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# Pacific Seabird Group



DEDICATED TO THE STUDY AND CONSERVATION OF PACIFIC SEABIRDS AND THEIR ENVIRONMENT

Craig S. Harrison  
Vice Chairman for Conservation  
4001 North 9th Street #1801  
Arlington, Virginia 22203

June 3, 1992

BY FAX (hard copy to follow)

Dr. David R. Gibbons  
Exxon Valdez Oil Trustee Council  
645 G Street  
Anchorage, Alaska 99501

Re: Comments on Use of Restoration Trust Funds

Dear Dr. Gibbons:

This letter constitutes the Pacific Seabird Group's (PSG) comments on the following:

- Restoration Framework (April 1992)
- 1992 Draft Work Plan (April 1992)
- Solicitation for suggestions for the 1993 Work Plan.

PSG is an international organization that was founded in 1972 to promote knowledge, study and conservation of Pacific seabirds. PSG qualifies as a nonprofit corporation under § 501(c)(3) of the Internal Revenue Code.

As PSG enters its third decade, it draws its 500 members from the entire Pacific Basin, including Russia, Canada, Japan, China, Mexico, Australia, and New Zealand. A substantial portion of PSG's membership resides in Alaska. Among PSG's members are biologists who have research interests in Pacific seabirds, state and federal officials who manage seabird refuges, and individuals with interests in marine conservation. We believe that no other organization has comparable expertise concerning the biology of the seabirds in the North Pacific Ocean. We enclose a summary of PSG's annual meetings since 1973 that highlights our scientific and management expertise. PSG was host to symposia on the biology and management of virtually every seabird species that

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the Exxon Valdez oil spill affected. We also enclose a dated brochure that summarizes PSG's activities.

### I. Restoration Framework (April 1992)

PSG generally supports the Trustees' approach to restoring the natural resources that the Exxon Valdez oil spill injured. We note that while \$1 billion in restoration trust funds is an enormous amount of money, it must be spent wisely if the immediate job of restoration is to be accomplished. We urge the Trustees to restrict the amount of trust funds that they spend on overhead and to fund only projects that directly restore natural resources. We also urge the Trustees to ensure that the organizations and agencies that implement the restoration work do so at the least possible cost. For example, once the Trustees decide to support a project or group of projects, other organizations besides government agencies should have an opportunity to bid competitively on the work. Such an approach will enable the greatest restoration of natural resources.

PSG agrees with the Trustees that seabirds are particularly vulnerable to oil spills. The Trustees document that the spill killed some 300,000 to 645,000 seabirds. Murres were especially hard hit, but substantial losses of the following bird species also occurred: loons, cormorants, Pigeon Guillemots, Bald Eagles, grebes, Harlequin Ducks, goldeneyes, scoters, Marbled Murrelets, Kittlitz' Murrelets, Northern Pintails, Old Squaw, Bufflehead, Black Oystercatchers, Bonaparte's Gulls, Arctic Terns, Black-legged Kittiwakes, and Tufted Puffins.

Injury Criteria. PSG agrees with the Trustees' first criterion that evidence of injury to a natural resource is an important factor to be used in allocating the restoration trust funds. In principle, PSG endorses the Trustees' second criterion (the adequacy and rate of natural recovery). However, the mere immigration of seabirds from elsewhere cannot be deemed to be "natural recovery." Seabird biologists have long noted that most seabird species live relatively long lives and reproduce slowly. PSG would object to any determination that seabirds do not qualify for restoration work simply because pioneering birds may move into the oil spill area from the Aleutian Islands or elsewhere. In such a circumstance, the Trustees should enhance seabird populations in other parts of Alaska that were indirectly "depleted" by the spill.

Criteria for Evaluation of Restoration Options. PSG generally supports the Trustees' criteria for evaluating restoration options. The Trustees should use technical feasibility, potential to improve the rate or degree of recovery, and an analysis of benefit/cost to make decisions concerning the use of the restoration trust funds. PSG welcomes evaluating

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restoration options from the perspective of whether they benefit more than a single resource. PSG's preferred options generally would benefit an entire community of seabirds (and sometimes other organisms), not just a single species.

Potential Restoration Alternatives. PSG strongly agrees that federal and state management authorities should use the regulatory powers to modify human uses of resources or habitats that the spill injured. We note that such efforts would not exhaust any of the restoration trust fund but would merely require that the state and federal natural resource agencies enforce the laws or redirect their programs. For example, we agree that authorities should curtail the hunting seasons for sea ducks (Option 8) and that authorities should manage commercial fisheries to reduce the incidental mortality of Marbled Murrelets in drift gillnets (Option 9). We note that taking Marbled Murrelets without a permit violates the Migratory Bird Treaty Act. Although not mentioned, PSG suggests that logging, both on government and private lands, be curtailed in uplands that are prime habitat for Marbled Murrelets or Harlequin Ducks. U.S. Forest Service lands that contain Marbled Murrelets should not be logged for at least a decade.

PSG also agrees that habitat acquisition could be a useful means of restoring the actual or equivalent resources that the spill injured. PSG strongly endorses Option 23 (acquisition of additional marine bird habitat). Because land acquisition can be extremely expensive, the Trustees should ensure that any lands purchased are valuable to seabirds and that the purchase passes muster under a cost/benefit analysis. PSG urges the Trustees to purchase the best seabird islands, not just "what's for sale." Moreover, the Trustees should consider the use of conservation easements rather than outright purchase. Often, restrictions on use and development will provide adequate protection at less cost, allowing more colonies to be protected.

PSG wishes to highlight several potential restoration options that seem to be especially promising. Increasing wildlife management in parks and refuges (Option 7) would be very useful for marine birds. The U.S. Fish & Wildlife Service (FWS), the National Park Service, and state agencies should hire or redirect their staffs to manage parks and refuges to improve marine bird habitat. The USA-USSR (1976) and USA-Japan (1972) migratory bird treaties provide ample incentive for agencies to manage seabird colonies to remove alien predators such as foxes. Article VI(c) of the Japan treaty requires this nation to take measures to control the introduction of live animals that disturb the ecological balance of island ecosystems. Article II of the Soviet treaty provides similar protection. Article IV(1) of the Soviet treaty requires this nation to abate detrimental alteration of the environment of migratory birds.

Under the category "Manipulation of Resources," PSG endorses support attempting to enhance murre productivity by using decoys or recorded calls at colonies (Option 16). PSG doubts that any success this technique might have (which is questionable), will do much to improve murre populations in Alaska.

PSG strongly agrees that alien foxes should be eliminated from seabird colonies (Option 17). This activity would help the entire seabird community to recover, including island-nesting sea ducks, dabbling ducks and oystercatchers besides alcids and larids. Moreover, the techniques are proven and have an extremely high benefit/cost. FWS biologists G. Vernon Byrd and Edgar P. Bailey reported to the Alaska Bird Conference in November 1991 that dramatic increases in bird populations took place at Nizki-Alaid Island in the western Aleutians after foxes were removed. They found particularly impressive increases for loons, Pelagic Cormorants, Aleutian Green-winged Teal, Common Eiders, Glaucous-winged Gulls, and Tufted Puffins. We would expand this activity to include removing alien rats and other creatures that harm seabirds. PSG incorporates by reference its letters to each Trustee dated March 2, 1992 in which it identified (Table 2) specific islands where foxes should be removed.

With respect to habitat protection, PSG endorses Options 22-25. Option 22 (designate protected marine areas) could provide long-term, protection to seabirds by protecting areas where seabirds feed and loaf on the water. A marine sanctuary in the Pribiloff Islands or Bristol Bay would be especially welcome. PSG has previously endorsed acquiring additional marine bird habitats (Option 23) such as Afognak, East Amatuli and Gull islands. PSG incorporates by reference its list of appropriate acquisitions (Table 1) that it sent to each Trustee by letter dated March 2, 1992. PSG also endorses acquiring inholdings within parks and refuges (Option 24). PSG endorses the acquisition of uplands to protect Marbled Murrelets and Harlequin Ducks if there is sufficient information available to ensure that appropriate tracks of land are purchased.

Finally, PSG endorses developing a comprehensive monitoring program (Option 31).

## II. 1992 Draft Work Plan

PSG's opportunity to comment on the 1992 draft Work Plan has come so late in the year that the Trustees have funded the projects already. PSG recognizes the administrative and logistical problems that the Trustees have faced in establishing the restoration program and accepts this situation for 1992. However, if the public involvement called for in the settlement documents is to be meaningful, the draft work plan for 1993

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should be available for public comment by December 1992. PSG observes that the Trustees have not committed \$18.2 million in restoration trust funds that could be spent in 1992.

PSG supports all of the damage assessment projects that the Trustees have funded this year — boat surveys to determine the distribution and abundance of migratory birds in Prince William Sound (Bird Study No. 2); surveys of murre colonies in spill area (Bird Study No. 3); assessment of Marbled Murrelets sites, Fork-tailed Storm-petrels, Black-legged Kittiwakes, and Pigeon Guillemots (Bird Studies No. 6-9); assessment of injury to sea ducks by hydrocarbon uptake (Bird Study No. 11); and assessment of shorebird injuries (Bird Study No. 12). PSG believes that understanding the magnitude of harm is important to decide the types and extent of restoration activities that may be necessary.

The Trustees have asked for comment on several restoration projects that it has funded for 1992. PSG is primarily interested in four restoration projects: murre restoration (No. 11, funded at \$317 K); Marbled Murrelet restoration (No. 15, funded at \$419 K); Harlequin Duck restoration (No. 71, funded at \$425 K); and impacts of contaminated mussels on Harlequin Ducks and Black Oystercatchers (No. 103C, funded at \$176 K). PSG generally supports each of these projects. In particular, the studies on Marbled Murrelet and Harlequin Duck habitat requirements should prove to be very useful in assessing potential land acquisitions for these species. The Harlequin Duck study should assist federal and state forestry agencies in establishing the width of forested buffer strips that are necessary to protect their breeding sites.

PSG is disappointed that the Trustees have not funded Option 17 (removal of foxes and other alien predators from seabird colonies). The Trustees have funded four seabird projects at a cost of \$1,337,000 for 1992. While PSG cannot evaluate whether such large amounts are appropriate, it suggests that in future years the Trustees apply the cost/benefit criterion discussed above to these projects. PSG would have difficulty justifying any of these projects as a priority above the unfunded Option 17 (removal of alien predators from seabird colonies). As we have discussed above and in previous letters to the Trustees, predator removal has the highest yield of any action that the Trustees or the agencies might take to increase the populations of the marine birds that the oil spill killed. Option 17 can be implemented immediately, even during the 1992 field season using some of the \$18.2 million of unobligated trust funds.

PSG also urges the Trustees to persuade FWS (and, where appropriate, other federal and state agencies), to fund predator removal through the agencies' normal budgetary processes. FWS, for example, had budgeted \$50,000 for fiscal year 1992 to remove foxes from islands in the Alaska Maritime National Wildlife

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Refuge. FWS essentially reprogrammed those funds to start a new project in the Yukon-Kuskokwim Delta to shoot native foxes in an attempt to improve waterfowl production. Such priorities are questionable.

### III. 1993 Work Plan

PSG suggests that the 1993 Work Plan include two additional projects to restore seabird populations. First, the Trustees should provide substantial funds to eliminate foxes, rats and other predators from present and former seabird colonies (Option 17). As noted above, PSG has already provided the Trustees with a list of colonies. Second, PSG suggests that the Trustees fund a project to evaluate PSG's list of candidates for acquiring habitat that is important to seabird colonies.

### IV. Conclusion

PSG supports the projects that the Trustees have proposed to date. PSG urges the Trustees to fund immediately the only project that is certain to increase the populations of the twenty or so seabird species injured by the oil spill, namely, the removal of predators from seabird colonies. PSG also urges the Trustees to continue and expand work to evaluate land acquisition candidates for seabird colonies. Thank you for this opportunity to lend our expertise and views on these important issues.

Sincerely,



Craig S. Harrison

Enclosures

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## Annual meetings of the Pacific Seabird Group

<u>Year</u>	<u>Location</u>	<u>Symposia</u>
1973-74	Bolinas, CA	Organizational meeting
1974-75	Seattle, WA	Biology of the alcids
1975-76	Monterey, CA	Seabird conservation on the California coast
1976-77	Monterey, CA	Shorebirds in the marine environment*
1977-78	Victoria, BC	Black-legged Kittiwake reproduction
1978-79	Monterey, CA	Food availability and reproductive success Investigator bias in assessing seabird nesting success
1979-80	Monterey, CA	
1980-81	Tuscon, AZ	
1981-82	Seattle, WA	Feeding ecology of marine waterfowl and pelagic birds* Seabird - commercial fisheries interactions* Tropical seabirds* Human disturbance at seabird colonies
1982-83	Honolulu, HI	
1983-84	Monterey, CA	
1984-85	Long Beach, CA	Biology of terns
1985-86	San Francisco, CA	Biology of gulls*
1986-87	La Paz, Mexico	Biology of seabirds in the Gulf of California
1987-88	Monterey, CA	Alcids at sea* Marbled Murrelet management* Wading bird reproduction in 1988
1988-89	Washington, DC	
1989-90	Victoria, BC	Status, ecology and conservation of seabirds of the North Pacific Ocean*
1990-91	Monterey, CA	
1991-92	Charleston, OR	
1992-93	Seattle, WA	Seabird conservation in the Pacific Northwest

\*published or in press

## Yes! I want to join the PACIFIC SEABIRD GROUP



All members receive The Pacific Seabird Group Bulletin, announcements of meetings, reduced rates on some publications, and most important the knowledge of contributing to the study and conservation of Pacific seabirds.

Life and Patron memberships are available in four equal payments. All life and patron membership contributions are dedicated to the Pacific Seabird Group Endowment Fund.

Enclosed is my contribution \$ \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

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Mail to: **The Pacific Seabird Group**

Ellen Chu  
7334 Champagne Point Road  
Firklund, WA 98034

Keep this portion for your tax records  
contribution to:

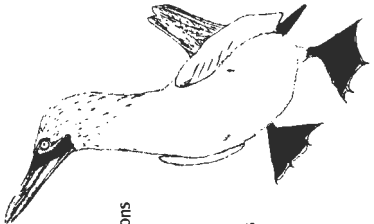
The Pacific Seabird Group, Inc.

Check No. \_\_\_\_\_

Amount \$ \_\_\_\_\_ Dated \_\_\_\_\_

The Pacific Seabird Group is a scientific, non-profit, non-governmental, conservation organization. Contributions are fully tax deductible under the Internal Revenue Code 501 (c) (3).

## Our Concern is for Seabirds



The interest and concern of THE PACIFIC SEABIRD GROUP encompasses millions of birds of over 275 species—all related by their dependence on the ocean environment, but widely divergent in their natural histories and the problems they face.

Pacific seabirds include representatives of 8 avian orders and 23 families, including loons, grebes, albatrosses, shearwaters, storm-petrels, boobies, pelicans, cormorants, frigatebirds, geese, ducks, puffins, murres, aukslets, guillemots, murrelets, phalaropes, sandpipers, plovers, terns, gulls, jaegers, tropicbirds, and penguins.

Some Pacific seabirds are astonishingly numerous and wander widely over the seas. For example, millions of short-tailed shearwaters that nest on islands off Australia and New Zealand annually migrate to feeding areas in the Bering Sea. These millions of shearwaters complement the arctic populations of nesting seabirds that in Alaska alone, number over 40 million seabirds.

However, many seabird species are uncommon or occur only in restricted areas. Several Pacific seabird species are already endangered, including the short-tailed albatross and dark-rumped petrel. With increasing human development and pollution of the marine environment, the list of threatened and endangered seabirds is likely to grow.

Although much research has been done, and our knowledge is growing, our understanding of the ecology of Pacific seabirds is inadequate. We have yet to learn the most basic breeding biology of several species, and feeding ecologies of most species are poorly known. Decades of research are still needed to understand the population dynamics of seabirds, as most are long-lived and reproduce slowly. Yet changes are swiftly coming to the seabirds' world.

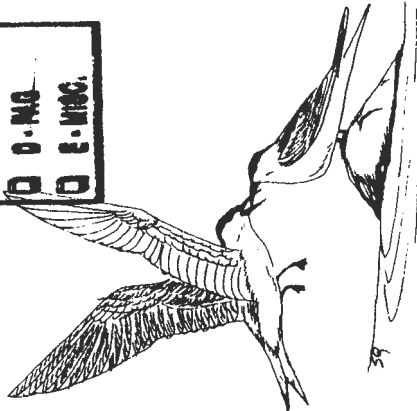
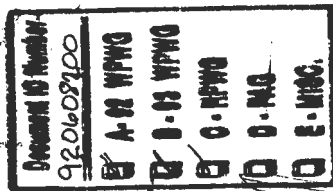
Protection and conservation of the great variety of fascinating seabirds of the Pacific Ocean is a challenge that will require the contributions, research, concern, and dedication of many people from many countries.

## Seabirds For The Future

In 1984, THE PACIFIC SEABIRD GROUP established an endowment fund with a generous gift of \$1000 from the Bullitt Foundation. This endowment fund was set up in recognition that the future of seabirds depends on continued research and conservation efforts.

Accrued interest from this fund will be used to organize high quality seabird symposia, help bring researchers from around the world to these symposia, and for printing and dissemination of the proceedings. When the fund has grown to adequate proportions, PSG may also use accrued interest to fund seabird research and specific conservation efforts.

Financial managements of the Endowment Fund is handled by the PSG Treasurer and two investing trustees appointed by PSG Executive Council.



Dedicated to the study and conservation of Pacific seabirds & their environment

# Pacific Seabird Group





## What is the Pacific Seabird Group?

THE PACIFIC SEABIRD GROUP, INC. is a scientific, non-profit organization dedicated to the study and conservation of seabirds and their environment. PSG was formed in 1972 out of a need for better communication among seabird researchers, through research supported by a variety of agencies and organizations, many PSG members are working to learn more of the secrets of seabird biology, to gather information needed to protect seabird nesting, feeding, and wintering areas, to restore seabirds to islands where introduced predators have wreaked havoc, and to minimize the effects of human activities on the seabirds' world.

THE PACIFIC SEABIRD GROUP takes a broad international perspective in recognition that distant areas are tied by the wanderings of seabirds and the continuity of ocean waters. Our membership includes professional biologists, wildlife managers, students, conservationists, and others from the United States and 15 other countries. PSG promotes international communication between seabird biologists through joint meetings with other groups, such as the 1983 meeting with the Australasian Seabird Group and the 1985 meeting with the Colonial Waterbird Group.

The Executive Board also reflects PSG's international perspectives and concerns. Representatives from 11 regions representing portions of the United States, Canada, Mexico, Central and South America, the South Pacific, and Europe, work with the Chairman, Chairman-elect, Secretary, Treasurer, and PSG Bulletin Editor to plan and direct the organization's activities.

# Pacific Seabird Group



## Current Activities

**ANNUAL MEETINGS:** At yearly conferences, researchers share their discoveries and conservation concerns with each other and the public. Reflecting the international distribution of Pacific seabirds, PSG Annual Meetings are often attended by people from throughout the world, including Mexico, Canada, Central & South America, Africa, the United Kingdom, Australia, and Japan. Attendees benefit from the support, constructive criticisms, and insights of fellow participants, as well as from the exchange of scientific reports. Student presentations and reviews of ongoing research are encouraged.

**SYMPOSIA:** Specialized symposia on specific problems are organized to facilitate exchange and dissemination of information. Symposia proceedings are often published. Past symposia include: "Shorebirds in the Marine Environment", "Tropical Seabird Biology", "The Effects of Human Disturbances on Seabird Colonies", "Marine Birds: Their Feeding Ecology and Commercial Fisheries Relationships", and "Impact of the 1982-83 El Niño on Seabird Biology". A variety of other symposia are being organized, including workshops on terns, alcid, nongame waterbirds, and seabird use of man-made versus natural wetlands.

## Committees

**STANDING COMMITTEES:** Three standing committees work to further PSG's goals. Members are encouraged to participate and contribute to the activities of the committees.

**CONSERVATION COMMITTEE:** This committee takes an active role in promoting conservation of seabirds. Current activities include keeping all PSG members apprised of issues and legislation relating to seabird conservation, developing a booklet for seabird researchers on minimizing disturbance of nesting colonies, and organizing a workshop on nongame waterbird conservation. The Conservation Committee often provides support for seabird conservation measures, and criticism of activities that will likely harm seabirds or the marine environment.

**FISHERIES-SEABIRD INTERACTIONS COMMITTEE:** In recognition of the serious conflicts that can and do occur between some commercial fisheries and seabird conservation, a special committee is established to work specifically on this complex conservation problem. Incidental take of seabirds in fishing nets and traps, and potential conflicts over food resources are two of the problems with which this committee is concerned.

**SCIENTIFIC TRANSLATIONS COMMITTEE:** This committee is concerned with translations into English of research papers of interest to seabird biologists. Through the efforts of this committee, members are kept informed of translations available to them.

## Publications

### THE PACIFIC SEABIRD GROUP BULLETIN

Issued twice annually, the Bulletin summarizes organization activities, informs members of current seabird conservation issues, reports from regional representatives about ongoing seabird research and conservation problems in their areas, along with reviews of recent books on birds, and other information of interest to members. Members receive the Bulletin.

### INTERNATIONAL SEABIRD MEMBERSHIP DIRECTORY

Published in 1984, contains the names and addresses of members of PSG, the Colonial Waterbird Group, Australasian Seabird Group, African Seabird Group, and The Waterbird Group (United Kingdom).

### SHOREBIRDS IN MARINE ENVIRONMENTS

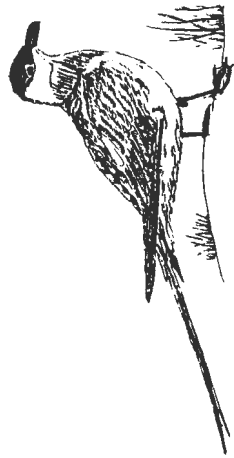
A collection of 25 papers by 39 authors resulting from the 1979 symposium sponsored by the Pacific Seabird Group. Edited by F. A. Pitelka and published by the Cooper Ornithological Society as Number 2 in the Studies in Avian Biology series. 261pp. Available to PSG members at reduced cost.

### MARINE BIRDS: THEIR FEEDING BIOLOGY AND COMMERCIAL FISHERIES RELATIONSHIPS

A collection of 23 papers by 39 authors presented at a 1979 PSG symposium in Seattle, WA. Edited by D. H. Nettles, G. A. Sanger, and P. F. Springer and published by the Canadian Wildlife Service. Available free to attendees and members.

### TROPICAL SEABIRD BIOLOGY

Proceedings of an international symposium held by PSG in 1983 in Honolulu, HI. Contains 6 review papers on feeding, physiology, breeding strategies, and ecology of tropical seabirds. Edited by R. A. Schreiber and published by the Cooper Ornithological Society as Number 8 in the Studies in Avian Biology series. 114 pp. Available to PSG members at reduced cost.



