken stated the concern should be for the general public. John stated that the "persons implementing the option" will be deleted. Karen stated #7 considers indirect costs and benefits.

Marty was concerned about public agreement of high, low and medium. Bob stated that this category only tries to isolate things which are outstanding in cost. People should be able to agree on the extremes. Pam strongly recommended running these criteria by the attorneys and asking if they are adequate if we are involved in a lawsuit. Bob stated statutory tests should be applied to the alternatives. Marty's concerns with running this by attorneys is

the timing and also a non-consensus opinion is worthless. Karen explained the tracking criteria which uses yes, no or unknown for rating categories. Ken questioned how #1 is different from #8. The difference is baseline. Byron stated that #8 should be made a true criteria using high, medium and low. Pam suggested developing a high, medium, and low ranking for #8. Criteria #8 will be a category similar to #1 and will not be a tracking criteria. Criteria #9 addresses adverse impacts by waiting. Byron suggested adding purchase habitat in #9 and it was agreed upon. Criteria #10 records public comment. This criteria will be left in. Karen explained the eight categories for sorting. Pam asked why not stick to the five actions in the settlement and also suggested that the definitions be restated. Dave suggested deleting habitat acquisition. Marty suggested adding rehabilitation as a subset of direct restoration. Karen stated these are not exclusive categories. Marty stated that RPWG can spend a little more time on this and move on. Karen explained the three other criteria from the Restoration Framework which were not used. Dave asked why cost effectiveness was not used. Karen stated it was based on input from economists and that it overlaps #3. Jerome stated he has no problems with the three that were deleted.

RPWG will reconvene at 4:00 to complete the last agenda item.

REVIEW OF DRAFT THEMES FOR ALTERNATIVES - Loeffler

RPWG reconvened with the Restoration Team; however, Barbara was completing another task for Dave Gibbons and did not attend to take notes. Bob provided a copy of the handout from his presentation on draft alternative themes.

DRAFT AGENDA
RESTORATION TEAM AND RESTORATION PLANNING WORK GROUP MEETING
August 26, 1992
Simpson Building

0930-0945	Meeting Expectations - Strand
0945-1005	Issue Statements - Strand
1005-1045	Review of Revised Annotated Outline for Restoration Plan - Strand
1045-1100	Break
1100-1145	Review of Draft Evaluation Criteria and Rating Categories - Klinge
1200-1330	Lunch
1330-1430	Review of Draft Themes for Alternatives - Loeffler

ISSUES

REVISION OF 08/10/92
Author: Ray Thompson
Reviewed by RPWG 8/10/92

ISSUE STATEMENTS

1. Injured resources and services vary in level of injury, rate of recovery, location, and value to ecosystem and humans. What priority or weight should be given to these factors in determining priorities for restoration options?
2. What level of information, either from new or continuing damage assessment studies, including socio-economic studies, is necessary to evaluate the need for and effectiveness of present and future restoration?
3. What level of ~~long-term~~ monitoring, ^{and oversight} or research is appropriate to determine the rate of recovery and ~~long-term~~ health and management of injured species, ecosystems, and services?
4. How do special management designations for public lands and waters fit into an overall restoration program?
5. What information is valuable to the public and how should it be disseminated?
6. If there is a need for scientific, recreational or other facilities, where, how, and when should they be constructed?
7. What are the effects of restoration activities on local economies and subsistence?
8. What are the appropriate restoration strategies for restoring and/or enhancing both injured and non-injured resources and services?
9. What are the opportunities and appropriateness for long-term funding of programs through endowments?
10. How will restoration funds be managed and allocated to provide equal opportunity for qualified parties to compete for funds?
11. How will ~~intertidal and upland~~ habitat protection mechanisms for public and private lands ^{and waters} be integrated into an overall restoration program? ^{such as special manage designations, land acquisition and others}
12. Should restoration activities be evaluated concurrently or hierarchically?

ISSUES

REVISION OF 08/31/92

Author: Ray Thompson

Review by RPWG 9/01/92

ISSUE STATEMENTS FOR THE DRAFT RESTORATION PLAN

1. Injured resources and services vary in level of injury, rate of recovery, location, and value to ecosystem and humans. What priority or weight should be given to these factors in determining priorities for restoration options?
2. What level of information, either from new or continuing damage assessment studies, including socio-economic studies, is necessary to evaluate the need for and effectiveness of present and future restoration?
3. What level of monitoring or research is appropriate to determine the rate of recovery and health and management of injured species, ecosystems, and services?

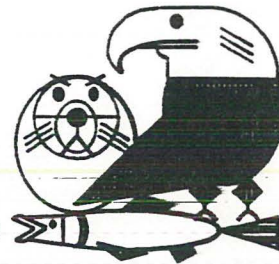
4. How will habitat protection mechanisms (such as special management designations, land acquisition and others) for public and private lands and waters be integrated into an overall restoration program?
5. What information should be distributed to the public and how should it be disseminated.
6. If there is a need for scientific, recreational or other facilities, where, how, and when should they be constructed?
7. What are the effects of restoration activities on local economies and subsistence?
8. What are the appropriate restoration strategies for restoring or enhancing both injured and non-injured resources and services?
9. What are the opportunities and appropriateness for long-term funding of programs through endowments?
10. How will restoration funds be managed and allocated
11. Should restoration activities be evaluated concurrently or hierarchically?