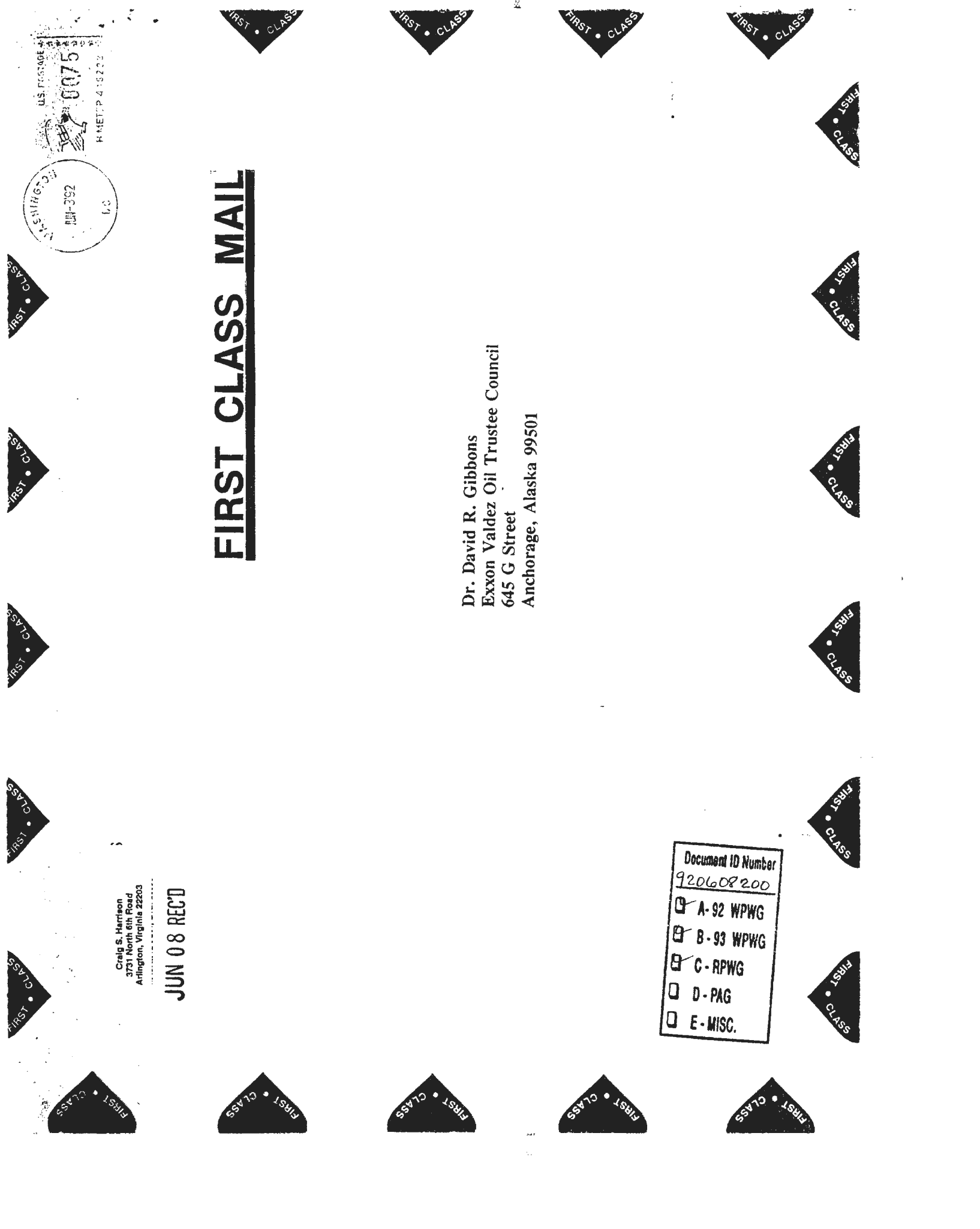
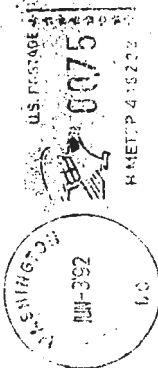
**FIRST CLASS MAIL**

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Exxon Valdez Oil Trustee Council  
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*- see attached for hand delivery date of 6/4/92*

*RS*

United States  
Department of  
Agriculture

Forest  
Service

Chugach  
National  
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Reply to: 1900

Date: June 3, 1992

Exxon Valdez Oil Spill Trustee Council  
645 "G" Street  
Anchorage, AK 99501

*contains substantive comments - 1-2E*

Attn: Restoration Framework

Dear Trustee Council:

Over the last three years the Chugach National Forest(CNF) has been pleased to work with the Oil Spill organization, documenting and coordinating the effort to clean up and restore Prince William Sound in the wake of the Exxon Valdez oil spill(EVOS). We appreciate this opportunity to comment on the Framework Plan and help set the ten-year direction for restoration of the Sound and other oiled areas.

As a representative of a multiple-use resource management agency, it is our position that the [Restoration of Prince William Sound(PWS)] responds to the needs of injured resources and services, and the users who live, work, and recreate in the sound. [As the upland manager of Prince William Sound it is imperative that the Forest Service be involved in all activities that affect the uplands and the resources or services that are dependent on the uplands.] We recognize that other state and federal agencies have responsibilities within the Sound. [Where fish and wildlife resources management activities are proposed by these agencies, and where that management activity will affect the uplands, we are asking for appropriate notification and cooperation.]

The Chugach National Forest is developing an amendment to its forest-wide management plan. This amendment specifically encompasses Prince William Sound. The need for amendment was perceived in the wake of the EVOS. It was necessary to look at the need for restoration and whether the current Plan would allow the breadth of restoration work envisioned. We have completed our scoping for the amendment. An analysis of responses will now guide us in the process of amendment. [I expect the Forest Service liaison to the restoration planning working group to coordinate information and process its exchange between the restoration planning and the Chugach Plan Amendment Team.] Information gathered by the EVOS Restoration Planning Working Group and the Amendment Team should be shared. [I think the subject team members are in agreement and will cooperate in this effort.]





Restoration Response 2

The Forest takes great pride in, and responsibility for, cultural resources that abound along the coastal regions of PWS. We have received excellent cooperation from other agencies, native corporations and private enterprise during the cleanup and damage assessment processes. It is my projection that these resources are significant and will receive the greatest care. Development of opportunities for management and interpretation should be an integral part of option development.

The options presented in the 4/92, Vol. 1, Restoration Framework cover the damaged resource and services. I do think other options are available to us depending upon the breadth developed for the existing ones. Of importance to the Chugach National Forest are the options which do not limit future management opportunities and inadvertently curtail or restrict activities necessary to maintain a healthy forest ecosystem. This may seem in deference to the potential designation of the Nellie Juan-College Fjord Wilderness Study Area as wilderness, but it is not. Wilderness is a viable management option when considered in context with the multiple-use mandate of the Forest Service. An option considering wilderness classification for all National Forest Lands within Prince William Sound could substantially reduce long-term management options. Since I do not want to preclude the analysis of any options outside the NEPA process, I expect the planning teams' efforts will thoroughly evaluate all proposed options.

As the resource manager of the Chugach National Forest, the area most likely to be impacted by any future oil spills, it is critical that we document the existing resources of Prince William Sound and the Copper River Delta so that we are prepared to protect those areas most sensitive to the impacts of a future oil spill. Monitoring of the resource conditions continuously into the future is critical. The more current our information is, the better we will be able to respond to any future disaster.

It is also obvious that to properly monitor the sound for recovery from the EVOS that a centralized facility located in the oil spill area would facilitate monitoring, research and appropriate timely restoration of the impacted area. One or more facilities located in Prince William Sound would also allow for a quicker response if another oil spill were to occur. A facility of this nature would provide support for oil spill recovery activities and provide for on site public information. This idea needs to be included as an option in the restoration plan.

Recreation with an emphasis on the interpretation of oil spill effects and the natural environment is in high demand in the Sound. These activities are important to the tourists and Alaskan people. These option should be pursued. The Evaluation of Restoration Options presented in Chapter VI of the Restoration Framework should be expanded to include a statement such as: "Degree of enhancement or distraction to interagency cooperation" in the 7th element on page 44.

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Restoration Response 3

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The CNF would support a restoration alternative which considered a combination of activities as presented in Alternatives B through E of Chapter VII. The combination to be determined by Team evaluation and public participation.

As the subsistence manager of the National Forest lands, I want to emphasize the need to stay current on the subsistence issue as it relates to injured resources and services.

I would also like to emphasize that an in-depth look at the following options, as listed in Appendix B, Vol. 1, Restoration Framework is necessary to determine effects on upland management, which, for the most part, is the responsibility of the Chugach National Forest. These options are: 1, 4, 5, 6, 7 (forests are an oversight in the description of this option and should be included), 8, 10, 11, 12, 13 (if, for example, mining and timber operations were considered), 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 (again forests are an obvious oversight), 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35.

It is easy to recognize from this listing that National Forest Lands are a significant part of the restoration process. I expect my staff specialists and oil spill liaison people to be intimately involved in the restoration planning efforts. Timely information and queries from Restoration Planning Working Group is imperative to facilitate this planning process. My expectations are high that the forthcoming restoration plan will focus on the necessary and attainable.

The CNF is proposing several resource and service related projects for the 1993-2001 work plan. These will be presented under a separate cover.

In closing, I would like to point out that administration of National Forest System lands and management of natural resources are within the principle of multiple use and sustained yield. Within this context Chugach National Forest management includes planning, coordinating, and directing the resource programs of timber, range, fish and wildlife and their habitats, recreation, watershed, cultural, subsistence uses, minerals, access, and uses of the lands and resources contained within those lands. Also, support activities of fire, engineering, lands, aviation, research and computer systems are inherent in our responsibilities.

The Forest Service manages all lands and water within the boundaries of the National Forest. In Alaska this includes all submerged lands, tidelands, and wetlands above the mean high tide. (By agreement with The State of Alaska, 3/92)

Thank you for the opportunity to respond to the Restoration Framework proposals.

Sincerely,

*Donald G. Zee*

BRUCE VAN ZEE  
Forest Supervisor

for



United States  
Department of  
Agriculture

Forest  
National  
Forest Service

201 E. 9th Ave.  
Suite 206  
Anchorage, AK 99501

JUN 04 REC'D

Reply to: 1900

Date: June 3, 1992

Exxon Valdez Oil Spill Trustee Council  
645 "G" Street  
Anchorage, AK 99501

Attn: Restoration Framework

Dear Trustee Council:

Over the last three years the Chugach National Forest (CNF) has been pleased to work with the Oil Spill organization, documenting and coordinating the effort to clean up and restore Prince William Sound in the wake of the Exxon Valdez oil spill (EVOS). We appreciate this opportunity to comment on the Framework Plan and help set the ten-year direction for restoration of the Sound and other oiled areas.

As a representative of a multiple-use resource management agency, it is our position that the restoration of Prince William Sound (PWS) responds to the needs of injured resources and services, and the users who live, work, and recreate in the sound. As the upland manager of Prince William Sound it is imperative that the Forest Service be involved in all activities that affect the uplands and the resources or services that are dependent on the uplands. We recognize that other state and federal agencies have responsibilities within the Sound. Where fish and wildlife resources management activities are proposed by these agencies, and where that management activity will affect the uplands, we are asking for appropriate notification and cooperation.

The Chugach National Forest is developing an amendment to its forest-wide management plan. This amendment specifically encompasses Prince William Sound. The need for amendment was perceived in the wake of the EVOS. It was necessary to look at the need for restoration and whether the current Plan would allow the breadth of restoration work envisioned. We have completed our scoping for the amendment. An analysis of responses will now guide us in the process of amendment. I expect the Forest Service liaison to the restoration planning working group to coordinate information and process its exchange between the restoration planning and the Chugach Plan Amendment Team. Information gathered by the EVOS Restoration Planning Working Group and the Amendment Team should be shared. I think the subject team members are in agreement and will cooperate in this effort.

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E-MISC.

RS  
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## Restoration Response 2

The Forest takes great pride in, and responsibility for, cultural resources that abound along the coastal regions of PWS. We have received excellent cooperation from other agencies, native corporations and private enterprise during the cleanup and damage assessment processes. It is my projection that these resources are significant and will receive the greatest care. Development of opportunities for management and interpretation should be an integral part of option development.

The options presented in the 4/92, Vol. 1, Restoration Framework cover the damaged resource and services. I do think other options are available to us depending upon the breadth developed for the existing ones. Of importance to the Chugach National Forest are the options which do not limit future management opportunities and inadvertently curtail or restrict activities necessary to maintain a healthy forest ecosystem. This may seem in deference to the potential designation of the Nellie Juan-College Fjord Wilderness Study Area as wilderness, but it is not. Wilderness is a viable management option when considered in context with the multiple-use mandate of the Forest Service. An option considering wilderness classification for all National Forest Lands within Prince William Sound could substantially reduce long-term management options. Since I do not want to preclude the analysis of any options outside the NEPA process, I expect the planning teams' efforts will thoroughly evaluate all proposed options.

As the resource manager of the Chugach National Forest, the area most likely to be impacted by any future oil spills, it is critical that we document the existing resources of Prince William Sound and the Copper River Delta so that we are prepared to protect those areas most sensitive to the impacts of a future oil spill. Monitoring of the resource conditions continuously into the future is critical. The more current our information is, the better we will be able to respond to any future disaster.

It is also obvious that to properly monitor the sound for recovery from the EVOS that a centralized facility located in the oil spill area would facilitate monitoring, research and appropriate timely restoration of the impacted area. One or more facilities located in Prince William Sound would also allow for a quicker response if another oil spill were to occur. A facility of this nature would provide support for oil spill recovery activities and provide for on site public information. This idea needs to be included as an option in the restoration plan.

Recreation with an emphasis on the interpretation of oil spill effects and the natural environment is in high demand in the Sound. These activities are important to the tourists and Alaskan people. These option should be pursued. The Evaluation of Restoration Options presented in Chapter VI of the Restoration Framework should be expanded to include a statement such as; "Degree of enhancement or distraction to interagency cooperation" in the 7th element on page 44.

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Restoration Response 3

The CNF would support a restoration alternative which considered a combination of activities as presented in Alternatives B through E of Chapter VII. The combination to be determined by Team evaluation and public participation.

As the subsistence manager of the National Forest lands, I want to emphasize the need to stay current on the subsistence issue as it relates to injured resources and services.

I would also like to emphasize that an in-depth look at the following options, as listed in Appendix B, Vol. 1, Restoration Framework is necessary to determine effects on upland management, which, for the most part, is the responsibility of the Chugach National Forest. These options are: 1, 4, 5, 6, 7 (forests are an oversight in the description of this option and should be included), 8, 10, 11, 12, 13 (if, for example, mining and timber operations were considered), 14, 16, 17, 18, 19, 20, 21, 22, 23, 24 (again forests are an obvious oversight), 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35.

It is easy to recognize from this listing that National Forest Lands are a significant part of the restoration process. I expect my staff specialists and oil spill liaison people to be intimately involved in the restoration planning efforts. Timely information and queries from Restoration Planning Working Group is imperative to facilitate this planning process. My expectations are high that the forthcoming restoration plan will focus on the necessary and attainable.

The CNF is proposing several resource and service related projects for the 1993-2001 work plan. These will be presented under a separate cover.

In closing, I would like to point out that administration of National Forest System lands and management of natural resources are within the principle of multiple use and sustained yield. Within this context Chugach National Forest management includes planning, coordinating, and directing the resource programs of timber, range, fish and wildlife and their habitats, recreation, watershed, cultural, subsistence uses, minerals, access, and uses of the lands and resources contained within those lands. Also, support activities of fire, engineering, lands, aviation, research and computer systems are inherent in our responsibilities.

The Forest Service manages all lands and water within the boundaries of the National Forest. In Alaska this includes all submerged lands, tidelands, and wetlands above the mean high tide. (By agreement with The State of Alaska, 3/92)

Thank you for the opportunity to respond to the Restoration Framework proposals.

Sincerely,

s/Donald G. Rivers (for)

BRUCE VAN ZEE  
Forest Supervisor

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<input type="checkbox"/> D-PAG	
<input type="checkbox"/> E-MISC.	

R  
SS

Timothy D. Bowman  
P.O. Box 768  
Cordova, Alaska 99574  
June 4, 1992

Exxon Valdez Oil Sill Trustee Council  
645 G Street  
Anchorage, Alaska 99501

RE: Comments on the Exxon Valdez oil spill Restoration Framework,  
Potential Restoration Options.

I have several general and specific comments regarding the  
Restoration Framework, and use of Restoration money.

General Comments

1. [The best and proper use of restoration money should be habitat  
acquisition.] Although I believe that this should be a primary use  
of the settlement funds, [it should not be done at the exclusion of 2  
other important actions, such as long term monitoring of affected  
wildlife and habitat.] The [Exxon Valdez oil spill has emphasized 3  
the need for baseline data, and we should be prepared for other oil  
spills or other catastrophes.]

2. [Certain activities are completely inappropriate for the 4  
intended purposes of Restoration money. These include the  
construction of roads, ferries, docks, airstrips, and hatcheries.]

Specific Comments

1. Option 34 (Establish a Marine Environmental Institute).  5  
support this concept, but urge that funding be directed to improve  
or expand existing facilities and capabilities of the Prince  
William Sound Science Center or Copper River Delta Institute.]  
These entities are already capable of meeting the proposed  
objective.

2. [A Geographic Information System (GIS) needs to be established 6  
to synthesize all available geographic and resource information on  
the region.] [and to serve as both a central repository and 7  
distribution center for such data.] [This might be logically and 8  
practically accomplished in conjunction with the proposed Marine  
Environmental Institute.]

3. [I would suggest an additional Option to develop a program to 9  
prevent, or respond to, future oil spills.] This should include  
species-specific response plans which identify the responsible  
agency or individual(s).

Thank you for the opportunity to participate in the public review  
process.

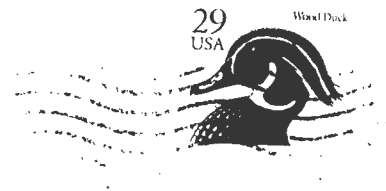
Sincerely,  
*Timothy D. Bowman*  
Timothy D. Bowman

Tim Bowman  
Box 768  
Cordova, AK 99574

JUN 08 REC'D

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<input type="checkbox"/>	E-MISC.

Exxon Valdez Oil Spill Trustee Council  
645 G Street  
Anchorage, AK 99501





Dave R. Gibbons, Ph.D.  
Interim Administrative Director  
Exxon Valdez Oil Spill Restoration Team  
645 G Street  
Anchorage, AK 99501

June 8, 1992

Dear Dr. Gibbons:

On behalf of the one million members of our organization, World Wildlife Fund (WWF) appreciates the opportunity to provide input into the selection of restoration projects to be undertaken by the Exxon Valdez Trustee Council.

[WWF strongly recommends that the vast majority of the Council's restoration work involve the acquisition of prime fish and wildlife habitat in Prince William Sound and the Gulf of Alaska, particularly on Kodiak Island.] Kodiak National Wildlife Refuge contains some of the most valuable fish and wildlife habitat in the Gulf of Alaska region and did receive some of the oil spilled by the Exxon Valdez. A portion of this habitat now in Native ownership is increasingly being subjected to development pressures, threatening the area's unique natural resources.

The [restoration process affords an opportunity to acquire critical parcels of that habitat and ensure that they have long-term protection]. There may be no better way to ensure that Alaska's fish and wildlife heritage is preserved for coming generations. Thus, [land acquisition by the Trustee Council is a much more appropriate use of the settlement funds than any other possible form of expenditure.]

WWF appreciates the opportunity to provide input into the restoration process. Please call Paul DeLong, a member of my staff, at (202) 778-9529 if you would like additional information.

Sincerely,

Donald J. Barry  
Vice President  
Land & Wildlife Program

World Wildlife Fund

1250 Twenty-Fourth St., NW Washington, DC 20037-1175 USA  
Tel: (202) 293-4800 Telex: 64505 PANDA FAX: (202) 293-9211

Incorporating The Conservation Foundation. Affiliated with World Wide Fund for Nature.



recycled paper

contains substitution comments 1-4

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EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL  
 RESTORATION PROJECTS

4

Title: Kodiak National Wildlife Refuge Habitat Acquisition  E-MISC.

Justification: The Exxon Valdez oil spill impacted the Kodiak archipelago in spite of its distance from the spill site. In 1989, the Kodiak Island salmon fishery was closed because of the spill, at a significant economic cost.

A portion of prime fish and wildlife habitat on Kodiak is under severe development pressures. Land selected by Native Corporations within Kodiak National Wildlife Refuge contains some of the most valuable and productive wildlife habitat in the archipelago. The potential for development of refuge inholdings owned by Native Corporations is constantly growing as they seek to gain financial security for their shareholders. The large loss of fish and wildlife caused by the Exxon Valdez spill can in part be mitigated by protecting some of Kodiak's vital wildlife and fish habitat through the purchase of Native inholdings.

Description of Project:

Goal: Long-term protection of regionally and nationally important fish and wildlife habitat.

Objectives: Acquire Native inholdings within Kodiak National Wildlife Refuge to ensure their long-term protection and thereby protect the Kodiak bear, bald eagle, salmon, and a variety of other fish and wildlife species. Identify and acquire those parcels with high habitat value and high development pressures or other threats to their integrity.

Location: Kodiak National Wildlife Refuge

Rationale: The Exxon Valdez oil spill caused significant damage to fish and wildlife populations in the region surrounding Prince William Sound. As part of the restoration process, the acquisition of valuable fish and wildlife habitat would provide some assurance that these fish and wildlife populations are preserved. Unless some of these areas are protected, the biological integrity of the entire region may slowly be compromised by random development until the total effects rival that of the oil spill. Acquiring key parcels of land will reduce the extent and impact of further degradation.

Kodiak National Wildlife Refuge  
Habitat Acquisition  
Page 2

Rationale (cont.):

The extensive fish and wildlife resources of in the Gulf of Alaska region are probably no where better exhibited than on Kodiak Island within the national wildlife refuge. The island is home to the Kodiak brown bear, which can weigh up to 1,300 pounds, in part due to the presence of an outstanding salmon fishery in the Kodiak archipelago. In addition to the bears, Kodiak and the surrounding islands contain red foxes, river otters, deer, elk, bald eagles, abundant waterfowl, and millions of winter sea birds.

**Technical Approach:** The Council should acquire, through fee purchase or conservation easement, important and threatened parcels of land within the Kodiak National Wildlife Refuge. Once acquired, the Council should donate the lands and easements to the U.S. Fish & Wildlife Service to be managed as part of the Kodiak National Wildlife Refuge.

Estimated Duration of Project: The acquisition of Kodiak habitat should continue throughout the restoration process.

Estimated Cost Per Year: Variable; the amount of funding will dictate the amount of habitat that can be acquired.

Contact: Paul DeLong  
World Wildlife Fund  
1250 24th Street, N.W.  
Washington, D.C. 20036-1157  
202/778-9529

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 Exxon Valdez Oil Spill Rest.  
 Team  
 Dave R. Gibbons, Ph.D.  
 Interim Admin. Director  
 645 G Street  
 Anchorage, AK USA  
 JUN 09 RECD  
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Natural Resources  
Defense Council

40 West 20th Street  
New York, New York 10011  
212 727-2700  
Fax 212 727-1773

*contains substantive comments*  
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*124*

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COMMENTS  
OF  
ON  
THE NATURAL RESOURCES DEFENSE COUNCIL

THE RESTORATION FRAMEWORK  
FOR THE EXXON VALDEZ OIL SPILL

June 4, 1992

Prepared by:

Sarah Chasis  
Senior Attorney



Document ID Number	920608198
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The Natural Resources Defense Council (NRDC) appreciates this opportunity to comment on the Restoration Framework for the Exxon Valdez oil spill. This framework is set out in a document entitled Exxon Valdez Oil Spill Restoration, Volume I: Restoration Framework dated April 1992. Comments have been requested by June 4 by the Trustee Council.

NRDC has been carefully monitoring the damage assessment and restoration planning process for the Exxon Valdez oil spill for the last three years. We believe that it is essential that this process be carried out with the utmost care since what happens with respect to this spill will serve as a model for oil spills everywhere. The full range of impacts resulting from this spill must continue to be explored so that the long-term, sublethal effects, as well as the immediate impacts of this massive oil spill are well documented.

We are pleased that the scientific data from the studies carried out to date by the federal and state governments are finally to be made available so that the public will have full access to the findings so far. However, we strenuously object to the state's failure to release the economic studies that indicate the valuation of the natural resource damages of the spill. Without this information, it is impossible to assess the full ramifications of the spill.

At the same time that it is important that the assessment and restoration process be carried out carefully, the process should not be used as an excuse for foregoing key restoration options in the interim. There are a number of proposed timber sales, for example, on lands which provide important habitat for species such as marbled murrelets and harlequin ducks which were adversely affected by the spill. Timber harvesting could subject these species to further environmental insult and could also harm other spill-impacted species, such as wild salmon and cutthroat trout which utilize streams adjacent to such lands. Preventing this timber harvesting is crucial for the restoration of these important species. Rather than allow the opportunity to acquire such rights to slip by, the Trustees should identify and immediately undertake interim actions to acquire such rights. The framework document is inadequate in that it fails to provide for such interim actions or to establish a process for carrying out such actions before the final restoration plan is finalized.

Our comments on the specific sections of Volume I are set out below.

## COMMENTS ON CHAPTER II (PUBLIC PARTICIPATION)

For the public to participate meaningfully in the damage assessment and restoration planning process, it is essential that they have access to the scientific data (including summaries, reports, scientific interpretation and conclusions) showing the extent of injury to date, the continued availability of oil for uptake by marine and terrestrial organisms, etc. To facilitate the public's access to that data, a notice should be issued to all interested parties (e.g., all those who have commented on the damage assessment and/or restoration framework) as new information is filed with the Oil Spill Information Center -- informing people of the title of the report(s), the form(s) the data are in, the period of time the study covers, etc. This will



alert people to the availability of this information in a timely way and in a way that will allow them to obtain the information they most want in the form they can handle.

<sup>17</sup> We believe that it is very important that the public advisory committee be given a substantial role in the damage assessment and restoration planning process. <sup>14</sup> [The only way this will be accomplished is if it has some real independence from the Trustee Council and has the capability to review and assess different restoration options.] In the long run, [a strong and independent advisory committee will stand the process and the Trustees in much better stead than a committee that merely rubber-stamps what the Trustees do or that has no clear role greater than the role provided the general public through participation in the restoration process.]

To make the public advisory committee effective, <sup>15</sup> [we recommend: [An independent staff and a separate budget for the advisory committee sufficient to permit independent review and analysis of the damage assessment and of the restoration proposals] and an important and concrete role for the advisory committee] for example each year formulating a proposed set of restoration projects to the Trustee Council that the Council would have to consider and either accept or reject.] <sup>16</sup> [To make the advisory committee credible, the individual named to serve on the committee should be someone nominated by the interests he/she is selected to represent and each of the identified interests should have a representative on the committee.] <sup>17</sup>

### CHAPTER III (RESTORATION PLANNING TO DATE)

Reference is made to the fact that the rate and adequacy of natural recovery may be considered when evaluating restoration measures. (p. 17) However, <sup>18</sup> [there is great uncertainty in most cases concerning the timing and completeness of natural recovery. Therefore we urge that such consideration not be used as a reason against undertaking restoration actions which will clearly benefit the affected species.] <sup>19</sup> [The potential for natural recovery should not be used as an excuse for no action.]

### CHAPTER V (PROPOSED INJURY CRITERIA)

<sup>20</sup> [The definition of injury to natural resources is too constrained.] <sup>21</sup> [A loss which may be due to exposure to oil spilled by the T/V Exxon Valdez should be considered a consequential injury. Certainty should not be required.] <sup>22</sup> [Particularly important, the words "significant" should be eliminated from the definition of loss. Declines in productivity or populations, for example, should be considered a loss whether they can be characterized as significant or not.] <sup>23</sup> [The data may not be available as yet to determine whether the injury is significant; or the data may be ambiguous about the significance of the injury. It would be counterproductive to require a showing of significance before restoration could be undertaken.]

Similarly, <sup>24</sup> [the definition of natural resource services should not turn on a showing of significance.]

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[Because of our concerns about factoring natural recovery into the restoration planning process, we recommend that the document state in the last sentence of page 41 that: "it would be worth considering" rather than "may be worth considering" restoration options.]

#### CHAPTER VII (SCOPE OF POTENTIAL RESTORATION ALTERNATIVES)

[Under D (Habitat Protection and Acquisition), explicit emphasis should be given to the option of acquiring land conservation easement or timber rights upland or outside of the spill impacted area in order to protect the habitat of wildlife and fisheries harmed by the spill.]

27

We strongly recommend that the conceptual approach to the analysis of restoration options be that set forth in Figure 7 rather than in Figure 6. [Habitat protection and acquisition should not be the restoration option of last resort, but one considered simultaneously with other options.] There is no reason that this option should be treated last when in our view it will be the most valuable and effective option of all.]

28

29

We also believe that [natural recovery should be considered simultaneously with other options rather than considered first.] [Natural recovery may not prove as rapid or effective as restoration and should be compared to other options rather than set on a different plane.]

30

31

We are very concerned about one of the options proposed for consideration--Option 32, to establish a restoration endowment using all of the available proceeds from Exxon.(p. B-37)

[To put all the settlement money into an endowment would mean that very little would be available in the initial years for any significant acquisition of important habitat. This option would essentially be foreclosed--a terrible mistake, which would remove from the Trustees' restoration options one of the most valuable possible uses of the money.]

32

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JUN 09 REC'D



Natural Resources  
Defense Council

PLEASE  
DELIVER  
FAX TO:

Dave Gibbons

ORGANIZATION: Exxon Valdez, Restoration Framework  
doc comments

\* corrected typo,  
2.1 of

THIS TRANSMISSION IS 3 PAGES, INCLUDING COVER SHEET.

ments  
submitted last  
week.

FAX IS  
FROM:

Sarah Chastis

Natural Resources Defense Council, Inc.  
40 West 20th Street  
New York, New York 10011

Thank you.

IF THERE ARE PROBLEMS WITH THIS TRANSMISSION

PLEASE CONTACT: Ashley McLean AT (212) 727- 4424

NRDC'S NEW YORK OFFICE FAX NUMBER: (212) 727-1773

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6/9

Mr. Gibbons -

We would like to submit a changed page to the comments we faxed to you last week: Please note the location of the closed parenthesis in the last paragraph of page 1. [It should be placed after the word "framework"] We hope this is not a problem.

Please call if you have my questions, at (212) 727-4424.

Thank you,

Ashley McLean  
Program Assistant, Coastal

40 West 20th Street  
New York, New York 10011  
212 727-2700  
FAX 212 727-1773

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JUN 09 RECD

The Natural Resources Defense Council (NRDC) appreciates this opportunity to comment on the Restoration Framework for the Exxon Valdez oil spill. This framework is set out in a document entitled Exxon Valdez Oil Spill Restoration, Volume I: Restoration Framework dated April 1992. Comments have been requested by June 4 by the Trustee Council.

NRDC has been carefully monitoring the damage assessment and restoration planning process for the Exxon Valdez oil spill for the last three years. We believe that it is essential that this process be carried out with the utmost care since what happens with respect to this spill will serve as a model for oil spills everywhere. The full range of impacts resulting from this spill must continue to be explored so that the long-term, sublethal effects, as well as the immediate impacts of this massive oil spill are well documented.

We are pleased that the scientific data from the studies carried out to date by the federal and state governments are finally to be made available so that the public will have full access to the findings so far. However, we strenuously object to the state's failure to release the economic studies that indicate the valuation of the natural resource damages of the spill. Without this information, it is impossible to assess the full ramifications of the spill.

At the same time that it is important that the assessment and restoration process be carried out carefully, the process should not be used as an excuse for foregoing key restoration options in the interim. There are a number of proposed timber sales, for example, on lands which provide important habitat for species such as marbled murrelets and harlequin ducks which were adversely affected by the spill. Timber harvesting could subject these species to further environmental insult and could also harm other spill-impacted species, such as wild salmon and cutthroat trout which utilize streams adjacent to such lands. Preventing this timber harvesting is crucial for the restoration of these important species. Rather than allow the opportunity to acquire such rights to slip by, the Trustees should identify and immediately undertake interim actions to acquire such rights. The framework document is inadequate in that it fails to provide for such interim actions or to establish a process for carrying out such actions before the final restoration plan is finalized.

Our comments on the specific sections of Volume I are set out below.

#### COMMENTS ON CHAPTER II (PUBLIC PARTICIPATION)

For the public to participate meaningfully in the damage assessment and restoration planning process, it is essential that they have access to the scientific data (including summaries, reports, scientific interpretation and conclusions) showing the extent of injury to date, the continued availability of oil for uptake by marine and terrestrial organisms, etc. To facilitate the public's access to that data, a notice should be issued to all interested parties (e.g., all those who have commented on the damage assessment and/or restoration framework) as new information is filed with the Oil Spill Information Center -- informing people of the title of the report(s), the form(s) the data are in, the period of time the study covers, etc. This will

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JUN 08 REC'D

NR  
DC

Natural Resources  
Defense Council

40 West 20th Street  
New York, New York 10011

To: Dave Gibbons  
Exxon Valdez Oil Spill Trustee  
645 "G" Street Council  
Anchorage, AK 99501

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Substantive comments 1-16  
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PO Box 905  
Slana, AK 99586  
May 31, 1992

Mr. Dave Gibbons  
Acting Administrative Director  
Restoration Team  
645 G Street  
Anchorage, AK 99501

Dear Mr. Gibbons,

I am writing to you regarding the Exxon Valdez Oil Spill Restoration Plan, Vol. 1: Restoration Framework. As I understand it, the Hickel Administration would like to put the settlement funds in an endowment or use them for "enhancements" such as docks, roads, hatcheries and tourist developments. There is little interest in acquiring coastal forests threatened by logging.

Prince William Sound is a LONG way from being recovered after the damage caused by the spill. As a commercial fisherman, I depend on a clean, healthy environment, and am especially aware of how uncertain the future really is for this region, despite Exxon's conclusions that the recovery effort has been "successful." It is my opinion that the wilderness qualities of Prince William Sound should be protected at all costs, and that business should not simply go on as usual.

I am concerned that clearcut logging in the region is causing further damage to fish and wildlife habitats and to the entire wilderness ecosystem. The coastal forests of Prince William Sound are critical for protecting the quality of streams and rivers in the region, and consequently the health of certain fish populations, and provide habitat for a web of wildlife that was hit hard by the spill. These forests sustain life as we know it, in all its diversity. I am a firm believer that old growth forests are crucial for our own survival; we are a part of that web of diverse life on the planet.

Logging communities everywhere are making a desperate effort to get what's left of ancient forests. The point is there simply isn't much left at all, and once the trees are gone, everything goes with them. We need to keep our remaining old growth forests intact, and create sustainable local economies rather than devour one resource after another, then move on. Protected coastal forests can support a variety of economic opportunities which last, such as commercial and sport fishing, subsistence, recreational use and tourism.

The best way to use the settlement fund is to protect habitat, and this means acquiring habitat that is threatened. I feel that this should be a priority use of these funds, and be considered concurrently in the restoration process, not be left as a last resort. To prevent further damage to natural resources and to compensate for lost resources, 80% of the funds should be used for habitat acquisition. This includes purchase of land, conservation easements and timber rights. To prevent critical lands from being logged

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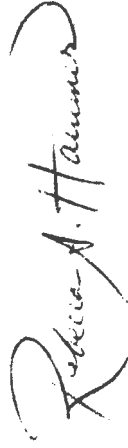
before they are even considered, the imminent threat protection process should be used. Begin negotiating NOW.]

We must look toward the future and how our actions will pan out in the long run.] The Prince William Sound region's wilderness qualities should be protected for future generations] of people and ALL living things that make up the coastal ecosystem. If we don't act now to protect Prince William Sound, we will be responsible for the destruction of a unique, diverse and extraordinary place in our state. 14 15

I recently had a visitor from Holland express his delight and amazement as he walked through a "natural forest" where I live. His comments seemed funny to me at first, as he pointed out an old stump, a rotten log, and the chaotic profusion in general of branches, shrubs, weeds and seedlings. "In Holland," he said, "we have nothing like this. Every inch of land is accounted for, manicured....If a tree falls, it is immediately whisked away." And with the trees, he continued, the birds, the larger animals, everything disappears. The trees are planted in neat rows and are harvested in an orderly fashion. The last beaver in Holland was taken over a hundred years ago.. There is simply no more wilderness.

It's wilderness that so many Alaskans treasure, and it's the chance to glimpse wilderness that brings visitors to the state year after year. Please protect this fundamental resource.] 16

Sincerely,

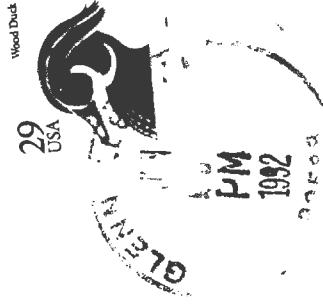


Rebecca A. Hammer

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Rebecca Hammer  
PO Box 905  
Sana, Alaska 99586



Dave Gibbons  
Acting Administrative Director  
Restoration Team  
645 G Street  
Anchorage, AK 99501

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JUN 05 REC'D

ADLER, JAMESON & CLARAVAL

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HARRISBURG, PENNSYLVANIA 17108-1933

VIA FACSIMILE - 276-7178

June 4, 1992

Exxon Valdez Oil Spill Trustee Council  
645 G Street, 4th Floor  
Anchorage, Alaska 99501

RE: Restoration Framework and 1992 Draft Work Plan

Dear Sir or Madam:

I have reviewed the above volumes in behalf of the Alaska Sport Fishing Association and Trout Unlimited.

It seems to me that the chief problem with the Framework and Work Plan is the lack of linkage that exists between loss of services (e.g., passive uses including existence and option values and active uses such as recreation, including non-consumptive recreation). Most of the restoration proposals seek to restore resources rather than services. To the degree to which the trustees conclude that the settlement is for loss of services rather injury to resources then this lack of linkage is detrimental and the restoration projects should be reoriented.

Another major flaw is that the Framework document and the Work Plan are oriented overwhelmingly toward restoration activities adjacent to where oil went. There is no requirement in CERCLA, CWA, the NRDA process or any other law that limits the location of where restoration monies, particularly acquisition monies must be spent. The whole notion of acquiring replacement resources implies that such acquisitions will most likely be outside of the area where oil went.

A third problem with the restoration plan is that a number of projects, such as commercial fishing stock separation projects, are really conventional management functions of the Department of Fish and Game. The trustees should be very careful about spending settlement monies on such purposes.

With respect to the Framework document the Alaska Sport Fishing Association and Trout Unlimited support the second (non-hierarchical) method of deciding among restoration options. We think it will generally be most useful to pursue land acquisition for replacement of services rather than other options.

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104*

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Exxon Valdez Oil Spill Trustee Council  
June 4, 1992  
Page Two

[Another general problem with the Framework and the Work Plan is that land acquisitions are overly focused on injuries to animal life as opposed to injuries to services.] It is more appropriate to protect high value replacement habitat for animal life having high passive use value and active use value under the rubric of "lost services" than it is to protect such habitat as restoration of an injury to wildlife, where the linkage is weaker.]

Very truly yours,



Geoffrey Y. Parker

GYP:slt

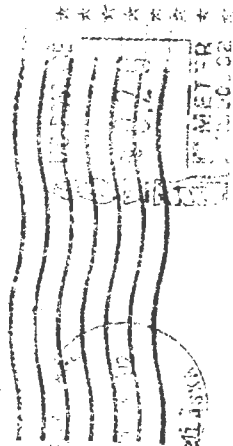
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**ADLER, JAMESON & CLARAVAL**

ATTORNEYS AT LAW  
500 L STREET, SUITE 502  
ANCHORAGE, ALASKA 99501



Exxon Valdez Oil Spill Trustee Council  
645 G Street, 4th Floor  
Anchorage, Alaska 99501

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JUN 05 REC'D

# Alaska State Legislature

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SS



3111 C STREET, SUITE 550  
ANCHORAGE, ALASKA 99503  
(907) 561-7615

SENATOR  
ARLISS STURGULEWSKI

While in session  
STATE CAPITOL  
JUNEAU, ALASKA 99801-1182  
(907) 465-3818

Senate

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June 3, 1992

Exxon Valdez Oil Spill Trustee Council  
645 G Street  
Anchorage, Alaska 99501

containing Subst a co 6/3/92 PL

Gentlemen:

Re: Exxon Valdez Oil Spill Restoration - Restoration Framework

During the three years since the grounding of the Exxon Valdez, the trustees and their associates have charted a course through the previously un-navigated waters. Much has been accomplished in cleaning the beaches and waters, determining the extent of resource damage, and stemming the tide of injury. The distribution for public comment of the Restoration Framework is another sign that the ultimate destination, the restoration of Alaska's coastal and marine environments, is nearer now, although much remains to be done.

The finished version of the Restoration Framework will map the work of the trustees through the culmination of the charge established the court settlement. As such, it must make manifest the trustees' vision of future programs and objectives, as shaped by experts and the public. As that vision coalesces over the next year, I hope that you will place strong emphasis on looking forward, past individual restoration projects, to a comprehensive view of the outcome of your efforts. That vision should include not only restoration, but also protection of Alaska's shoreline and seas. The physical protection of our injured environment will be difficult to achieve. The constraints on our abilities to foresee and influence the processes of nature, the vagaries of chance, and the limits on technological capabilities are too great. Protection can best become a reality through acquiring and using more and better knowledge of Alaska's marine systems and resources. The more we know about those things, the better equipped we are to both restore and protect them.

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I want to make some more specific comments on the process to date in the future. These cover both the Restoration Framework process those for the 1992 Work Plan and 1993 Work Plan:

- The compressed and overlapping timelines for these three efforts may not result in the best final products. The trustees and staff must simultaneously consider three separate works, each significant in its own right. That must certainly strain resources. [The public is likely to suffer some confusion between projects, at the least, and have insufficient time to develop reasoned and comprehensive comments, at worst.]

- [Comments are due on the 1993 and future work plans before the 1992 Work Plan and the Restoration Plan are finalized. This will surely lead to inefficiencies and duplications avoidable if interested parties had one or both of these documents available prior to submitting comments on future work plans.] I understand there is pressure to get these plans in place and proceed accordingly, but the damage has been done, cleanup is essentially complete, and restoration can now generally assume a more considered pace reflective of conservative stewardship and long-term concerns.

- The [final Restoration Plan should be final only in the sense that it establishes fundamental guidelines for format, programs, and objectives.] It [should be a living document, adaptable over time as goals are achieved, conditions change, and knowledge expands.]

- Spending \$900 million in public funds is a heavy responsibility under any circumstances. I believe, that while [a share of the Exxon Valdez settlement may reasonably be spent on habitat acquisition and individual restoration projects, these should not be the exclusive focus of restoration efforts.] [The long-term health of injured ecosystems and ongoing management of their systems and resources should be accorded an equal priority.]

In keeping with these comments and [my broad concern that the trustees look to the future in a fashion that makes explicit how each facet of its program contributes to the overall goal,] I am submitting a proposal for the Restoration Framework. As you know, some of my colleagues have been involved in this proposal and I am confident of their support as well. [The proposal outlines the creation, mission, and administration of an Exxon

Trustee Council  
6/3/92  
Page 3

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Va/dez Oil Spill Marine Sciences Endowment. This [endowment would consist of portions of annual civil settlement payments set aside in trust generating annual income. That [income would be used to fund long-term baseline research into ecosystem status, resource recovery and enhancement,] and [equivalent resource enhancement and acquisition. Additionally, the [entity established to administer the endowment would serve as a research coordinating mechanism.] 16

This proposal is a draft document. It is my intention to submit essentially the same proposal, with some refinements, as a suggestion for the 1993 Work Plan. It is my hope that over the next few months, I will be able to work with the trustee council and restoration teams to further focus this proposal into a shape determined appropriate by the trustees and that fulfills the conditions set by the court.

I look forward to working with the trustee council. We have the opportunity for significant achievements in reclaiming and preserving Alaska's marine and coastal environment. Please contact me or Richard Rainery of my staff if you have any questions concerning my proposal.

Sincerely,



Arliss Sturgulewski  
Alaska State Senator

Enclosure

## PROPOSED RESTORATION OPTION FOR RESTORATION FRAMEWORK

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### Exxon Valdez Oil Spill Marine Sciences Endowment

re: option 32

Submitted by:

State Senator Arliss Sturgulewski  
State Capitol, Room 427  
Juneau, Alaska 99801-1182  
465-3818

June 3, 1992

#### **Purpose**

The Exxon Valdez Marine Sciences Endowment would be created by diverting a portion of civil settlement funds due the State of Alaska and the United States beginning in December 1992 into a separate fund. The endowment will be dedicated to long-term baseline marine research necessary to:

- monitor and assess the status of ecosystems affected by the oil spill;
- determine how to best effect resource recovery and enhancement where necessary;
- identify needs and opportunities to enhance or acquire equivalent natural resources.

A final mission of the endowment would be to provide a mechanism to coordinate the research programs of the various research organizations active in Alaska's marine environment.

#### **Endowment Charter and Operations**

Endowment Administration: The trustee council will create a foundation directed by a board distinct from the council. The charter of the foundation will be based on principles established by the trustees.



Restoration Option  
State Senator Arliss Sturgulewski  
June 3, 1992

Endowment Life: The endowment will be established as either a duration sinking fund which will spend itself out of existence by a certain or as a trust with a perpetual existence.

Board Composition: University of Alaska, University of Washington, Department of Fish and Game, National Oceanic and Atmospheric Administration (Alaska Region), Alaska Science and Technology Foundation and two public members.

Operations: Operations costs will be held to a minimum (target - 3% or less of funds available annually) by utilizing existing agency resources as much as possible. A small staff will screen proposals and administer grants. The board will make all funding decisions. The EVOS Trustee Council may have to initially administer the foundation until annual income is sufficient to support operations.

Endowment Management: Annual contributions to the endowment trust fund on a schedule based on the amount determined to be appropriate and the fund's structure (sinking fund or perpetual trust). Two alternatives (\$75 million and \$100 million) showing fund growth and income under a perpetual endowment are attached. The trust fund would be managed in a conservative fashion similar to that historically pursued by the Alaska Permanent Fund Corporation, the objects being to protect the principal from inflation and provide a predictable annual income stream.

### Research Grant Program

Proposal Eligibility: Research on the marine ecosystem as a whole, focussing on biota from the first link in the food chain to the last, oceanographic systems, and their interrelationships. The basic requirements for project eligibility are three:

- A proposal must demonstrate scientific merit and technical feasibility;
- The outcome of a proposal must directly benefit management of injured marine resources or systems or the equivalent of such injured resources or systems;

Restoration Option  
State Senator Arliss Sturgulewski  
June 3, 1992

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- A reasonable link between the civil settlement requirements to restore, replace, enhance, rehabilitate, or acquire natural resources injured by the spill or their equivalents and the outcome of a proposal must be established.
- Any scientist or institution with a demonstrated record of achievement in marine research or equivalent qualifications may apply for grants, although a formula affording priority for Alaskan scientists and institutions, as indicated by the settlement conditions, will be developed.

Research Coordination: An additional function of the endowment board is as a mechanism to coordinate activities undertaken by the North Pacific marine research community. The intent is to ensure that limited research funding is directed in the most efficient, non-duplicative manner. Institutions and individuals would be required to include as a part of their grant proposals a synopsis of other, all current and planned research activities and the board would be required to use this information in its deliberations. The endowment board, composed of the major participants in Alaskan marine research, will be uniquely competent to ensure coordination and cooperation.