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

Phone: (907) 278-8012 Fax: (907) 276-7178



August 25, 1992

TO: John Strand, Chair, EVOS Restoration Planning Working Group

FROM: ^{PB} Pamela Bergmann, DOI EVOS Restoration Team Representative

RE: Restoration Plan Outline

This is in response to your memorandum dated August 21, 1992 entitled "Response to Specific RT Comments: Draft August 10, 1992 Restoration Plan Outline".

A key remaining concern of the Department of the Interior (DOI) is that a specific, clear-cut proposed action be identified (refer to comments B.2, B.3, B.4, B.5, C.1, C.5, C.6, C.8 in the August 14, 1992 memorandum to Dave Gibbons from Curtis McVee). This proposed action, which is the "preferred alternative", needs to define goals, objectives, and specific actions to restore injured resources (e.g. species) and services in the EVOS-affected area. It must be clear what is planned to be done to restore, enhance, replace, rehabilitate, or acquire equivalents of these resources and services.

The revised proposed outline does not provide specific or detailed information on the "preferred alternative". DOI needs to be provided with that information prior to approving this outline to ensure that it contains sufficient information for preparing an adequate draft Restoration Plan and draft Environmental Impact Statement.

**RESTORATION PLANNING WORKING GROUP
EXXON VALDEZ OIL SPILL OFFICE
645 "G" STREET
ANCHORAGE, ALASKA 99501**

MEMORANDUM

TO: Restoration Team

DATE: August 21, 1992

FROM: John Strand, Chair RPWG

SUBJECT: Response to Specific RT Comments: Draft August 10, 1992 Restoration Plan Outline

We have received written and verbal comments from DOI and NOAA that specifically address the Draft Restoration Plan Outline. We list the comments below and offer proposed changes or responses and attach a revised draft outline for further review and comment. DOI comments dealing with other aspects of restoration planning (August 14, 1992 letter to David Gibbons from Curtis McVee) will be addressed in a subsequent transmittal.

Section 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.

Changes made.

Section I. (B) Include a summary of activity since the settlement. Explain the role of the court in the EVOS restoration program.

Changes made.

Section II. The public comment 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.

Changes made.

Section 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."

RPWG proposes to leave this section as is. The Restoration Framework published these criteria and specifically asked for public comment. For public understanding and trust, the criteria must be clearly presented in the draft plan, as well as an explanation of how they were used.

Section IV. and V. 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.

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.

Criteria for screening habitat protection and acquisition projects (IV - D, E) need not be described in a separate section from criteria to evaluate restoration options in general (IV - B, C).

RPWG proposes to leave this section as is. We believe that it is important to fairly and equally present each alternative in the draft plan in a single section. Presenting the "preferred alternative" in it's own section would only raise complaints about unequal treatment, an argument that can be avoided in the draft plan.¹

RPWG also recommends presenting criteria to screen habitat protection and acquisition projects in a separate section. Clearly, the public needs to know that two sets of criteria will be applied in identifying and prioritizing habitat for protection and acquisition options. First the criteria described in Section IV - B are used in an overall evaluation of a proposed option to protect/acquire habitat. Second, the more specific criteria used in identifying/prioritizing which habitats to protect/acquire (Section IV - D) are applied.

Section 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 |

¹The draft EIS may organize this differently?

D. old C: Monitoring/Evaluation

E. old A & B: Public involvement

F. old F: Amending the Plan

Changes made.

Appendix A This information should be described in the plan and alternatives section? These are the central points of the plan and should not be relegated to an appendix.

In concept, the RPWG agrees with the statement about the importance of options and that these central points should be in the alternatives section. We have modified the text in Section IV - A. (Restoration Plan Alternatives) to emphasize this point. However, we continue to recommend that Appendix A should contain a single and complete set of option summaries. This numerically ordered set will be the place in the document where a person can see the full range of options in an easy to use set.

Appendix B This option should include a list of PAG members.


Changes made.

New appendix 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.

Changes made.

cc: RPWG

Attachment



August 24, 1992

TO: EVOS Trustee Council Members

SUBJECT: EIS for EVOS Restoration Planning

I have now heard from all of you in response to my earlier message regarding the use of Walcoff through their contract with DOJ to do the EIS for the restoration plan. Based on your responses, we do not have unanimous agreement to use Walcoff. All except DOI prefer to proceed with Walcoff. DOI is concerned about the reservations expressed by the DOJ litigation folks relative to Walcoff's performance under the contract for them. Consequently, they would prefer to see a new contract processed to accomplish the EIS.

Lacking unanimous agree to proceed with Walcoff, I suggest we proceed with a new contract to accomplish the preparation of the EIS for the Restoration Plan. However given the motion which was approved at the last Trustee Council meeting, I believe it is necessary for us to discuss at the next Trustee council meeting on Aug 31, and make a final decision on how best to proceed at that time. In the interim, I propose to tell DOJ folks that we are not going to use Walcoff to do the EIS report. Concurrently, we will start putting together the material for a new contract and expect to have this package completed before the first of September. If you all concur, we would expect to have a contract awarded by Nov 20.

Please let me know if you have any suggestions for a different approach.

Thanks


Mike Barton