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## EVOS Marine Sciences Endowment

(Thousands of Dollars)

Year	Beginning Balance	Deposit	Earnings	Inflation Proofing	Grants	Ending Balance
1992	0	25,000	2,250	1,000	1,250	26,000
1993	26,000	15,000	3,690	1,640	2,050	42,640
1994	42,640	5,000	4,288	1,906	2,382	49,546
1995	49,546	5,000	4,909	2,182	2,727	56,727
1996	56,727	5,000	5,555	2,469	3,086	64,197
1997	64,197	5,000	6,228	2,768	3,460	71,964
1998	71,964	5,000	6,927	3,079	3,848	80,043
1999	80,043	5,000	7,654	3,402	4,252	88,445
2000	88,445	5,000	8,410	3,738	4,672	97,182
2001	97,182	0	8,746	3,887	4,859	101,070
2002	101,070	0	9,096	4,043	5,053	105,113
2003	105,113	0	9,460	4,205	5,256	109,317
2004	109,317	0	9,839	4,373	5,466	113,690
2005	113,690	0	10,232	4,548	5,684	118,237
2006	118,237	0	10,641	4,729	5,912	122,967
2007	122,967	0	11,067	4,919	6,148	127,885
2008	127,885	0	11,510	5,115	6,394	133,001
2009	133,001	0	11,970	5,320	6,650	138,321
2010	138,321	0	12,449	5,533	6,916	143,854
2011	143,854	0	12,947	5,754	7,193	149,608
2012	149,608	0	13,465	5,984	7,480	155,592
2013	155,592	0	14,003	6,224	7,780	161,816
2014	161,816	0	14,563	6,473	8,091	168,289
2015	168,289	0	15,146	6,732	8,414	175,020
2016	175,020	0	15,752	7,001	8,751	182,021
2017	182,021	0	16,382	7,281	9,101	189,302
2018	189,302	0	17,037	7,572	9,465	196,874
2019	196,874	0	17,719	7,875	9,844	204,749
2020	204,749	0	18,427	8,190	10,237	212,939
<b>Totals</b>		<b>75,000</b>	<b>310,362</b>	<b>137,939</b>	<b>172,423</b>	

Earnings = 9%

Inflation = 4%

A-92 WPWG B-93 WPWG C-RFWG D-PAG E-MISC.**EVOS Marine Sciences Endowment**

(Thousands of Dollars)

Year	Beginning Balance	Deposit	Earnings	Inflation Proofing	Grants	Ending Balance
1992	0	35,000	3,150	1,400	1,750	36,400
1993	36,400	25,000	5,526	2,456	3,070	63,856
1994	63,856	5,000	6,197	2,754	3,443	71,610
1995	71,610	5,000	6,895	3,064	3,831	79,675
1996	79,675	5,000	7,621	3,387	4,234	88,062
1997	88,062	5,000	8,376	3,722	4,653	96,784
1998	96,784	5,000	9,161	4,071	5,089	105,855
1999	105,855	5,000	9,977	4,434	5,543	115,290
2000	115,290	5,000	10,826	4,812	6,014	125,101
2001	125,101	5,000	11,709	5,204	6,505	135,305
2002	135,305	0	12,177	5,412	6,765	140,718
2003	140,718	0	12,665	5,629	7,036	146,346
2004	146,346	0	13,171	5,854	7,317	152,200
2005	152,200	0	13,698	6,088	7,610	158,288
2006	158,288	0	14,246	6,332	7,914	164,620
2007	164,620	0	14,816	6,585	8,231	171,204
2008	171,204	0	15,408	6,848	8,560	178,053
2009	178,053	0	16,025	7,122	8,903	185,175
2010	185,175	0	16,666	7,407	9,259	192,582
2011	192,582	0	17,332	7,703	9,629	200,285
2012	200,285	0	18,026	8,011	10,014	208,296
2013	208,296	0	18,747	8,332	10,415	216,628
2014	216,628	0	19,497	8,665	10,831	225,293
2015	225,293	0	20,276	9,012	11,265	234,305
2016	234,305	0	21,087	9,372	11,715	243,677
2017	243,677	0	21,931	9,747	12,184	253,424
2018	253,424	0	22,808	10,137	12,671	263,561
2019	263,561	0	23,721	10,542	13,178	274,104
2020	274,104	0	24,669	10,964	13,705	285,068
<b>Totals</b>		<b>100,000</b>	<b>416,403</b>	<b>185,068</b>	<b>231,325</b>	

Earnings = 9%

Inflation = 4%

11 C Street, Suite 550  
Attn: Richard Rainery)  
465-3818

JUN 03 REC'D

EXXON VALDEZ OIL SPILL  
TRUSTEES COUNCIL

ATTN: REBECCA WILLIAMS

645 G Street, Suite 402  
278-8012

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GERALD R. BROOKMAN  
 715 MUIR AVENUE  
 KENAI, ALASKA 99611  
 May 29, 1992

Dave Gibbons, Acting Administrative Director  
 Restoration Team  
 645 G. Street  
 Anchorage, AK 99501

Dear Mr. Gibbons:

I am writing concerning the decisions that will be made on the Oil Spill Restoration Framework (Vol. 1). While the Kenai area was not directly affected by the EXXON VALDEZ oil spill, I do have a great interest in the area which was affected, and I would like to make the following points, for your consideration in deciding on how the settlement funds will be expended.

1. I believe that habitat acquisition should be given concurrent consideration in the restoration process. Acquisition of habitat and protection from development can do a great deal to ameliorate damages to wildlife populations which would otherwise be damaged.
2. Habitat protection and acquisition, including purchase of land, <sup>acquisition of</sup> conservation easements, and timber rights are the most effective means of restoration and should be the PRIORITY USE of settlement funds. I believe that 80%, at least, of the settlement funds should be used for habitat acquisition to prevent further damage to natural resources and services on an equivalent resource basis.

3. I believe that the imminent threat protection process should be used, otherwise critical forest lands may be logged before they could be considered for acquisition. Negotiations should begin immediately.

4. The restoration process must begin AS SOON AS POSSIBLE. Funds must not be locked away in an endowment. Construction projects are NOT an appropriate use of restoration funds.

5. WILDERNESS QUALITIES OF THE REGION MUST BE PROTECTED. 12

6. Restoration and protection of archeological resources, especially in national parks, is very important.

7. The monitoring program should not be dominated by studies of commercially valuable species, but should give equal consideration to all species in a comprehensive program that evaluates the long-term effects of the spill on the entire coastal ecosystem. 14

8. The public advisory group should have a seat designated for each interest group (environmentalists, in addition to governmental, commercial use, etc.). A broad spectrum of interests should be represented on this group, to ensure that all appropriate interests will be included, and that no appropriate considerations will be overlooked. 15

I thank you for your consideration of my comments, above.

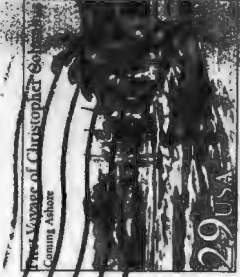
*Gerald R. Brookman*

ERALD R. BROOKMAN  
715 MUIR AVENUE  
CENAI, ALASKA 99611

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30 MAY '92



Dave Gibbons, Acting Administrative Director  
 Restoration Team  
 645 G Street  
 Anchorage, AK 99501



**REMEMBER**  
 THE ALAMO  
 PEARL HARBOR  
 PRINCE WILLIAM SOUND

contains substantive comments 1-2  
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Box 42, Torrey Hill Road,  
Turner, ME 04282  
May 29, 1992

Dave Gibbons  
Acting Administrative Director  
Restoration Team  
645 G Street  
Anchorage, Alaska 99501

Dear Mr. Gibbons:

Regarding the Exxon Valdez Oil Spill Restoration Plan,  
Vol. 1: Restoration Framework:

I believe a good proportion of the \$1 billion Exxon settlement fund should be spent for acquisition of endangered habitat areas rather than set aside for tourist development, roads, etc. in Prince William Sound as favored by Governor Hickel.

I worked on the 1989 Valdez oil spill and was deeply moved by the environmental destruction that I saw. To allow this money to be spent for any thing other than land preservation and habitat restoration makes no sense at all.

Thank you for your consideration of these ideas.

Sincerely,

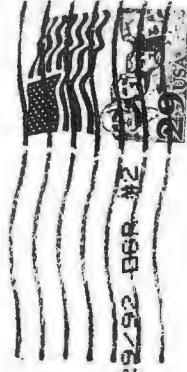
*Jack Biscoe*  
Jack Biscoe



Jack Biscoe  
Box 42 - Torrey Hill Road  
Turner, ME 04282



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JUN 01 REC'D

Dave Gibbons  
Acting Administrative Director  
Restoration Team  
645 G Street  
Anchorage, Alaska 99501



contains substantiated comments 1-5  
9/27

Laurel Toussaint  
Rt 3 Box 219  
Carbondale, IL 62901

Dave Gibbons, Acting Administrator Director  
Restoration Team  
645 G Street  
Anchorage, AK 99501

Comments regarding Exxon Valdez scoping document, **Volume 1:  
Restoration Framework**

[Habitat protection and acquisition is key to protecting Prince William Sound.] The forests in the area must be protected from logging and development. [The area has been damaged so extensively by the spill that remaining habitat must be protected. Funds should be used for habitat acquisition to prevent further damage natural resources] and [to compensate for lost resources and services on an equivalent resource basis.] The imminent threat protection process should be used, otherwise critical forest lands may logged before they are considered for acquisition. [Negotiations should begin immediately.]

I have yet to visit Alaska. I have always looked forward to the day when I will visit America's last real wilderness. I am appalled by the actions of the Bush/Reagan administration and now the Hinkel administration. His plans to open pristine lands to development and destruction are horrible. The wild public lands of Alaska belong to all Americans and I resent current activities that destroy forests and seas.

Please include my comments on the public record.

Thank you.

*Laurel Toussaint*

Laurel Toussaint

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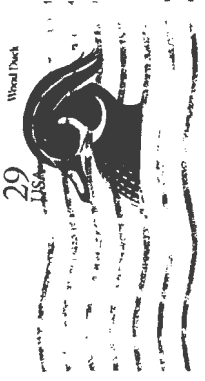
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Laurel Toussaint  
Rt. 3, Box 219  
Carbondale, IL  
62901



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JUN 01 REC'D

David Gibbons,  
Restoration Team  
245 G. St.  
Anchorage AK 99501

**EXXON** COMPANY, U.S.A.

POST OFFICE BOX 2180 • HOUSTON, TEXAS 77252-2180

NRDA AND LITIGATION SUPPORT

G.A. LOCK  
MANAGER

Exxon Valdez Oil Spill Trustee Council  
645 G Street  
Anchorage, Alaska 99501

Dear Sirs:

We appreciate the opportunity to comment on the two-volume document entitled "Exxon Valdez Oil Spill Restoration," issued April 1992 ("Restoration Document"). The purpose of Exxon's comments is to provide a constructive perspective on environmental conditions as they relate to restoration needs. It is not our intent to suggest how restoration funds should be spent. These comments may be useful in light of the apparent dichotomy of views regarding environmental conditions in the spill area. Remarkable fishing harvests, thriving wildlife, and the results of numerous studies released over the last two years indicate a healthy environment in the Sound, yet the Restoration Document seems to portray a chronically injured ecosystem.

The apparent differences between the Restoration Document and broader assessments of environmental health by others stem from addressing two entirely different issues. Studies described in the Restoration Document emphasize detection of residual hydrocarbons and subtle factors, which are not impeding natural recovery. This focus on minute effects conveys an image which is inconsistent with true conditions. Exxon and others have focused on a broader view of recovery as it relates to human use of the environment and the health of biologic populations on a scale which is relevant to restoration.

These two views of the region's vitality are not necessarily mutually exclusive, but they are far apart regarding their relevance to restoration issues. The study results reported in the Restoration Document may be of scientific interest and, indeed, Exxon is generally supportive of continuing cost-effective research in the pursuit of new ideas that might significantly advance an understanding of hydrocarbons and their environmental interactions. However, such research is a separate issue and is not pertinent to the state of recovery and the need for restoration. Given obviously flourishing biologic populations, reports of barely detectable hydrocarbon levels in highly localized areas can be more misleading than helpful unless placed in their proper perspective. Claims of continuing environmental injury derived from such studies would seem to be more directed to competition for funding of

*contains substantive comments) 1 - ?  
JRT*

May 29, 1992

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specific studies, rather than satisfying the Trustees' need for objective information on remaining spill impacts and viable options to achieve restoration.

Furthermore, the continued emphasis on 1989 mortalities is not meaningful in terms of recovery and restoration needs. At current population levels, the signs of biological health are overwhelming. A few specific examples are discussed in the following paragraphs. 2

Fish populations are remarkably abundant and post-spill harvests have been exceptional.

Both herring and salmon have experienced record harvests since the spill. The recent herring sac roe fishery in Prince William Sound broke a modern record with more than 15,000 tons caught this year. This follows exceptional harvests of 8,300 tons and 11,900 tons in 1990 and 1991, respectively, and is strong evidence of a very healthy population. Similarly, pink salmon fisheries in Prince William Sound produced a new record with 44 million fish in 1990 and the second highest harvest of more than 37 million fish in 1991. Given the obvious health and size of the harvests of these two important species, subtle effects on early lifestages of herring of salmon at isolated locations are not important to an assessment of the health and vitality of these fish stocks. 3

Pink salmon wildstock populations have also recorded good escapements since the spill. While Prince William Sound wildstock may warrant special protection from overfishing, significant spill-related effects on the population are implausible. Pink salmon wildstocks in the spill-affected area account for a small percentage (about 12%) of the total Prince William Sound wildstock harvest. Moreover, fishery closures in 1989 focused the pink salmon harvest near the hatcheries of origin, with the result that wildstock returns were enhanced because they were not intercepted.

Shoreline conditions are essentially recovered.

The continued focus on studying the remnant hydrocarbons on isolated shorelines conveys the wrong perspective of the extent and relevance of such residual oiling. Annual spring surveys conducted jointly by federal and state agencies and Exxon showed dramatic improvement in shoreline conditions in 1990 and little oil remaining in 1991. Even in 1991, less than 1% of the shoreline in the originally impacted area had oil remnants which were described as more than "very light." The April 1992 NOAA summary on shoreline conditions recognizes that the 1991

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cleanup program, in combination with natural processes, improved conditions even further and that the remaining oil poses little ecological risk.

Shoreline biota are both healthy and abundant. There are no remaining obvious differences between areas affected and unaffected by the spill. [Although continued study of variations in biologic abundance relating to differences in cleanup techniques may have some scientific interest, such studies have no practical relevance to restoration.] 4

Current conditions and historical experience from previous spills indicate that complete natural recovery of the rocky shores impacted by the spill is certain to occur shortly, if it is not already complete. [The few exceptions at low energy (rocky shoreline) sites, where minor biological differences may still be detectable on a small scale, may be of scientific interest but are not relevant to the overall health of the Prince William Sound ecosystem.] 5

Signs of seabird recovery are likewise striking.

Recent surveys of seabird colonies in Prince William Sound and the Gulf of Alaska confirm that the numbers of seabirds remain very large; all surveyed colonies are occupied. Recovery is clearly progressing well. [The abundance of birds in the colonies illustrates the resilience of these populations and provides assurance that natural recovery is occurring and will not require augmentation.] 6

Seabird populations numbering over 60 million in the Gulf of Alaska area are traditionally subject to wide fluctuations depending on weather, food supply, predation, climate oscillation, and other factors. For example, seabird losses in the North Pacific to the drift net fisheries (attributable to net entanglement) have been estimated at 600,000 per year and, yet, the populations absorb such losses. The current abundance and apparent health of seabird populations are entirely consistent with this historical experience.

[Some of the claims in the Restoration Document are unsupported.] 7

Claims of oil-spill impacts on [killer whales] or of [pollock] contamination 500 miles from the spill site lack a plausible cause-and-effect relationship. Likewise, claims of population impacts on [pink salmon] and [otters] are based on speculative extrapolations that are inconsistent with the healthy condition of these resources. For example, estimates of "but for the spill" fish populations appear to be without any serious basis. The postulated return of an incremental 15-25 million Prince William Sound pink salmon "but for the spill" in 1990 would imply an implausible

Exxon Valdez Oil Spill Trustee Council  
Page 4  
May 29, 1992

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harvest at least twice the prior record of 29 million fish. Finally, claims of continuing exposure of birds and mammals to harmful levels of hydrocarbons are in marked contrast to the findings of the Oil Spill Health Task Force (see report dated February 1990 and subsequent reports) and the FDA, which concluded that fish and shellfish throughout the region are safe for human consumption.

An overly rigid definition of recovery is impractical.

The Restoration Document's definition of recovery, which requires a "full complement of age classes," illustrates a lack of realism and practicality. Taken literally, this would require that the oldest biologic specimen killed would have to be replaced by one of the same age before recovery can be called complete. Clearly, the distribution of age classes is always changing due to severe weather impacts, variations in food supply, and predator abundance, among other factors. Hence, requiring a specific age distribution in determining recovery to the "but for the spill" condition is an unrealistic and virtually meaningless goal. 12

In practical terms, which are relevant to restoration, healthy ecological systems are characterized by species diversity, abundance, and reproduction. When human users of the environment, or its biological constituents, can no longer distinguish the effects of the spill from normal year-to-year variations, recovery has occurred. Based on these criteria, the area is virtually recovered today. check

We hope you will find these comments helpful.

Very truly yours,



GAL:hh

c: Mr. Michael A. Barton - U.S. Department of Agriculture  
Mr. Charles E. Cole - Alaska Attorney General  
Mr. Curtis V. McVee - U.S. Department of the Interior  
Mr. Steven Pennoyer - National Marine Fisheries  
Mr. Carl L. Rosier - Alaska Department of Fish and Game  
Mr. John A. Sandor - Alaska Department of Environmental Conservation

American Petroleum Institute  
1220 L Street, Northwest  
Washington, D.C. 20005  
202-682-8240



G. William Frick  
Vice President and  
General Counsel

Trustee Council  
645 G Street  
Anchorage, AK 99501

Dear Sirs:

The American Petroleum Institute ("API") appreciates this opportunity to comment briefly on the 1992 Draft Work Plan and Restoration Framework Documents for the Exxon Valdez Oil Spill. 57 Fed. Reg. 12474 (April 10, 1992). The API is a national trade association with over 250 corporate members who engage in all facets of the petroleum industry, including exploration, production, marketing, refining, and transportation. As such, API's members have a significant interest in preserving, in all natural resource damage cases, the direct connections between injuries sustained, compensation paid, and the application of recovered monies to valid restoration projects. [API therefore endorses the comments which have been submitted to the Trustee Council by Exxon Company, U.S.A.] 1

In particular, API would stress that [valid "restoration" projects should be undertaken for the purpose of restoring service levels which natural resources provide to the public.] 2 Thus, [complex studies of the minute, subtle, and/or highly localized effects of hydrocarbons on natural resources is disconnected from the object of restoration.] 3 Additionally, the purpose of continuing to study the mortalities which occurred immediately after the spill in 1989 is unclear, given the extensive recovery of fish, bird, and other affected wildlife populations in Prince William Sound. The utility of such information, in terms of advancing restoration objectives today and in the immediate future, is dubious. 4 In short, [API's member companies would expect that trustees would view "restoration" in a practical sense, with a particular view to achieving species diversity, abundance, and reproduction.] 5

Thank you for your consideration of these comments.

Sincerely,

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June 1, 1992

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Dave Gibbons  
Acting Administrative Director  
Restoration Team  
645 G Street  
Anchorage, AK 99501

May 24, 1992

contains substantive comment(s) 1 + 15,  
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Dear Mr. Gibbons:

I am writing to you at this time to comment on the Exxon Valdez Oil Spill Restoration Plan, Vol. 1: Restoration Framework. The following is a list of the points that I wish to make concerning this restoration plan:

1. Instead of using a hierarchical process in which habitat acquisition would only be done as a last resort, habitat acquisition should be given concurrent consideration in the restoration process.
2. Habitat protection and acquisition, including purchase of land, conservation easements, and timber rights, are the most effective means of restoration and should be the priority use of settlement funds.
3. 90% of the settlement funds should be used for habitat acquisition to prevent further damage to natural resources and to compensate for lost resources and services on an equivalent resource basis.
4. The imminent threat protection process should be used, otherwise critical forest lands may be logged before they are considered for acquisition. Negotiations should begin immediately.

Mr. Gibbons, when I first learned of the Exxon Valdez oil spill and how one of the world's last large pristine wilderness areas had been almost completely destroyed I was extremely saddened and greatly angered that we allowed this to happen and that I was unable to do anything to prevent further destruction to the wildlife of that area. As bad as it was when all of the wildlife was impacted immediately without warning, we could only sit back with worry, extreme anger and pity for those species migrating to this area, totally unaware that they were on a collision course with disaster.

We can never truly restore this area to what it once was, we can only hope that nature will give new life to it. However, we must do our best to protect what is left for the wildlife and for ourselves.

The restoration process must begin now. Funds should not be locked away in an endowment. Construction projects are not an appropriate use of funds. The wilderness qualities of the region should be protected. Also of importance is the restoration of archeological resources, especially in national parks.

In addition to the above points, the monitoring program should not be dominated by studies of commercially valuable species, but should give equal consideration to all species in a comprehensive program that evaluates the long-term effects of the spill on the

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entire coastal ecosystem.]

14  
[Finally, the public advisory group should have a seat designated for each interest group.] In this way, the group members will be held accountable to their interests.

Sincerely,



David A. Brunetti

15  
U.S. Since restoration planning began, the public has strongly favored habitat protection and acquisition as the most meaningful form of restoration. Now, 2 years after the bill, not a penny has been spent to actually acquire threatened habitats. [This policy must change and it must change now.]

"of no apparent protection or acquisition"

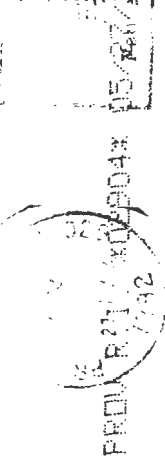
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David A. Brunetti  
102 Arthur's Way  
Anchorage, AK 99501

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Dave Gibbons  
Acting Administrative Director  
Restoration Team  
645 G Street  
Anchorage, AK 99501

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P.O. Box 100171  
Anchorage, AK 99510  
June 2, 1992

Mr. Dave Gibbons  
Acting Administrative Director  
Restoration Team  
645 G Street  
Anchorage, AK 99501

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Dear Mr. Gibbons:

These are my comments on the Exxon Valdez Oil Spill Restoration plan, Vol. 1: Restoration Framework.

I came to Alaska 21 years ago, primarily because I was, and still am, drawn to the wild, unspoiled open spaces. I have traveled throughout Alaska, including Prince William Sound, by kayak, canoe, foot, snowshoe and dogteam. Observation of and participation in the pristine wilderness of Alaska is where I recreate, where I feel joy, and where I get my spiritual sustenance. And Prince William Sound was/is part of that. I care about its future.

Prince William Sound has sustained, and continues to sustain, devastating damage. A few days ago I read in the newspaper that the young sea otters are experiencing an extremely low survival rate. This morning I read that the murrets (300,000 killed directly by the spill) are having trouble reproducing and that their species continues to suffer. I expect that as the scientific studies are released that we will see many other instances where the devastation is continuing.

The spill has happened and its effects cannot be undone. But the Trustees can take steps to compensate for the damage. <sup>2</sup> This can best be done through habitat protection and acquisition and <sup>3</sup> this is how the bulk of the settlement funds should be spent. You may not be able to restore a beach to its pristine state or bring the sea otters and other wildlife back from the dead, but you can prevent other types of damage. For example, <sup>4</sup> you can prevent logging by acquiring timber rights. This would not only protect wildlife habitat, but would also help promote stable local commercial and sport fishing, recreation, tourism and subsistence economies.

<sup>5</sup> I would like to see the wilderness character of the Sound remain intact. This has been severely shaken, but there is still hope. The acquisition and protection of habitat should begin immediately, before any more damage (e.g., logging, construction projects, etc.) occurs.

6

7  
And just as a side note, [your public advisory committee (or whatever it's called) should be representative of the various interested parties.] In other words, one member of the committee should be an environmentalist, another a fisherman, another a recreation guide, and so on.

Thank you for this opportunity to comment.

Sincerely,



John Strassenburgh

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FROM: John Strassenburger  
P.O. Box 100171  
Anchorage AK 99510

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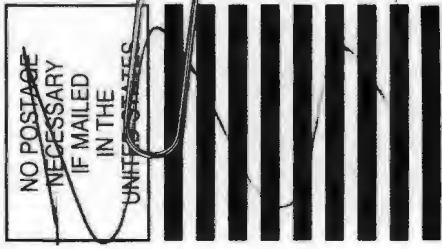


ATTN: REVERIFICATION



Mr Dave Gibbons  
Acting Administration Director  
Restoration Team  
645 G Street  
Anchorage, AK 99501

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## Pacific Seabird Group



DEDICATED TO THE STUDY AND CONSERVATION OF PACIFIC SEABIRDS AND THEIR ENVIRONMENT

Craig S. Hammon  
Vice Chairman for Conservation  
4001 North 9th Street #11801  
Arlington, Virginia 22203

June 3, 1992

BY FAX (hard copy to follow)

DR. David R. Gibbons  
Exxon Valdez Oil Trustee Council  
645 G Street  
Anchorage, Alaska 99501

Re: Comments on Use of Restoration Trust Funds

Dear Dr. Gibbons:

This letter constitutes the Pacific Seabird Group's (PSG) comments on the following:

- Restoration Framework (April 1992)
- 1992 Draft Work Plan (April 1992)
- Solicitation for suggestions for the 1993 Work Plan.

PSG is an international organization that was founded in 1972 to promote knowledge, study and conservation of Pacific seabirds. PSG qualifies as a nonprofit corporation under § 501(C)(3) of the Internal Revenue Code.

As PSG enters its third decade, it draws its 500 members from the entire Pacific Basin, including Russia, Canada, Japan, China, Mexico, Australia, and New Zealand. A substantial portion of PSG's membership resides in Alaska. Among PSG's members are biologists who have research interests in Pacific seabirds, state and federal officials who manage seabird refuges, and individuals with interests in marine conservation. We believe that no other organization has comparable expertise concerning the biology of the seabirds in the North Pacific Ocean. We enclose a summary of PSG's annual meetings since 1973 that highlights our scientific and management expertise. PSG was host to symposia on the biology and management of virtually every seabird species that

contains substantive comments 1-12  
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the Exxon Valdez oil spill affected. We also enclose a dated brochure that summarizes PSG's activities.

#### I. Restoration Framework (April 1992)

1  
 [PSG generally supports the Trustees' approach to restoring the natural resources that the Exxon Valdez oil spill injured. We note that while \$1 billion in restoration trust funds is an enormous amount of money, it must be spent wisely if the immense job of restoration is to be accomplished. We urge the Trustees to restrict the amount of trust funds that they spend on overhead and to fund only projects that directly restore natural resources.] We also urge the Trustees to ensure that the organizations and agencies that implement the restoration work do so at the least possible cost. For example, once the Trustees decide to support a project or group of projects, other organizations besides government agencies should have an opportunity to bid competitively on the work. Such an approach will enable the greatest restoration of natural resources.

[PSG agrees with the Trustees that seabirds are particularly vulnerable to oil spills.] The Trustees document that the spill killed some 300,000 to 645,000 seabirds. Murres were especially hard hit, but substantial losses of the following bird species also occurred: loons, cormorants, Pigeon Guillemots, Bald Eagles, grebes, Harlequin Ducks, Goldeneyes, Scoters, Marbled Murrelets, Kittlitz' Murrelets, Northern Pintails, Old Squaw, Bufflehead, Black Oystercatchers, Bonaparte's Gulls, Arctic Terns, Black-legged Kittiwakes, and Tufted Puffins.

[PSG agrees with the Trustees' first criterion that evidence of injury to a natural resource is an important factor to be used in allocating the restoration trust funds.] In principle, [PSG endorses the Trustees' second criterion (the adequacy and rate of natural recovery)]. However, [the mere immigration of seabirds from elsewhere cannot be deemed to be "natural recovery." Seabird biologists have long noted that most seabird species live relatively long lives and reproduce slowly. PSG would object to any determination that seabirds do not qualify for restoration work simply because pioneering birds may move into the oil spill area] from the Aleutian Islands or elsewhere. In such a circumstance, [the Trustees should enhance seabird populations in other parts of Alaska that were indirectly "depleted" by the spill.]

Criteria for Evaluation of Restoration Options. PSG generally supports the Trustees' criteria for evaluating restoration options. [The Trustees should use technical feasibility, potential to improve the rate or degree of recovery, and an analysis of benefit/cost to make decisions concerning the use of the restoration trust funds.] PSG welcomes evaluating

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restoration options from the perspective of whether they benefit more than a single resource. <sup>13</sup> PSG's preferred options generally would benefit an entire community of seabirds (and sometimes other organisms), not just a single species.

Potential Restoration Alternatives. <sup>14</sup> PSG strongly agrees that federal and state management authorities should use their regulatory powers to modify human uses of resources or habitats that the spill injured. <sup>15</sup> We note that such efforts would not exhaust any of the restoration trust fund but would merely require that the state and federal natural resource agencies enforce the laws or redirect their programs. <sup>16</sup> For example, we agree that authorities should curtail the hunting seasons for sea ducks (Option 8) and that authorities should manage commercial fisheries to reduce the incidental mortality of Marbled Murrelets in drift gillnets (Option 9). <sup>17</sup> We note that taking Marbled Murrelets without a permit violates the Migratory Bird Treaty Act. Although not mentioned, PSG suggests that logging, both on prime habitat and private lands, be curtailed in uplands that are government and private lands, be curtailed in uplands that are prime habitat for Marbled Murrelets or Harlequin Ducks. <sup>18</sup> U.S. Forest Service lands that contain Marbled Murrelets should not be logged for at least a decade. <sup>19</sup>

PSG also agrees that habitat acquisition could be a useful means of restoring the actual or equivalent resources that the spill injured. <sup>20</sup> PSG strongly endorses Option 23 (acquisition of additional marine bird habitat). <sup>21</sup> Because land acquisition can be extremely expensive, the Trustees should ensure that any lands purchased are valuable to seabirds and that the purchase passes muster under a cost/benefit analysis. <sup>22</sup> PSG urges the Trustees to purchase the best seabird islands, not just "what's for sale." <sup>23</sup> Moreover, the Trustees should consider the use of conservation easements rather than outright purchase. <sup>24</sup> Often, restrictions on use and development will provide adequate protection at less cost, allowing more colonies to be protected. <sup>25</sup>

24

PSG wishes to highlight several potential restoration options that seem to be especially promising. <sup>26</sup> Increasing wildlife management in parks and refuges (Option 7) would be very useful for marine birds. <sup>27</sup> The U.S. Fish & Wildlife Service (FWS), the National Park Service, and state agencies should hire or redirect their staffs to manage parks and refuges to improve marine bird habitat. <sup>28</sup> The USA-USSR (1976) and USA-Japan (1972) migratory bird treaties provide ample incentive for agencies to manage seabird colonies to remove alien predators such as foxes. <sup>29</sup> Article VI(c) of the Japan treaty requires this nation to take measures to control the introduction of live animals that disturb the ecological balance of island ecosystems. <sup>30</sup> Article II of the Soviet treaty provides similar protection. <sup>31</sup> Article IV(1) of the Soviet treaty requires this nation to abate detrimental alteration of the environment of migratory birds.

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29 Under the category "Manipulation of Resources," PSG cannot support attempting to enhance murre productivity by using decoys or recorded calls at colonies (Option 16). PSG doubts that any success this technique might have (which is questionable), will do much to improve murre populations in Alaska.

30 PSG strongly agrees that alien foxes should be eliminated from seabird colonies (Option 17). This activity would help the entire seabird community to recover, including island-nesting sea ducks, dabbling ducks and oystercatchers besides alcids and larids. Moreover, the techniques are proven and have an extremely high benefit/cost. FWS biologists G. Vernon Byrd and Edgar P. Bailey reported to the Alaska Bird Conference in November 1991 that dramatic increases in bird populations took place at Nizki-Alaid Island in the western Aleutians after foxes were removed. They found particularly impressive increases for loons, Pelagic Cormorants, Aleutian Green-winged Teal, Common Eiders, Glaucous-winged Gulls, and Tufted Puffins. We would expand this activity to include removing alien rats and other creatures that harm seabirds. PSG incorporates by reference its letters to each Trustee dated March 2, 1992 in which it identified (Table 2) specific islands where foxes should be removed. 32

33 With respect to habitat protection, PSG endorses Options 22- 34  
 25. Option 22 (designate protected marine areas) could provide long-term, protection to seabirds by protecting areas where seabirds feed and loaf on the water. A marine sanctuary in the Pribiloff Islands or Bristol Bay would be especially welcome. 35  
 PSG has previously endorsed acquiring additional marine bird habitats (Option 23) such as Afognak, East Amatuli and Gull islands. PSG incorporates by reference its list of appropriate acquisitions (Table 1) that it sent to each Trustee by letter dated March 2, 1992. PSG also endorses acquiring inholdings within parks and refuges (Option 24). PSG endorses the acquisition of uplands to protect Marbled Murrelets and Harlequin Ducks if there is sufficient information available to ensure that appropriate tracks of land are purchased. 36  
 notable attached 37

Finally, PSG endorses developing a comprehensive monitoring program (Option 31). 40

## II. 1992 Draft Work Plan

PSG's opportunity to comment on the 1992 draft Work Plan has come so late in the year that the Trustees have funded the projects already. PSG recognizes the administrative and logistical problems that the Trustees have faced in establishing the restoration program and accepts this situation for 1992. However, if the public involvement called for in the settlement documents is to be meaningful, the draft work plan for 1993 41

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should be available for public comment by December 1992. PSG observes that the Trustees have not committed \$18.2 million in restoration trust funds that could be spent in 1992.

<sup>42</sup> PSG supports all of the damage assessment projects that the Trustees have funded this year — boat surveys to determine the distribution and abundance of migratory birds in Prince William Sound (Bird Study No. 2); surveys of murre colonies in spill areas (Bird Study No. 3); assessment of Marbled Murrelets sites, Fork-tailed Storm-petrels, Black-legged Kittiwakes, and Pigeon Guillemots (Bird Studies No. 6-9); assessment of injury to sea ducks by hydrocarbon uptake (Bird Study No. 11); and assessment of shorebird injuries (Bird Study No. 12). <sup>43</sup> PSG believes that understanding the magnitude of harm is important to decide the types and extent of restoration activities that may be necessary.

The Trustees have asked for comment on several restoration projects that it has funded for 1992. PSG is primarily interested in four restoration projects: murre restoration (No. 11, funded at \$317 K); Marbled Murrelet restoration (No. 15, funded at \$419 K); Harlequin Duck restoration (No. 71, funded at \$425 K); and impacts of contaminated mussels on Harlequin Ducks and Black Oystercatchers (No. 103C, funded at \$176 K). PSG generally supports each of these projects. In particular, the studies on Marbled Murrelet and Harlequin Duck habitat requirements should prove to be very useful in assessing potential land acquisitions for these species. The Harlequin Duck study should assist federal and state forestry agencies in establishing the width of forested buffer strips that are necessary to protect their breeding sites.

<sup>44</sup> PSG is disappointed that the Trustees have not funded Option 17 (removal of foxes and other alien predators from seabird colonies). The Trustees have funded four seabird projects at a cost of \$1,337,000 for 1992. While PSG cannot evaluate whether such large amounts are appropriate, <sup>45</sup> it suggests that in future years the Trustees apply the cost/benefit criterion discussed above to these projects. PSG would have difficulty justifying any of these projects as a priority above the unfunded Option 17 (removal of alien predators from seabird colonies). As we have discussed above and in previous letters to the Trustees, <sup>46</sup> predator removal has the highest yield of any action that the Trustees or the agencies might take to increase the populations of the marine birds that the oil spill killed. <sup>47</sup> Option 17 can be implemented immediately, even during the 1992 field season using some of the \$18.2 million of unobligated trust funds.

PSG also <sup>48</sup> urges the Trustees to persuade FWS (and, where appropriate, other federal and state agencies), to fund predator removal through the agencies' normal budgetary processes. FWS, for example, had budgeted \$50,000 for fiscal year 1992 to remove foxes from islands in the Alaska Maritime National Wildlife

*restoration*

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Refuge. FWS essentially reprogrammed those funds to start a new project in the Yukon-Kuekokwim Delta to shoot native foxes in an attempt to improve waterfowl production. Such priorities are questionable.

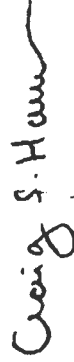
### III. 1993 Work Plan

PSG suggests that the 1993 Work Plan include two additional projects to restore seabird populations. First, the Trustees should provide substantial funds to eliminate foxes, rats and other predators from present and former seabird colonies (Option 17). As noted above, PSG has already provided the Trustees with a list of colonies. Second, PSG suggests that the Trustees fund a project to evaluate PSC's list of candidates for acquiring habitat that is important to seabird colonies.

### IV. Conclusion

PSG supports the projects that the Trustees have proposed to date. PSG urges the Trustees to fund immediately the only project that is certain to increase the populations of the twenty or so seabird species injured by the oil spill, namely, the removal of predators from seabird colonies. PSG also urges the Trustees to continue and expand work to evaluate land acquisition candidates for seabird colonies. Thank you for this opportunity to lend our expertise and views on these important issues.

Sincerely,



Craig S. Harrison

Enclosures

# TELECOPY INFORMATION

Munton & Williams  
P.O. Box 19230  
Washington, DC 20036

Teletcopy Number: (202)778-2201

**TO:** Name: Dr. David R. Gibbons  
Firm: Exxon Valdex Oil Spill Restoration Team  
Location: Anchorage, Alaska  
Teletcopy Number: 907-276-7178

No. Pages 7 Including cover

**FROM:** Name: Craig S. Harrison, Esq.  
Extension: 202-778-2240  
Special Instructions: Hard Copy to follow by mail.

**Operator:** \_\_\_\_\_

Date: 06/03/92

**Time:** \_\_\_\_\_

**Client/Matter Name:** Personal

**Client/Matter Number:** 99999.000671

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# Pacific Seabird Group



DEDICATED TO THE STUDY AND CONSERVATION OF PACIFIC SEABIRDS AND THEIR ENVIRONMENT

Craig S. Harrison  
Vice Chairman for Conservation  
4001 North 9th Street #1801  
Arlington, Virginia 22203

June 3, 1992

BY FAX (hard copy to follow)

Dr. David R. Gibbons  
Exxon Valdez Oil Trustee Council  
645 G Street  
Anchorage, Alaska 99501

Re: Comments on Use of Restoration Trust Funds

Dear Dr. Gibbons:

This letter constitutes the Pacific Seabird Group's (PSG) comments on the following:

- Restoration Framework (April 1992)
- 1992 Draft Work Plan (April 1992)
- Solicitation for suggestions for the 1993 Work Plan.

PSG is an international organization that was founded in 1972 to promote knowledge, study and conservation of Pacific seabirds. PSG qualifies as a nonprofit corporation under § 501(c)(3) of the Internal Revenue Code.

As PSG enters its third decade, it draws its 500 members from the entire Pacific Basin, including Russia, Canada, Japan, China, Mexico, Australia, and New Zealand. A substantial portion of PSG's membership resides in Alaska. Among PSG's members are biologists who have research interests in Pacific seabirds, state and federal officials who manage seabird refuges, and individuals with interests in marine conservation. We believe that no other organization has comparable expertise concerning the biology of the seabirds in the North Pacific Ocean. We enclose a summary of PSG's annual meetings since 1973 that highlights our scientific and management expertise. PSG was host to symposia on the biology and management of virtually every seabird species that

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the Exxon Valdez oil spill affected. We also enclose a dated brochure that summarizes PSG's activities.

### I. Restoration Framework (April 1992)

PSG generally supports the Trustees' approach to restoring the natural resources that the Exxon Valdez oil spill injured. We note that while \$1 billion in restoration trust funds is an enormous amount of money, it must be spent wisely if the immense job of restoration is to be accomplished. We urge the Trustees to restrict the amount of trust funds that they spend on overhead and to fund only projects that directly restore natural resources. We also urge the Trustees to ensure that the organizations and agencies that implement the restoration work do so at the least possible cost. For example, once the Trustees decide to support a project or group of projects, other organizations besides government agencies should have an opportunity to bid competitively on the work. Such an approach will enable the greatest restoration of natural resources.

PSG agrees with the Trustees that seabirds are particularly vulnerable to oil spills. The Trustees document that the spill killed some 300,000 to 645,000 seabirds. Murres were especially hard hit, but substantial losses of the following bird species also occurred: loons, cormorants, Pigeon Guillemots, Bald Eagles, grebes, Harlequin Ducks, Goldeneyes, Scoters, Marbled Murrelets, Kittlitz' Murrelets, Northern Pintails, Old Squaw, Bufflehead, Black Oystercatchers, Bonaparte's Gulls, Arctic Terns, Black-legged Kittiwakes, and Tufted Puffins.

Injury Criteria. PSG agrees with the Trustees' first criterion that evidence of injury to a natural resource is an important factor to be used in allocating the restoration trust funds. In principle, PSG endorses the Trustees' second criterion (the adequacy and rate of natural recovery). However, the mere immigration of seabirds from elsewhere cannot be deemed to be "natural recovery." Seabird biologists have long noted that most seabird species live relatively long lives and reproduce slowly. PSG would object to any determination that seabirds do not qualify for restoration work simply because pioneering birds may move into the oil spill area from the Aleutian Islands or elsewhere. In such a circumstance, the Trustees should enhance seabird populations in other parts of Alaska that were indirectly "depleted" by the spill.

Criteria for Evaluation of Restoration Options. PSG generally supports the Trustees' criteria for evaluating restoration options. The Trustees should use technical feasibility, potential to improve the rate or degree of recovery, and an analysis of benefit/cost to make decisions concerning the use of the restoration trust funds. PSG welcomes evaluating

restoration options from the perspective of whether they benefit more than a single resource. PSG's preferred options generally would benefit an entire community of seabirds (and sometimes other organisms), not just a single species.

Potential Restoration Alternatives. PSG strongly agrees that federal and state management authorities should use their regulatory powers to modify human uses of resources or habitats that the spill injured. We note that such efforts would not exhaust any of the restoration trust fund but would merely require that the state and federal natural resource agencies enforce the laws or redirect their programs. For example, we agree that authorities should curtail the hunting seasons for sea ducks (Option 8) and that authorities should manage commercial fisheries to reduce the incidental mortality of Marbled Murrelets in drift gillnets (Option 9). We note that taking Marbled Murrelets without a permit violates the Migratory Bird Treaty Act. Although not mentioned, PSG suggests that logging, both on government and private lands, be curtailed in uplands that are prime habitat for Marbled Murrelets or Harlequin Ducks. U.S. Forest Service lands that contain Marbled Murrelets should not be logged for at least a decade.

PSG also agrees that habitat acquisition could be a useful means of restoring the actual or equivalent resources that the spill injured. PSG strongly endorses Option 23 (acquisition of additional marine bird habitat). Because land acquisition can be extremely expensive, the Trustees should ensure that any lands purchased are valuable to seabirds and that the purchase passes to a trust under a cost/benefit analysis. PSG urges the Trustees to purchase the best seabird islands, not just "what's for sale." Moreover, the Trustees should consider the use of conservation easements rather than outright purchase. Often, restrictions on use and development will provide adequate protection at less cost, allowing more colonies to be protected.

PSG wishes to highlight several potential restoration options that seem to be especially promising. Increasing wildlife management in parks and refuges (Option 7) would be very useful for marine birds. The U.S. Fish & Wildlife Service (FWS), the National Park Service, and state agencies should hire or redirect their staffs to manage parks and refuges to improve marine bird habitat. The USA-USSR (1976) and USA-Japan (1972) migratory bird treaties provide ample incentive for agencies to manage seabird colonies to remove alien predators such as foxes. Article VI(c) of the Japan treaty requires this nation to take measures to control the introduction of live animals that disturb the ecological balance of island ecosystems. Article II of the Soviet treaty provides similar protection. Article IV(1) of the Soviet treaty requires this nation to abate detrimental alteration of the environment of migratory birds.



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Sincerely,

*Craig S. Harrison*

Craig S. Harrison

Enclosures

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## Annual meetings of the Pacific Seabird Group

<u>Year</u>	<u>Location</u>	<u>Symposia</u>
1973-74	Bolinas, CA	Organizational meeting
1974-75	Seattle, WA	Biology of the alcids
1975-76	Monterey, CA	Seabird conservation on the California coast
1976-77	Monterey, CA	Shorebirds in the marine environment*
1977-78	Victoria, BC	Black-legged Kittiwake reproduction
1978-79	Monterey, CA	Food availability and reproductive success Investigator bias in assessing seabird nesting success
1979-80	Monterey, CA	
1980-81	Tuscon, AZ	
1981-82	Seattle, WA	Feeding ecology of marine waterfowl and pelagic birds* Seabird - commercial fisheries interactions*
1982-83	Honolulu, HI	Tropical seabirds* Human disturbance at seabird colonies
1983-84	Monterey, CA	
1984-85	Long Beach, CA	Biology of terns
1985-86	San Francisco, CA	Biology of gulls*
1986-87	La Paz, Mexico	Biology of seabirds in the Gulf of California
1987-88	Monterey, CA	Alcids at sea* Marbled Murrelet management*
1988-89	Washington, DC	Wading bird reproduction in 1988
1989-90	Victoria, BC	Status, ecology and conservation of seabirds of the North Pacific Ocean*
1990-91	Monterey, CA	
1991-92	Charleston, OR	
1992-93	Seattle, WA	Seabird conservation in the Pacific Northwest

\*published or in press

## Yes! I want to join the PACIFIC SEABIRD GROUP



All members receive The Pacific Seabird Group Bulletin, announcements of meetings, reduced rates on some publications, and most important the knowledge of contributing to the study and conservation of Pacific seabirds.

Life and Patron memberships are available in four equal payments. All life and patron membership contributions are indicated to the Pacific Seabird Group Endowment Fund.

Enclosed is my contribution \$ \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

all to:

**The Pacific Seabird Group**

Ellen Chu  
7334 Champagne Point Road  
Kirkland, WA 98034

Keep this portion for your tax records

Contribution to:

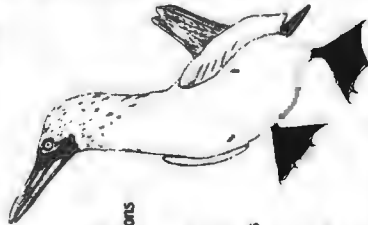
The Pacific Seabird Group, Inc.

Check No. \_\_\_\_\_

Amount \$ \_\_\_\_\_ Dated \_\_\_\_\_

The Pacific Seabird Group is a scientific, non-profit, non-governmental, charitable organization. Contributions are fully tax deductible under the Internal Revenue Code 501 (c)(3).

## Our Concern is for Seabirds



The interest and concern of THE PACIFIC SEABIRD GROUP encompasses millions of birds of over 275 species—all related by their dependence on the ocean environment, but widely divergent in their natural histories and the problems they face.

Pacific seabirds include representatives of 8 avian orders and 23 families, including loons, grebes, albatrosses, shearwaters, storm-petrels, boobies, pelicans, cormorants, frigatebirds, gulls, ducks, puffins, murres, auklets, guillemots, murrelets, phalaropes, sandpipers, plovers, terns, gulls, jaegers, tropicbirds, and penguins.

Some Pacific seabirds are astonishingly numerous and wander widely over the seas. For example, millions of short-tailed shearwaters that nest on islands off Australia and New Zealand annually migrate to feeding areas in the Bering Sea. These millions of shearwaters complement the arctic populations of nesting seabirds that in Alaska alone, number over 40 million seabirds.

However, many seabird species are uncommon or occur only in restricted areas. Several Pacific seabird species are already endangered, including the short-tailed albatross and dark-rumped petrel. With increasing human development and pollution of the marine environment, the list of threatened and endangered seabirds is likely to grow.

Although much research has been done, and our knowledge is growing, our understanding of the ecology of Pacific seabirds is inadequate. We have yet to learn the most basic breeding biology of several species, and feeding ecologies of most species are poorly known. Decades of research are still needed to understand the population dynamics of seabirds, as most are long-lived and reproduce slowly. Yet changes are swiftly coming to the seabirds' world.

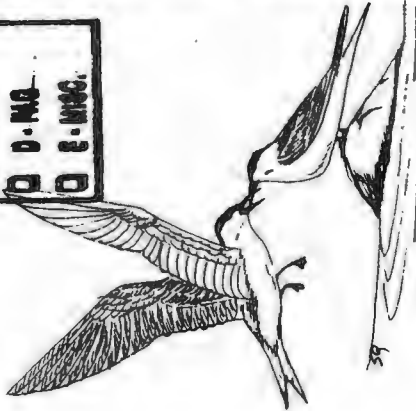
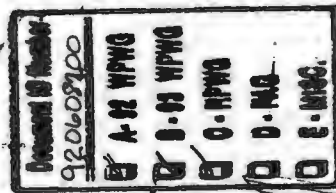
Protection and conservation of the great variety of fascinating seabirds of the Pacific Ocean is a challenge that will require the contributions, research, concern, and dedication of many people from many countries.

## Seabirds For The Future

In 1984, THE PACIFIC SEABIRD GROUP established an endowment fund with a generous gift of \$1000 from the Bullitt Foundation. This endowment fund was set up in recognition that the future of seabirds depends on continued research and conservation efforts.

Accrued interest from this fund will be used to organize high quality seabird symposia, help bring researchers from around the world to these symposia, and for printing and dissemination of the proceedings. When the fund has grown to adequate proportions, PSG may also use accrued interest to fund seabird research and specific conservation efforts.

Financial management of the Endowment Fund is handled by the PSG Treasurer and two investing trustees appointed by the PSG Executive Council.



# Pacific Seabird Group



Dedicated to the study and conservation of Pacific seabirds & their environment

## What is the Pacific Seabird Group?

THE PACIFIC SEABIRD GROUP, INC. is a scientific, non-profit organization dedicated to the study and conservation of seabirds and their environment. PSG was formed in 1972 out of a need for better communication among seabird researchers. Through research supported by a variety of agencies and organizations, many PSG members are working to learn more of the secrets of seabird biology, to gather information needed to protect seabird nesting, feeding, and wintering areas, to restore seabirds to islands where introduced predators have wreaked havoc, and to minimize the effects of human activities on the seabirds' world.

THE PACIFIC SEABIRD GROUP takes a broad international perspective in recognition that distant areas are tied by the wanderings of seabirds and the continuity of ocean waters. Our membership includes professional biologists, wildlife managers, students, conservationists, and others from the United States and 15 other countries. PSG promotes international communication between seabird biologists through joint meetings with other groups, such as the 1983 meeting with the Australasian Seabird Group and the 1983 meeting with the Colonial Waterbird Group.

The Executive Board also reflects PSG's international perspectives and concerns. Representatives from 11 regions representing portions of the United States, Canada, Mexico, Central and South America, the South Pacific, and Europe, work with the Chairman, Chairman-elect, Secretary, Treasurer, and PSG Bulletin Editor to plan and direct the organization's activities.

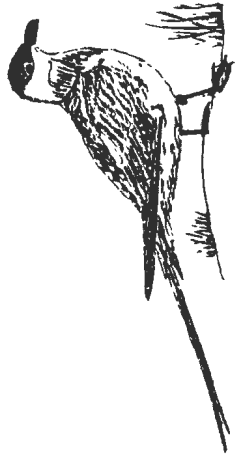
# Pacific Seabird Group



## Current Activities

**ANNUAL MEETINGS:** At yearly conferences, researchers share their discoveries and conservation concerns with each other and the public. Reflecting the international distribution of Pacific seabirds, PSG Annual Meetings are often attended by people from throughout the world, including Mexico, Canada, Central & South America, Africa, the United Kingdom, Australia, and Japan. Attendees benefit from the support, constructive criticisms, and insights of fellow participants, as well as from the exchange of scientific reports. Student presentations and reviews of ongoing research are encouraged.

**SYMPOSIA:** Specialized symposia on specific problems are organized to facilitate exchange and dissemination of information. Symposia proceedings are often published. Past symposia include: "Shorebirds in the Marine Environment", "Tropical Seabird Biology", "The Effects of Human Disturbances on Seabird Colonies", "Marine Birds: Their Feeding Ecology and Commercial Fisheries Relationships", and "Impact of the 1982-83 El Niño on Seabird Biology". A variety of other symposia are being organized, including workshops on terns, albatrosses, nongame waterbirds, and seabird use of man-made versus natural wetlands.



## Committees

**STANDING COMMITTEES:** Three standing committees work to further PSG's goals. Members are encouraged to participate and contribute to the activities of the committees.

**CONSERVATION COMMITTEE:** This committee takes an active role in promoting conservation of seabirds. Current activities include keeping all PSG members apprised of issues and legislation relating to seabird conservation, developing a booklet for seabird researchers on minimizing disturbance of nesting colonies, and organizing a workshop on nongame waterbird conservation. The Conservation Committee often provides support for seabird conservation measures, and criticism of activities that will likely harm seabirds or the marine environment.

**FISHERIES-SEABIRD INTERACTIONS COMMITTEE:** In recognition of the serious conflicts that can and do occur between some commercial fisheries and seabird conservation, a special committee is established to work specifically on this complex conservation problem. Incidental take of seabirds in fishing nets and traps, and potential conflicts over food resources are two of the problems with which this committee is concerned.

**SCIENTIFIC TRANSLATIONS COMMITTEE:** This committee is concerned with translations into English of research papers of interest to seabird biologists. Through the efforts of this committee, members are kept informed of translations available to them.

## Publications

**THE PACIFIC SEABIRD GROUP BULLETIN**  
Issued twice annually, the Bulletin summarizes organization activities, informs members of current seabird conservation issues, reports from regional representation about ongoing seabird research and conservation problems in their areas, along with reviews of recent books on birds, and other information of interest to members. Members receive the Bulletin.

**INTERNATIONAL SEABIRD MEMBERSHIP DIRECTORY**  
Published in 1984, contains the names and addresses of members of PSG, the Colonial Waterbird Group, Australian Seabird Group, African Seabird Group, and The Seabird Group (United Kingdom).

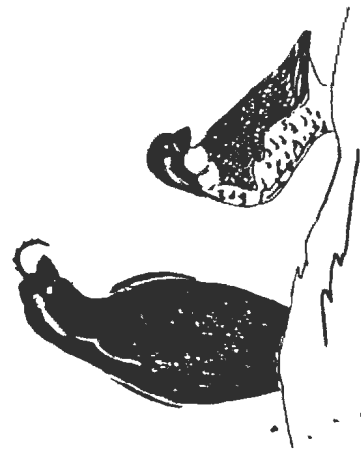
**SHOREBIRDS IN MARINE ENVIRONMENTS.**  
A collection of 25 papers by 39 authors resulting from a 1979 symposium sponsored by the Pacific Seabird Group. Edited by F. A. Pitelka and published by the Cooper Ornithological Society as Number 2 in the Studies in Avian Biology series. 261pp. Available to PSG members at reduced cost.

**MARINE BIRDS: THEIR FEEDING BIOLOGY AND COMMERCIAL FISHERIES RELATIONSHIPS.**

A collection of 23 papers by 39 authors presented at a 1979 symposium in Seattle, WA. Edited by D.N. Nettles G.A. Sanger, and P.F. Springer and published by the Canadian Wildlife Service. Available free to attendees and 1 members.

**TROPICAL SEABIRD BIOLOGY.**

Proceedings of an international symposium held by 1 in 1983 in Honolulu, HI. Contains 6 review papers on feeding, physiology, breeding strategies, and ecology of tropical seabirds. Edited by R. A. Schreiber and published by the Cooper Ornithological Society as Number 8 in Studies in Avian Biology series. 114 pp. Available to PSG members at reduced cost.



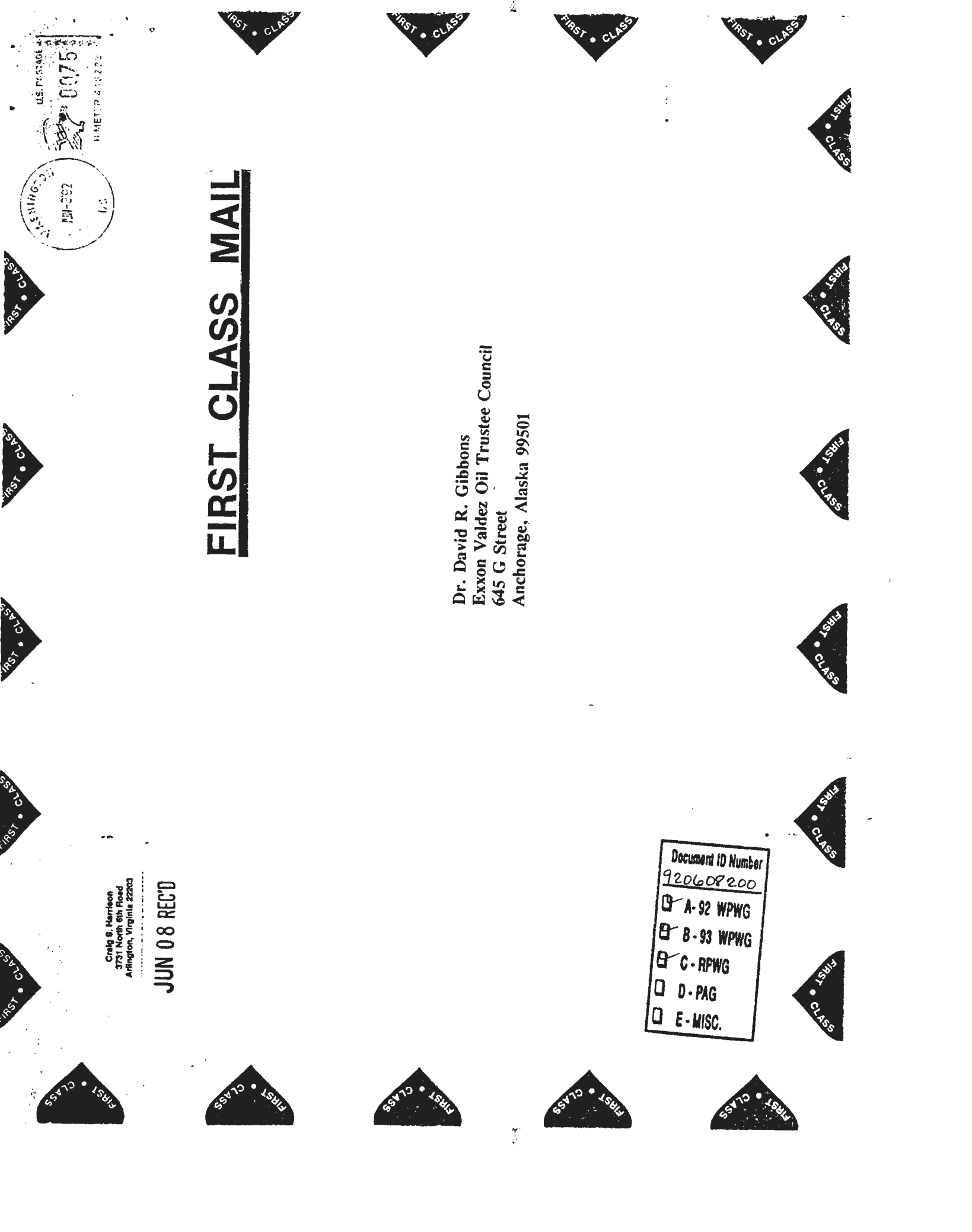
**FIRST CLASS MAIL**

Dr. David R. Gibbons  
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645 G Street  
Anchorage, Alaska 99501

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3731 North 6th Road  
Arlington, Virginia 22203

JUN 08 REC'D

Document ID Number	
920608200	
<input checked="" type="checkbox"/>	A-92 WPWG
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EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

181 F+6 29722  
Box 3 R5

**FORMAT FOR PUBLIC IDEAS FOR RESTORATION PROJECTS**

**Title of Project:** Waterfall Creek Pink Salmon Restoration - Fishpass Improvement

**Justification:** (Link to Injured Resource or Service) The Exxon Valdez oil spill directly impacted Little Waterfall Creek in 1989 - Restoration Study 105 (fishpass feasibility) identified a need for fishpass improvements.

**Description of Project:** (e.g. goal(s), objectives, location, rationale, and technical approach) Little Waterfall Creek (251-822) is located on Afognak Island and drains into Little Waterfall Bay. Three fishpasses have increased pink salmon spawning area in this system. The largest fishpass furthest upstream, however, is not utilized fully, possibly due to structural problems. The average escapement above this fishpass has been 8,000 while the spawning area will support 30,000-40,000 pink salmon. The Exxon Valdez oil spill directly impacted Little Waterfall Creek in 1989. Beaches in Little Waterfall Bay, as well as adjacent bays, were significantly oiled. In addition, pink salmon escapement in 1989 (117,200), due to harvest closure, was well over the desired optimum escapement of approximately 60,000 pinks. This may have resulted in over utilization of the system as reflected in a very low (69.94) pre-emergent index in 1990. The 1991 escapement was above average, but the total return was below the expected 200,000 at 121,500.

Fishpass improvements at Waterfall Creek will focus on construction and modification to the largest existing fishpass. The angle of descent will be lessened, additional resting tanks will be constructed, and additional steep pass sections will decrease water velocity. This construction will be evaluated through surveys to determine fishpass usage. Minor improvements will be made to the two smaller fishpasses to improve fish passage including diversion structures and gabion reinforcement.

Patented ID Number	920615297
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B-93 WPWG	<input checked="" type="checkbox"/>
C-RPWG	<input type="checkbox"/>
D-PAG	<input type="checkbox"/>
F-MISC	<input type="checkbox"/>

**Estimated Duration of Project:** Three (3) years

**Estimated Cost per Year:** \$55,000

**Other Comments:** Fishpass improvements at Waterfall Creek will also benefit coho salmon.

**Name, Address, Telephone**  
Steve Honnold  
AK Dept of Fish & Game/ FRED Div  
211 Mission Road  
Kodiak AK 99615

Because the Oil Spill Restoration is a public process, your ideas and suggestions will not be proprietary, and you will not be given any exclusive right or privilege to them.



EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

FORMAT FOR IDEAS FOR RESTORATION PROJECTS

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Title of Project:

Waterfall Creek Pink Salmon Restoration - Fishpass Improvement

Justification: (Link to Injured Resource or Service)

The Exxon Valdez oil spill directly impacted Little Waterfall Creek in 1989 - Restoration Study 105 (fishpass feasibility) identified a need for fishpass improvements. Description of Project: (e.g. goal(s), objectives, location, rationale, and technical approach)

Little Waterfall Creek (251-822) is located on Afognak Island and drains into Little Waterfall Bay. Three fishpasses have increased pink salmon spawning area in this system. The largest fishpass, furthest upstream; however, is not utilized fully, possibly due to structural problems. The average escapement above this fishpass has been 8,000 while the spawning area will support 30,000-40,000 pink salmon. The Exxon Valdez oil spill directly impacted Little Waterfall Creek in 1989. Beaches in Little Waterfall Bay, as well as adjacent bays, were significantly oiled. In addition, pink salmon escapement in 1989 (117,200), due to harvest closure, was well over the desired optimum escapement of approximately 60,000 pinks. This may have resulted in over utilization of the system as reflected in a very low (69.94) pre-emergent index in 1990. The 1991 escapement was above average, but the total return was below the expected 200,000 at 121,500.

Fishpass improvements at Waterfall Creek will focus on construction and modification to the largest existing fishpass. The angle of descent will be lessened, additional resting tanks will be constructed, and additional steep pass sections will decrease water velocity. This construction will be evaluated through surveys to determine fishpass usage. Minor improvements will be made to the two smaller fishpasses to improve fish passage, including diversion structures and gabion reinforcement.

Estimated Duration of Project: 3 years

Estimated Cost per Year: 50,000

Other Comments: Fishpass improvements at Waterfall Creek will also benefit coho salmon.

This proposal addresses Option 18 in the Exxon Valdez Oil Spill Restoration Framework, Volume I.

Name, Address, Telephone:

Steve Honnold  
 AK Dept. of Fish & Game/FRED Div.  
 211 Mission Rd.  
 Kodiak, AK 99615

Oil spill restoration is a public process. Your ideas and suggestions will not be proprietary, and you will not be given any exclusive right or privilege to them.

ID # 297-22

COVER WORKSHEET FOR 1993 IDEA SUBMISSIONS

Checked for Completeness

ID stamped/Input completed

Name

Affiliation

Costs

Category

~~AD~~ Restoration Manipulation's Enhancement

Lead Agency

ADFSG

Cooperating Agency(ies)

Y

N

Passed initial screening criteria

type

F/S

RANKING

H

M

L

Rank Within Categories

H

M

L

Rank Overall

Project Number - if assigned

297-22

1993 PROJECT SCORING SHEET

Critical Factors

Potential projects must meet all of the following to be considered further. Check the blank for "yes", "no", or "unknown".

YES NO UNKNOWN

- 1. Linkage to resources and/or services injured by the Exxon Valdez oil spill.
- 2. Technical feasibility.\*
- 3. Consistency with applicable Federal and State laws and policies.\*

Comments:

See Support Comments "Arctic Island Boreg" # 920615279

\* Restoration Framework, 1992, pp 43-44.

SEP 03 REC'D

Nancy J. Hillstrand  
P.O.B. 674  
Homer Alaska 99603  
8 - 20 - 92

Exxon Valdez Oil Spill Trustee Council  
645 "G" Street  
Anchorage , Alaska 99501

Re. Exxon Spill Restoration Framework Supplement

Greetings,

We can restore the health of the injured ecosystem and ultimately allow for its **long term health** by **Habitat Protection and acquisition of Essential Ecosystems**. Any improvements associated with rehabilitation projects can be negated by treating the symptom rather than *the source of disturbance*. We have to ask ourselves , do we want a short term quick fix or long term quality restoration, enhancement and protection.

Habitat Protection and Acquisition of essential ecosystems is a preventative method of restoring and repairing the present and future damage. **Management of ecosystems for ecological function over the long term is ultimately more cost effective and efficient.** It has **longer lasting**, positive impacts on all species affected including man.

We must always keep in mind that we are nowhere close to being immune to future oil spills which can once again degrade our ecosystem. **Restorative activities may be short lived.**

Mechanical means of cleanup, short term enhancement programs or duplicative research treat the symptom and may only further degrade delay, or stray from, rather than enhance the essence of our endeavours.

Acquisition of essential ecosystems should be the priority for this money It will be a living testimony which may be enjoyed by **future generations**. These lands should include unfragmented watersheds, riparian drainages, intact wetlands and bird and sea mammal rookeries. We must keep in mind future cumulative effects of upstream influences on these acquired ecosystems.

Responses to  
Restoration  
Framework  
Supplement

R  
JJ

**What we do now will mold the shape and health of our futures ecosystem. It will either welcome or alienate the various Wildlife and Fish species into this future. It will provide pure or fouled water quality.**

First and foremost, We need to **renovate regulations to provide self sustaining terrestrial and aquatic ecosystems** incorporating up to the minute information gleaned from experience of our ours and others in the world. **Management of ecosystems for ecological function over the long term is ultimately more cost effective than short term gains in convenience or commodity.**

1) **Revitalize Forestry Practices Regulations to minimize ecosystem injury and fragmentation**

The ability to develop a **broader landscape context** for site specific forest practices will shape the future health of our ecosystems.

A) Riparian areas include six major categories of resources

- Water Quality• Fish• Wildlife• vegetation• timber• recreation

If riparian areas are adversely impacted all categories are affected.

1) require wider buffers to protect **riparian zones of influence** which act as a reservoir, storing surplus runoff and dampening discharge fluctuations. The associated vegetation has a profound effect on the physical makeup of the stream habitat as well as the biological communities who utilize these areas This helps maintain perennial flows during dry periods. Low flows reduce the availability and quality of instream habitat for Fish and Wildlife populations.

- a) administer an **Alaskan Riparian Tax Incentive Program** which would exempt property taxes up to 500 feet of protected riparian buffer on private land.

2) **Riparian areas must be assessed over entire basins** to evaluate their continuity and identify unique resources. The present minimal regulations do not address this.

- a) minimize additive impacts, or cumulative effects of upland headwater riparian watersheds streamchannels and runoff patterns. The connectivity between terrestrial and aquatic systems has strong implications for management practices.

- 3) **Special considerations** must be implemented to individual riparian areas. They should be determined on the basis of:
- a) the geography • soils • flow characteristics • vegetation type • profile and stability of the channel • windy areas • degree of slope • rainfall • richness of Game management Units
- 4) Identification and Maintenance of **floodplain functions** should be included in riparian management zones
- 5) Require an **instream flow regulation**, which maintains a standard of adequate streamflow for fish and wildlife requirements.
- 6) Pesticides should not be allowed to enter the Alaskan ecosystem  
Cumulative applications create Water Quality degradation.  
Alternative methods are available.
- 7) Encourage **seasonal winter road building** rather than developing permanent access into remote ecosystems.
- a) **Roads cause major fragmentation of Wildlife habitat. Road failures and associated landslides contribute more sediment to streams and rivers than any other management activity.**
- 8) The present reforestation style produces a monoculture single aged tree farm which deletes the rich understories needed in a healthy ecosystem of groves and openings.  
Reforestation guidelines should encourage **natural patterns of succession** including
- a) naturalized random plantings - not in rows.
  - b) groves and openings
  - c) multi aged trees
  - d) diverse tree and vegetation species
  - e) Seeds taken from the areas to be planted or seed trees left.
- 9) Sustainable harvest methods which leave multi faces of habitat in their wake.
- a) Clear cuts acreage kept to a minimum producing groves and clearings, and Wildlife corridors to drainages and food source.
  - b) Snags left for habitat and soil enhancement.

**II) Resource agency mismanagement can be more destructive than the Exxon Valdez incident itself.**

A) Wildlife and Fish have a continual rotation rate enjoyed by all for perpetuity as long as we do every thing in our power to enhance, protect and promote the health and welfare of these populations thru a common sense **integrated management strategy which considers whole ecosystem health**. Management of ecosystems for ecological function over the long term is ultimately more cost effective than short term gains in convenience or commodity.

1) National Marine Fisheries must revamp their Fisheries management. **Biological rather than political motives utilized.**

- a) Excessive biomass is being extracted from the N Pacific.
- b) Trawling damages multi species resources

2) ADFG could notify the Fish and Game boards and the public of **habitat alterations in Game Management Units** occurring prior to regulation decisions. (A list and map presented at Board meetings) Implications of these activities explained.

2) Population densities of **all interrelated species**, (multi species management) not just single species densities, could be presented to the Fish and Game Boards, to **biologically rather than politically** educate their decision making process.

3) All Departments & Divisions, could **set an example** of conscientious resource use and with open minds interact with the public to educate and be educated. The **public trust** needs to be reestablished. Too much representation and interaction with corporate entities rather than welcoming personal citizen objectives

4) Shortened Seasons, bag limits and **emergency orders** should be implemented immediately on Waterfowl, Brown Bear and other wildlife as well as Fish if damage or injury has occurred to an ecosystem in or near a GMU, by man made or natural disaster. Politics must not enter into these biological decisions. This is a cost effective simple means of enhancing wildlife populations until they are back to normal levels.

- 3) Fish escapement equations must incorporate bear and other wildlife utilization.
- 4) DNR & DEC, Corps of Engineers must be **more aware of Game Management Units** and the integrity of habitat management for species richness in these ecosystems prior to permitting, economic evaluations, or decision making.
- 5) Dept of Revenue must develop an indepth cost analysis projecting all perpetual long term benefits and advantages that the integrity of Fish and Wildlife habitats produce for perpetuity,.ie., subsistence, recreation, personal use, enjoyment, and commercial use. Economic evaluations and decision making must utilize this info. USFW and ISER has documented alot of this information, yet it needs to be integrated so we can all clearly see the **broader picture of long term renewable revenue of our renewable Fish and Wildlife resource in Alaska.**
- 6) It is not a question of which resource to utilize. There must be a **commitment to do the job conscientiously** and the necessary integrated skill and wisdom on the part of all land use managers and Fish and Wildlife managers to set objectives and evaluate the impact of various management alternatives on Fish and Wildlife ecosystems.
- 7) **Industry and Private use toxin emmission and effluent** must be at **0 tolerance**
  - a) Cumulative effects of dispersants, drilling muds, bilge from tankers, fishing and recreational vessels and service station drains cumulatively create a continuous toxin level which equals or exceeds the Exxon Valdez spill. These toxins must not be allowed to enter and further damage the ecosystem.

### III) **Renovate Resource Agencies Mandate**

- a) **budget allocations must be restructured** by legislative direction to promote allegiance to doing what is right for the long term health and integrity of all resources rather than our present fragmented resource liquidation.  
Integrity of resources into the future, must be the priority over short term political mechanics or budgetary motivations.



#### IV). Macrocosm Monitoring and Research

A. Any monitoring should encompass widespread health of an ecosystem. This kind of macrocosm data will be more productive than single shallow data collection, pet enhancement projects or localized clean up activities on a microcosm level. If these single microcosm activities will provide positive cumulative effects on an ecosystem level then their merit could be weighed. Otherwise we are wasting time and money  
**.Fragmanted disjointed rehabilitation activities will produce fragmanted restoration not contributing to the essence of our endeavours.**

An example of macrocosm monitoring or research would be:

- 1) The monitoring for toxins, turbidity, plankton, or mineral composition of:
  - a) the great gyres located in Cook Inlet (off Kachemak Bay)
  - b) the great gyres located in Prince William Sound (SW of Kayak Island)
  - c) The 10 mile wide massive Freshwater Cohesion Jet which hugs the coast of The Gulf Of Alaska traveling at 2 Knots.

Zoo and Phyto plankton accumulate in these great areas, toxins are trapped here also. We should take water quality measurements in these large productive areas every 5 years.  
This information will allow us to evaluate the health of these ecosystems and thus benefit all who utilize them. Deviation of baseline will direct our attention to CAUSES OF DISTURBANCE rather than treating symptoms of minimal impact.

B) Invasive research on wildlife which is duplicative, stressful, or harmful should not be funded. To promote injury to fish or wildlife to find out the extent of damage is unethical and socially unacceptable. Macrocosm ecosystem monitoring will provide data on environmental health of organisms.

We need to think on a large scale. What will do the most good for the longest period of time to enhance the diversity of as many of the injured species. The obvious choice is Acquiring essential ecosystems. But If Resource agencies have faulty mandates, regulations or motives. Or if they do not work together to keep in mind all of the cumulative effects of their decisions, or lack of decisions... we end up with a toxic fragmented environment which alienates Fish and Wildlife regardless of what we do to restore, rehabilitate, or enhance.

We must begin to think in terms of ecosystems, river systems, watersheds, peninsulas, continents. Systems which work together as a whole to provide a living community of unfragmented working order, which we are a part of, not apart from.

Ecosystems are like a helicopter. Tiny cotter pins hold all the bolts in place from shaking loose. If one of these essential components are taken away the entire system may crash. The more components lost the more likelihood the system will for certain crash.

Resource management has evolved over the years tripping over mistakes and learning the hard way at a tremendous loss.

Alaska is in the unique situation to revolutionize our methods of resource management ahead of a crisis management situations.

Do we have the knowledge and wisdom to take the lead and pioneer a new sustainable direction while our ecosystems are still relatively intact in Alaska?

I have faith that we do.

With Kind Regards,

Nancy J. Hillstrand

**AFOGNAK ISLAND is an essential ecosystem which embraces a multitude of Wildlife and Fish. It sustains life in a balanced design of precise detailed integrity. Please consider this North Pacific Rainforest, which was heavily impacted by the Exxon Valdez Oil Spill, as a choice of Quality Habitat acquisition. Please contact me if you need additional information on this area, I have spent 14 seasons observing this tremendous living ecosystem. I would also be willing to set up a charter for you to see first hand the integrity of this Island of abundant marine and terrestrial flora and fauna.**

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Afognak

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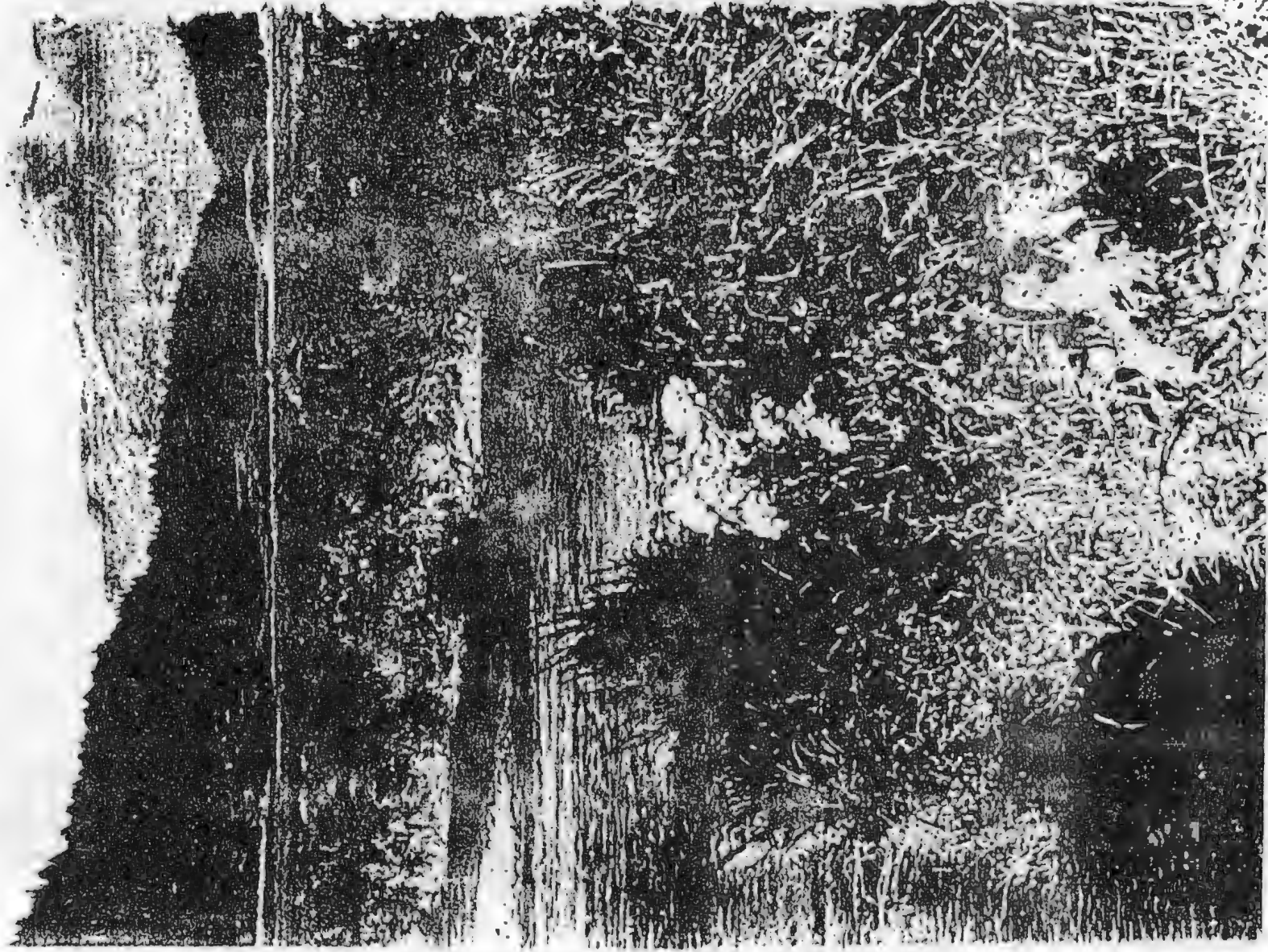
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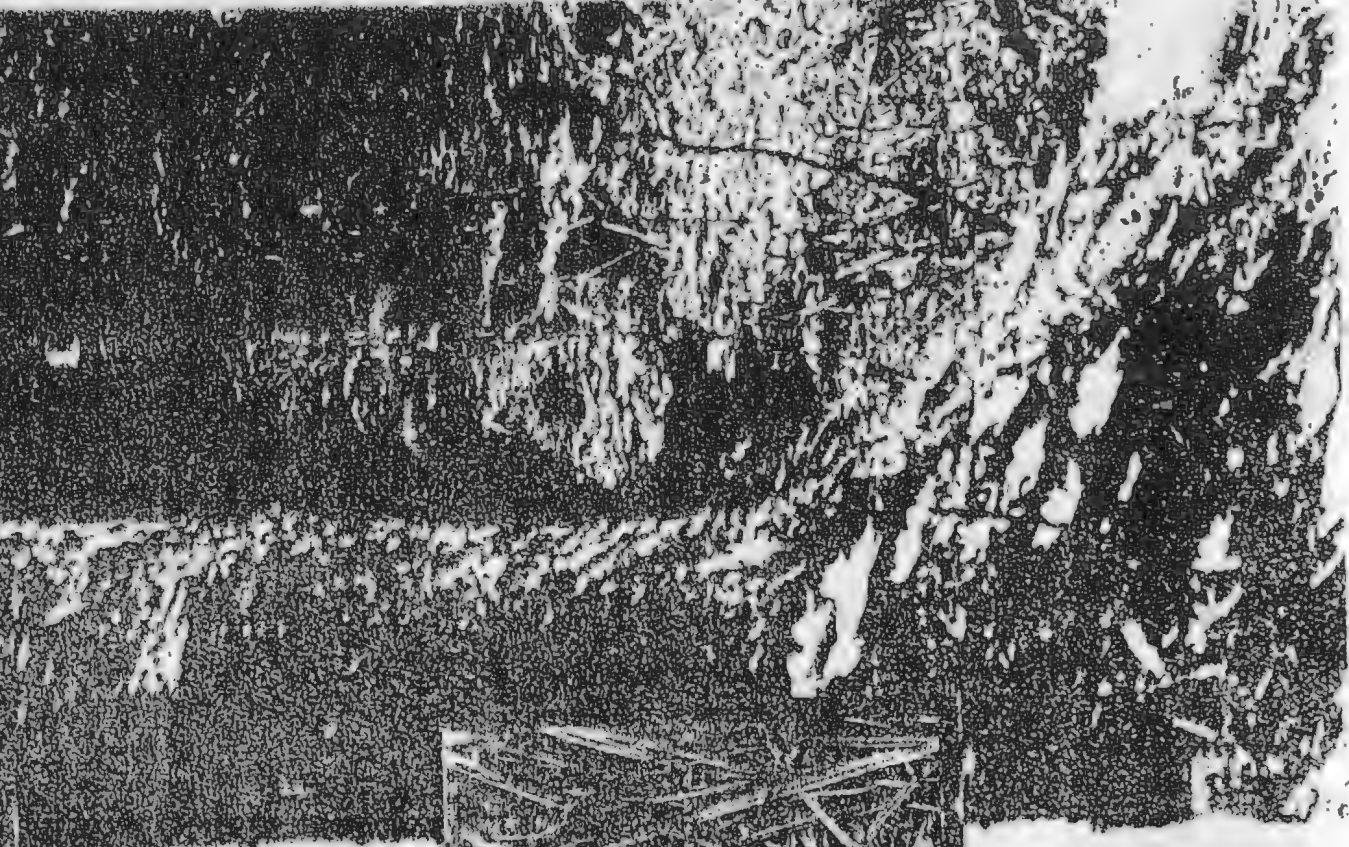
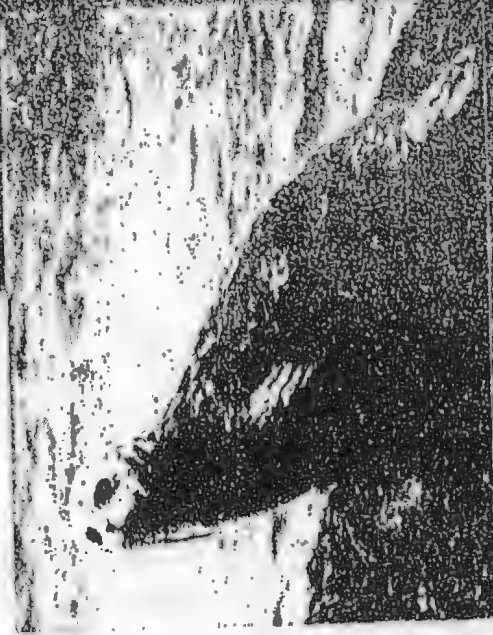
Imagine a place so unusual only one type of tree grows there...so serious, the threatened marbled murrelet dwells there — though rest is rarely seen. • Streams teem with flashing, wild salmon.

Link brown bears, the world's best land carnivores, cross paths in towering herds of elk, 160 species of birds, ducks and geese, and five colonies of beaver, fox, and grizzly. Humpback whales breach offshore, as sea lions and porpoises glide elegantly through stunning rivers and inlets. • This is Afognak and, a little-known jewel lying north of Kodiak Island in the western portion of the Gulf of Alaska. •

Once spectacular and serene, its 10,000 acres, unique in their "monotopic" stands of majestic Sitka spruce, define the northernmost boundaries of North America's legendary old growth forests. Rich archeological sites reveal the natural heritage developed over thousands of years of habitation by native Alaskans. Five hundred miles of striking coastline make for an ecosystem found nowhere else in the world. • It's the kind of dramatic, yet reassuring country that should be maintained for future generations. And it was— • In 1892, President Benjamin Harrison issued a Presidential Proclamation creating the historical



Afognak Forest and Fish Culture Reserve, one of the first wildlife reserves in the Nation. Later, Afognak became a unit of the Chugach National Forest. • But in 1980, as a result of the Alaska Native Claims Settlement Act (ANCSA) and the Alaska Lands Act (ANILCA), Afognak was declassified as a national forest, the only conservation area in Alaska ever to be so treated. • Logging by the U.S. Forest

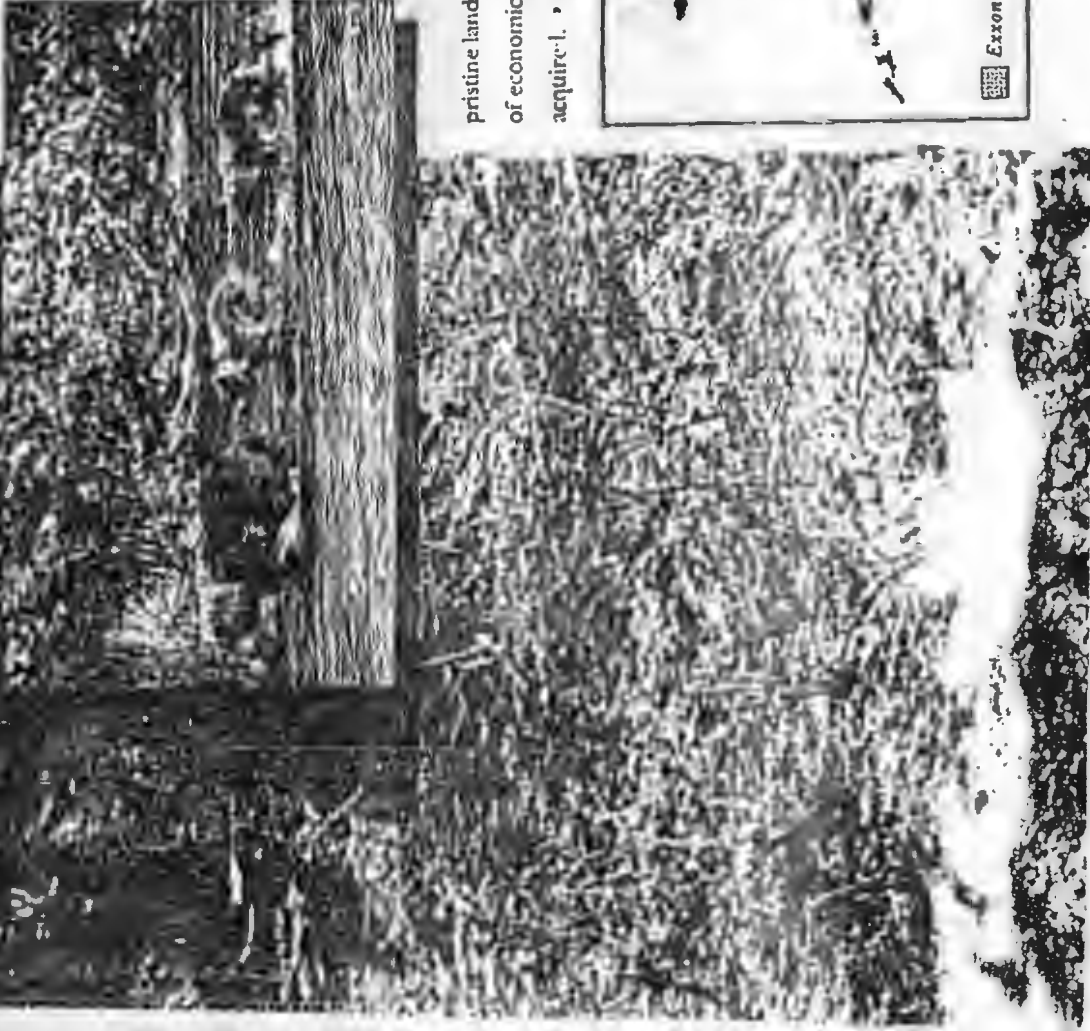


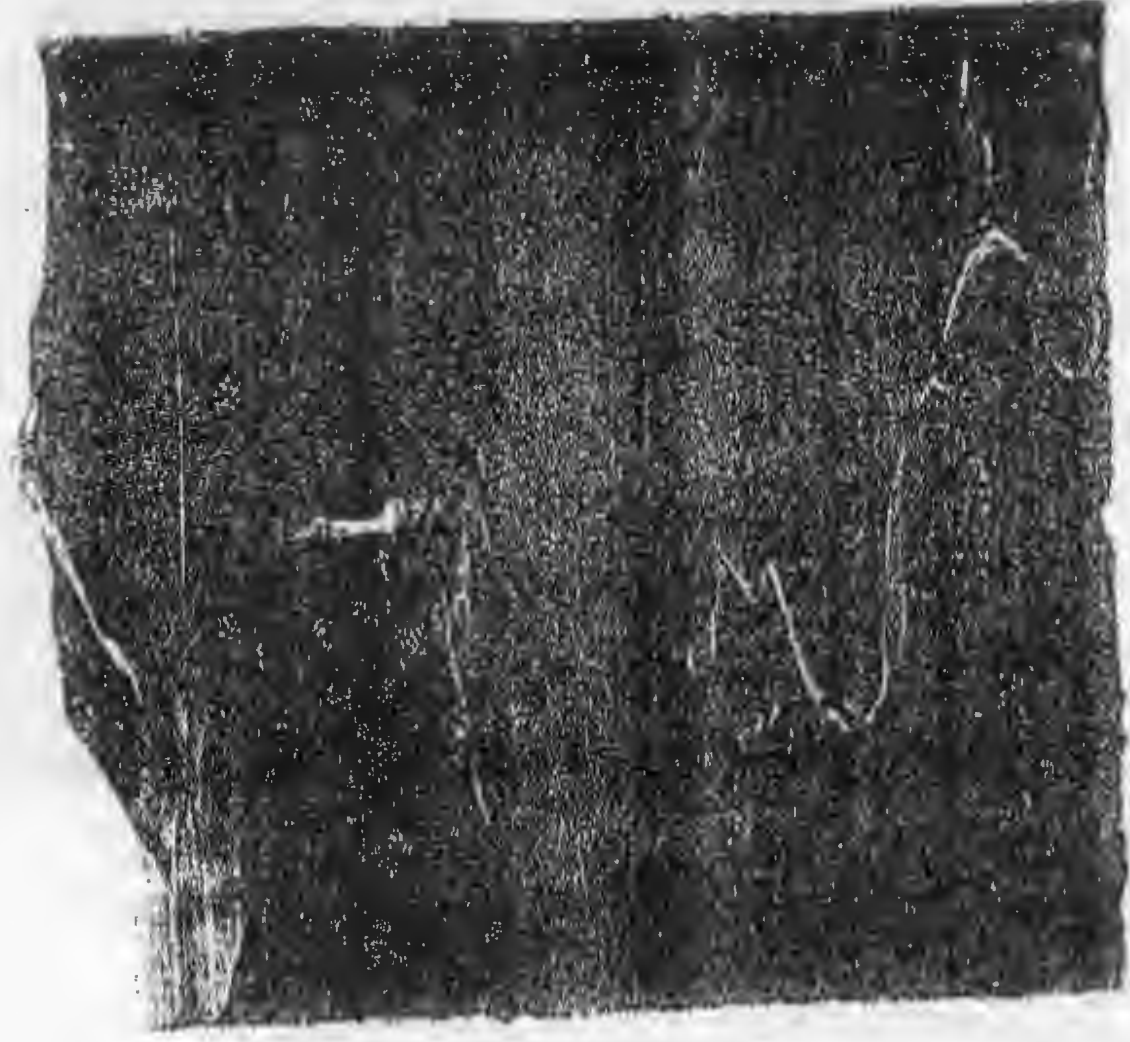
Service and then the Natives began to alter the Afognak wilderness. Then came the Exxon Valdez oil spill, polluting the shores of the Gulf of Alaska and imperiling the hundreds of thousands of sea and land animals throughout the oil spill zone that depend on a healthy ocean for survival. The pristine future of Afognak, once presidentially acknowledged as one of America's crown jewels, was endangered. • Fortunately, today, a singular opportunity is at hand to protect significant, critical areas of key habitat on Afognak. • In reparation for the damage its tanker did to the environment, the Exxon Corporation must pay \$1 billion to help restore lands and resources damaged by the oil spill. These funds may also be used to acquire "equivalent resources" anywhere in the spill zone, thereby protecting healthy ecosystems that offer all of the wildlife threatened by the oil spill a chance to rebound. • The Exxon settlement gives Alaska, indeed all of America, a second chance — probably the last chance — to protect Afognak, by using part of the settlement to purchase the island's most critical wildlife and resource areas. • There is no better way to allocate the Exxon funds. The oil clean-up has been concluded. Bureaucratically-driven research on oil pollution could fructify many millions of precious dollars. And preventing future oil spills should be an on-going expense borne by oil companies themselves. • Approximately 150,000 acres of pristine land are available for sale by the Afognak Joint Venture. Out of economic necessity, these lands will be logged if they cannot be acquired. • Afognak can be saved — and should be.

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pristine land are available for sale by the Afognak Joint Venture. Out of economic necessity, these lands will be logged if they cannot be acquired. • Afognak can be saved — and should be.





**I**magine an island so unusual only one type of tree grows there...  
So mysterious, the threatened marbled murrelet dwells there...  
So valuable, it must be saved.

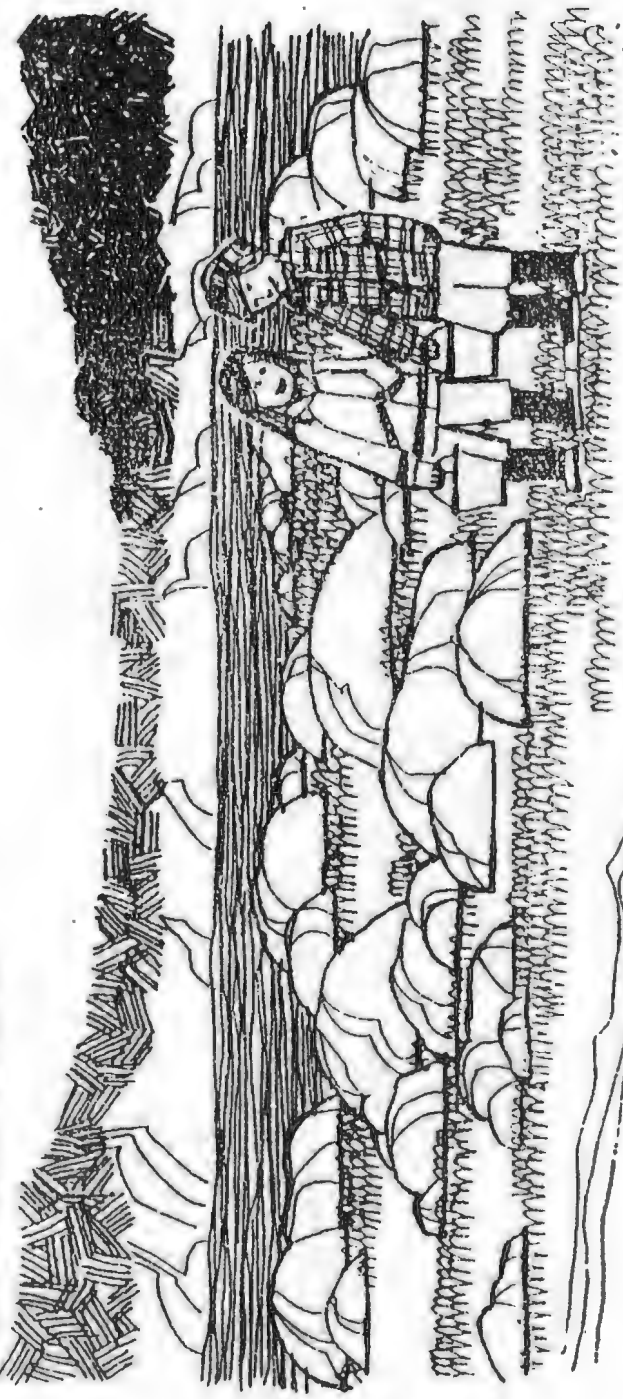
Afognak Joint Venture  
P.O. Box 1277 Kodiak, Alaska 99615  
Phone: (907) 486-6014 • Fax: (907) 486-2514



Printed on recycled paper

Images courtesy of David Menke and Peter Olsen

coastal areas of  
particular  
concern  
recreation, scenic and heritage  
resources



**Kodiak  
archipelago**

DRAFT

Recreation, Scenic and Heritage  
Areas of Particular Concern:  
Kodiak Archipelago

A Report by  
Alaska Division of Parks  
Department of Natural Resources

Kathryn A. Troil  
with initial research by  
Pete Martin and  
Jo Antonson Mohr

This project was supported through funds provided by the Coastal Zone Management Act of 1972, as amended through the Coastal Energy Impact Program, administered by the Office of Coastal Zone Management, National Oceanographic and Atmospheric Administration U. S. Department of Commerce and administered for the State of Alaska by the Department of Community and Regional Affairs.

July, 1979

ACE 6075609



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## AFOGNAK AND NEIGHBORING ISLANDS

The only villages in the area, Afognak and Port Williams, were abandoned some time ago, leaving this area free of human development. Afognak Island is surrounded by Raspberry Island to the south, Shuyak Island to the north, and Marmot Island to the east.

The vegetation on Afognak Island and adjacent islands is unique in that the forests are devoid of western hemlock, and serve as the vanguard of forest invasion into the grasslands. The pattern of vegetation is generally a combination of grasslands and Sitka spruce stands. Along the indented bays and on scattered islands, Sitka spruce stands tall and thick. The exception to this pattern are the tundra areas in the west and on the exposed capes.

Afognak's wildlife is spectacular with brown bear, elk, bald eagles, and Sitka black-tail deer inhabiting the area in pockets of high concentrations. Along the coast there are many areas where sea birds, sea lions, sea otters are just as much a part of the summer scenery as the sea cliffs.

Recreational opportunities in this area impress even the casual visitor. Much of the recreational activity consists of bear, elk and deer hunting, and boating by those with sizeable watercraft. Anton Larson Bay, where many boaters originate, is nearby making Afognak's southern bays and Raspberry Straits accessible for exploration and enjoyment, even for those in skiffs. In 1976, 33% of all deer harvested and 50% of all bear hunted and all elk successfully hunted in the Kodiak Archipelago came from this area. Attesting to the recreational opportunities yet to be fully realized in this area is the existence of a recreation camp and a wilderness lodge.

Some of the Native village corporations of Kodiak have formed a timber management company named KONCOR. Logging is currently ongoing on part of Afognak Island and can be expected to expand to other parts of Afognak in the future. Kazakof Bay has been identified as a potential base site for outer continental shelf (OCS) oil development and liquified natural gas (LNG) facilities. It is likely that more suitable sites may be ascertained in studies for leasing of additional oil and gas tracts.

Multiple use management can integrate resource values in a manner that stresses use compatibility. For instance, timber operations can open up new areas to recreationists as well as be designed to mitigate impacts to wildlife and to the scenic qualities of an area. Since, Afognak Island is being logged and other neighboring islands may be logged or developed in some fashion, identification of resource values in this area is paramount to the initiation of timely multiple use management of the area. APC's identified herein should assist any such efforts.

Lake provides spawning habitat for silver and red salmon. Brown bear concentrate around the lakes in spring. Small mammals common to the area include muskrat, beaver, weasel, land otter, and red fox.

**• Recreation, Scenic, Heritage or Wilderness Significance:** Malina Lakes receive significant use by Kodiak residents as they offer good to excellent elk hunting, sportfishing, and hiking. The Forest Service maintains a recreational cabin at upper Malina Lake and has constructed trails that link up to Afognak Lake and Muskomee Bay. The protection from winds and bad weather, and the ease of hiking will continue to attract hunters to this area. The scenery at Malina Lakes enhances the recreational attributes of the area. The high, steep mountain peaks around Cloud Peak are a beautiful backdrop as one looks over the clear blue waters of the lake and the lush green, grassy hills. The historic fishing village of Nuniliak is located at the mouth of Malina Creek.

**• Other Significant Resources/Land Use Values:** There are no forest stands of commercial value within this area. While the grasslands may hold some grazing potential it is unlikely that this area would be used for such purposes as there are better grasslands closer to the City of Kodiak. A small amount of gold was located in Malina Bay in 1937. No productive mining is known to have occurred. If offshore oil production does occur in Shelikof Straits this area may be considered suitable for an OCS terminal base, however, more protected waters are nearby. Site suitability studies for oil and gas leasing and production in Shelikof Strait have not been initiated. Soils and slopes in this area are generally unfavorable for development. Silver and lead lodes have been identified toward the mouth of Malina Creek.

**10) Recommended Management:** Malina Lakes' management emphasis should remain as recreation. The village corporations and the State Division of Parks should seek a cooperative management agreement to ensure that the recreation and scenic values of the area are maintained and enhanced.

**11) Allowable Uses** Hunting, trapping and sportfishing as managed by the Alaska Department of Fish and Game should continue. Grazing activities should be allowed, provided that there is sufficient regulation and management at the appropriate time to protect public recreation values and access to these lands.

12) Information Sources

Literature:

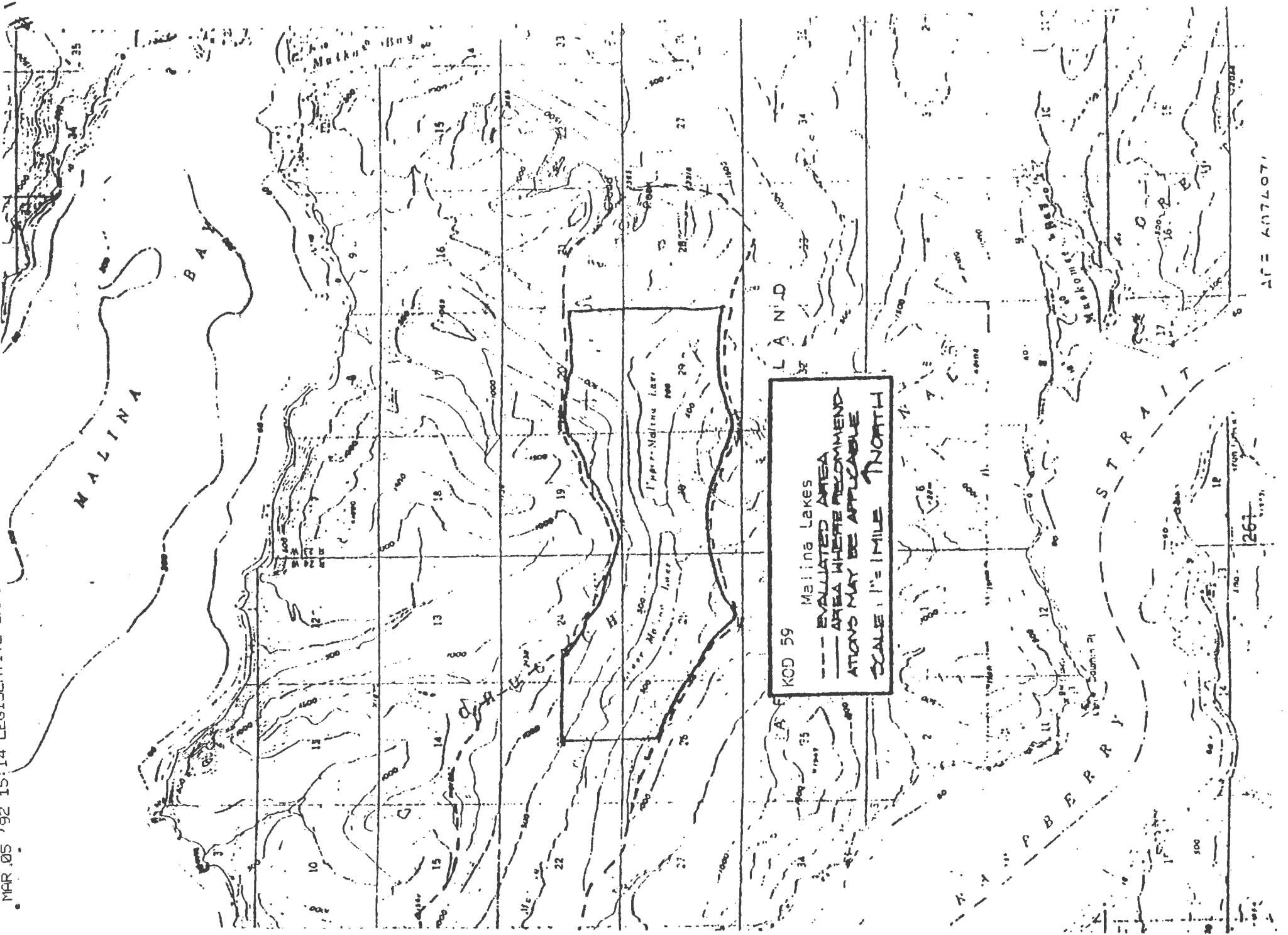
U.S. Forest Service, Chugach National Forest, 1979. Inventory and use records. Kodiak, Alaska.

U.S. Forest Service, 1974. Final Environmental Statement: Chugach National Forest Land Use Plan. Prepared by Chugach National Forest in cordance with federal statutes and regulations. Anchorage, Alaska.

• Knowledgeable Contacts:

Roger Smith, Alaska Department of Fish and Game, Kodiak.  
Lee Culbertson, U.S. Forest Service, Anchorage.  
Dave Wanderaas, U.S. Forest Service, Kodiak.  
Kate Troll, Alaska Division of Parks, Anchorage.

MAR 05 '92 15:14 LEISOURN



KCD 59  
Malina Lakes  
--- EVALUATED AREA  
--- AREA WHERE RECOMMENDATIONS MAY BE APPLICABLE  
SCALE 1" = 1 MILE NORTH

# COASTAL AREA OF PARTICULAR CONCERN

- 1) Name of Area: Pauls and Laura Lakes
- 2) Value Classification
  - Primary: Recreation
  - Associated: Scenic, Wildlife, Historic
- 3) Location
  - Region/Subregion: Southcentral Region/Kodiak Archipelago
  - Latitude/Longitude: 58° 21' N, 152° 11' W
  - Community/Orientation/Distance: Pauls Lake is 42 air miles directly north of the City of Kodiak and some 60 boat miles.
  - Topographic Quad/ 1:63,360: Afognak B-1
- 4) Upland Acres (Hectares): 4674 acres (1870 hectares)
- 5) Seaward Distances for Protection: Two miles
- 6) Existing Ownership: Pauls and Laura Lakes lie in federal ownership. All federal lands have been selected by Shuyak, Inc. and by other private corporations.
- 7) Existing Management: Until conveyance the lands are managed by the J.S. Forest Service as part of the Chugach National Forest.
- 8) Adjoining Ownership/Management The lands adjoining this area are J.S. Forest Service lands that have been similarly selected.
- 9) Area Description
  - Dominant Physical/Biological Features: The coast of Pauls Bay is primarily a protective cove wherein lies a gravel beach and small offshore islands. The Bay and the lakes are surrounded by a tall, mature Sitka spruce forest underlain by a carpet of mosses and lichens. Pauls Lake is connected to the bay by a narrow passage which can be traveled at high tides. Laura Lake is a large lake (the largest on Afognak) with a highly convoluted shoreline. There are occasional grass and alder openings in the forest. Within Pauls Bay harbor seals can be found in high densities, while sea otters and sea lions are seen less frequently. Bird life consists of a small gull rookery and extensive nesting by a variety of waterfowl at Pauls

and Laura Lakes. A few eagles can also be found nesting in the area. Both Pauls and Laura Lakes serve as major fisheries for Dolly Varden, rainbow trout, pink salmon, silver salmon, red salmon, and steelhead. Accompanying these salmon runs is a high concentration of brown bear throughout the area. The forest surrounding Pauls Lake and Bay provide winter habitat for elk. Deer, land otter, beaver, muskrat, short-tailed weasel, and red fox are common mammals to this area.

• **Recreation, Scenic, Heritage or Wilderness Significance:** Pauls and Laura Lakes receive significant recreation use as many residents have identified this area as a "fine" fishing spot. Due to the many small lakes surrounding Pauls and Laura Lakes this area offers an excellent opportunity to establish a canoe/portage system with excellent sportfishing. There is a private recreation cabin in the area. Some deer, bear, duck, and elk hunting occurs, but not in high numbers. There is a possibility of logging roads eventually connecting up to Danger Bay (Kazakof Bay) which may cause an increase in recreational use. Due to the rolling topography, the towering Sitka spruce, and the highly irregular shorelines with many secluded coves, Pauls and Laura Lakes offer lake and forest scenery at its best. Two archaeological sites of unknown significance can be found near Pauls Bay.

• **Other Significant Resources/Land Use Values:** The spruce forests are within an area considered to be "Afoznak's quality timber area". Stand volume is variable ranging from less than 10 MBF per acre to 35 MBF per acre in individual patches. Logging roads were once proposed throughout the area. No known mineral deposits or claims can be found in this area. Located offshore in Pauls Bay is a major purse seining area for salmon. Soils and slopes are generally favorable for development.

10) **Recommended Management:** Multiple-use resource management practices should be closely implemented in this area in order that the scenic qualities, key wildlife habitat, and recreational attributes are protected and provided for in the design of timber sales. Stream and shoreline buffers, landscaping patch clearcuts, logging in the off seasons, minimization of roads, etc. are all mitigation measures that should be practiced in this area of outstanding resource value. The development of a canoe/portage system and campsites should be considered, wherein the Division of Parks could be consulted for assistance.

11) **Allowable Uses** Hunting, trapping and sportfishing as managed by the Alaska Department of Fish and Game should continue. Some residential development could be allowed. Setback controls and greenbelts to protect the scenic and recreation values of the area should be considered if residential

development were to occur.

## 12) Information Sources

### Literature:

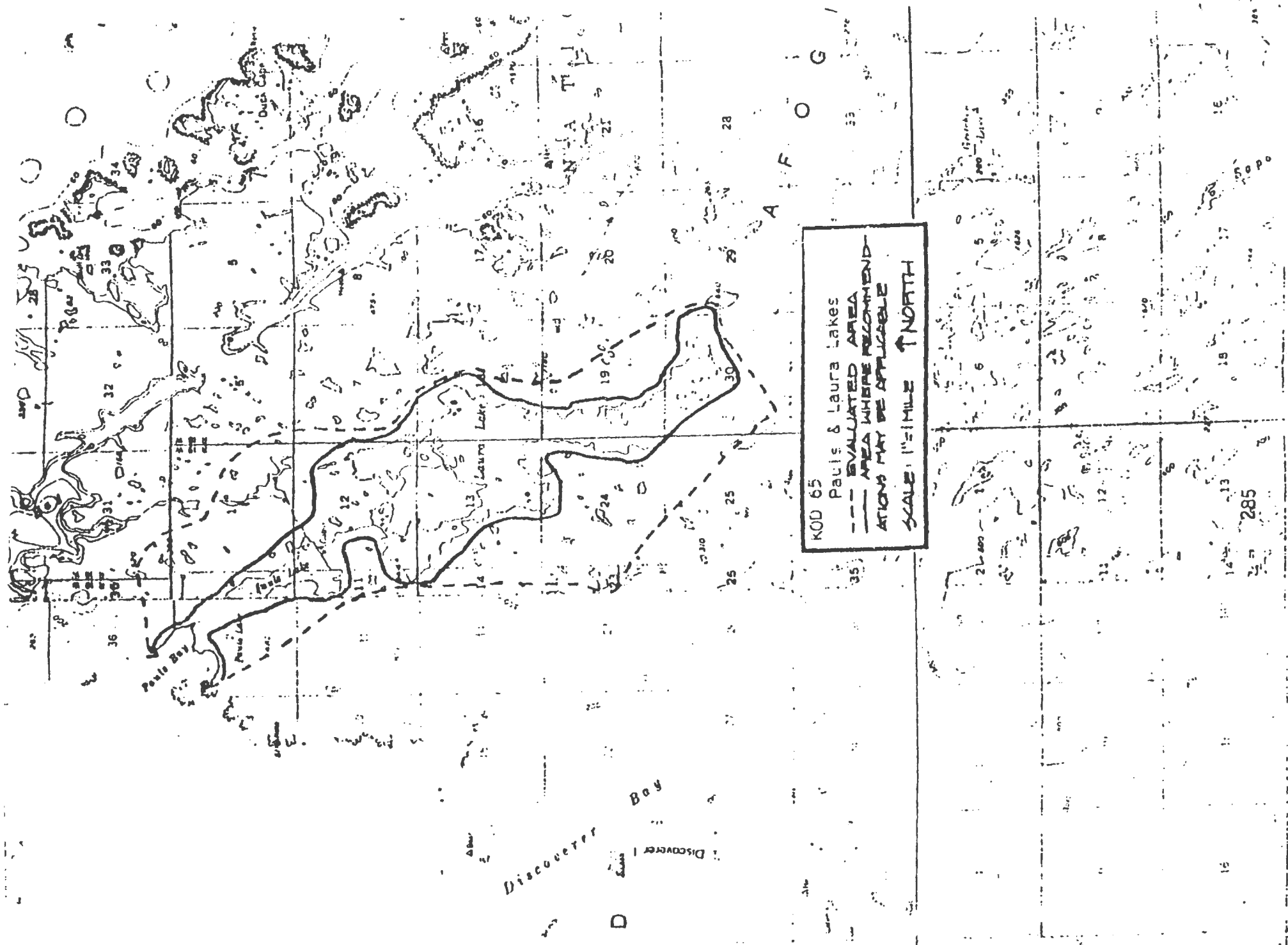
U.S. Forest Service, 1974. Final Environmental Statement: Chugach National Forest Land Use Plan. Prepared by Chugach National Forest in accordance with federal statutes and regulations. Anchorage, Alaska.

U.S. Forest Service, 1974. Final Environmental Statement: Perenosa Timber Sale. Prepared by Chugach National Forest in accordance with federal statutes and regulations. Anchorage, Alaska.

### • Knowledgeable Contacts:

Roger Smith, Alaska Department of Fish and Game, Kodiak.  
Lee Culbertson, U.S. Forest Service, Anchorage.  
Dave Wanderaas, U.S. Forest Service, Kodiak.  
Gate Troll, Alaska Division of Parks, Anchorage.





KOD 65  
 Pauls & Laura Lakes  
 --- EVALUATED AREA  
 --- AREA WHERE RECOMMENDATIONS MAY BE APPLICABLE  
 SCALE: 1"=1 MILE ↑ NORTH

285

# 10



Refer to individual APC's  
positioned on area maps.



Natural Resources  
Defense Council

40 West 20th Street  
New York, New York 10011  
212 727-2700  
Fax 212 727-1773

September 8, 1992

Dave Gibbons  
Exxon Valdez Oil Spill Trustee Council  
645 "G" Street  
Anchorage, Alaska 99501

BY FACSIMILE

Mr. Gibbons:

Enclosed please find comments of the Natural Resources Defense Council on the Exxon Valdez Oil Spill Restoration Framework Supplement.

Thank you for the opportunity to comment. If there are any questions, please call (212) 727-4424.

Sincerely,

Sarah Chasis  
Senior Attorney



*Natural Resources  
Defense Council*

40 West 20th Street  
New York, New York 10011  
212 727-2700  
Fax 212 727-1773

COMMENTS OF  
THE NATURAL RESOURCES DEFENSE COUNCIL  
ON  
THE RESTORATION FRAMEWORK SUPPLEMENT  
PREPARED BY  
THE EXXON VALDEZ OIL SPILL TRUSTEES  
(JULY 1992)

September 8, 1992

Prepared by:  
Sarah Chasis  
Senior Attorney

The Natural Resources Defense Council submits the following comments on the Habitat Protection and Acquisition Process proposed in the Restoration Framework Supplement issued by the Exxon Valdez Oil Spill Trustees in July 1992. The stated purpose of this evaluation process is to provide a conceptual framework and strategy for habitat protection and to serve as a guide to the Trustee Council.

Two significantly different approaches are proposed to habitat protection and acquisition. One would make this a restoration option of last resort, to be utilized only after it was determined that other options were ineffective or insufficient. (Figure 6 of the Framework document). The other would place habitat protection and acquisition on a par with other restoration alternatives, to be analyzed simultaneously for its efficacy. (Figure 7 of the Framework document). NRDC strongly favors the non-hierarchical approach proposed in Figure 7. Nowhere is there set forth a cogent rationale for the hierarchical approach. It makes much more sense to analyze alternative options simultaneously, to determine which is the most effective in furthering restoration, replacement and acquisition of equivalent resources to those damaged by the spill. Particularly here, where it appears that acquisition of important habitat may be the wisest and most effective use of much of the settlement money, it makes little sense to impose a hierarchical analysis. Indeed, it makes it appear that the Trustees are doing everything they can to avoid habitat

protection and acquisition, something we are sure is not their intent (at least we hope it is not).

In terms of the evaluation process proposed on page 13 et seq., it establishes such a long and cumbersome process that it would be a miracle if any project would ever make it to the end and if it did it would take years, perhaps decades. Are the Trustees setting up so many hurdles in order to discourage habitat protection and acquisition? It would appear so. For example, we are very concerned that #2 (natural recovery) will be used as a rationale for spending very little of the restoration money based on the argument that the environment will recover on its own anyway so why spend the money. However, predicting the timing and degree of recovery is usually fraught with so much uncertainty that such heavy reliance on such predictions is clearly misplaced. Unless there is great certainty about the completeness of such recovery in a short time frame this factor should not be a block to further analysis. If there are restoration options that would substantially advance that recovery or make it more certain, they should be pursued.

NRDC is also concerned about #5 which requires that a finding be made that existing regulations and policies do not provide adequate protection for injured resources before additional measures may be considered. It will put the Trustee agencies in a very awkward position, because they will have to explicitly

find that their own agency policies as well as those of sister agencies are inadequate. This will be very difficult and there will be a strong institutional bias against reaching such a conclusion even when it is merited.

The ranking of candidate lands for acquisition, as described in #14, will be done utilizing the criteria identified in Chapter VI of the Restoration Framework. However, the ranking will not be limited to these criteria. What other criteria will be used and where will these criteria be set out? These criteria should be set out in advance and the public afforded an opportunity for comment.

The non-acquisition tools mentioned in #20 seem ineffective and much reliance should not be placed upon them.

We strongly support the creation of the proposed imminent threat protection process. We suggest, however, that it be used when significant opportunities for land acquisition occur, as well as when an imminent threat is posed. This would ensure that important opportunities for habitat protection and acquisition are not lost. We also have the same concerns about #2 of the imminent threat process (p. 24) as we do for #2 of the regular process. Also, we strongly recommend that the word "recreation" be deleted from the definition of a threat in #7. Threats to

non-recreational resources should be considered in the process as well.

We strongly favor adoption of Set A of the threshold criteria described at p. 31 et seq.. It is our belief that the public will benefit from consideration of the broadest range of habitat protection and acquisition projects, rather than the narrowest as represented by Sets B and C. Again, rather than throwing up obstacles to habitat protection and acquisition the process should enable such alternatives to receive full and fair consideration. Set A accomplishes this objective best.

We appreciate this opportunity to comment.



September 8, 1992

Exxon Valdez Trustee Council  
645 "G" Street  
Anchorage AK 99501

Post-It™ brand fax transmittal memo 7671		# of pages • 3
To Dave Gibbons	From Pam Brodie	
Co. Exxon Trustees	Co. Sierra Club	
Desk.	Phone # 276-4048	
Fax # 258-9860	Fax # 258-6807	

RE: Comments on the Restoration Framework Supplement: Habitat Protection and Acquisition Process

Gentlemen:

The Sierra Club and the Alaska Center for the Environment appreciate this opportunity to comment on the Restoration Framework Supplement. Both are private, non-profit environmental advocacy and education organizations. The Sierra Club has approximately 580,000 members, of whom nearly 2,000 live in Alaska. The Alaska Center for the Environment has approximately 1100 members. Many of our members both in and outside Alaska use and enjoy Prince William Sound and the Gulf of Alaska.

General comments:

Many of the comments we submitted in June 1992 on the draft Restoration Framework also apply to the Restoration Framework Supplement. We hereby incorporate those comments by reference.

In particular, the Restoration Framework Supplement, like the draft Restoration Framework, takes too narrow a view towards restoration and recovery. Restoration of damaged resources and services must include prevention of future damage to those resources. It should not end when those resources and services are judged to be restored to pre-spill conditions. Restoration includes maintaining the resources and services, rather than allowing them to be damaged again -- by logging, for example. Resources and services may be not only restored, but also enhanced under the settlement, by such means as habitat acquisition. It is not really possible to restore Alaska to pre-spill conditions. It will take many years for all the oil to degrade and for all species populations to recover, and these years cannot be retrieved. The services lost to people during the years of recovery can never be restored to those people. The creatures that suffered and died can never be compensated. It is therefore appropriate for restoration actions to, in some cases, go beyond a gradual and ultimate recovery of a particular population. The people, animals and plants of Alaska suffered from the oil spill; the goal of restoration should be permanent improvements in environmental protection for the sake of the people and the environment.

SEP 09 REC'D

1992

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Exxon Valdez Trustee Council  
September 8, 1992  
Page 2

Specific Comments:

Introduction:

Figures 6 & 7, reprinted from the draft Restoration Framework. Please refer to our comments on that document. The hierarchical approach in figure 6 is completely unacceptable and unjustifiable.

Evaluation Process:

The proposed flowchart process is far too complex and cumbersome. It sets up unnecessary roadblocks and would make habitat protection and acquisition extremely difficult and slow. Much of the desirable land would be most likely developed before the process could be completed.

#2 "Assess rate and degree of recovery" should be deleted. All species and services which suffered, as well as the ecosystem itself, should be compensated by protection. Given enough time, all resources may recover -- even without restoration. Natural recovery should not preclude restoration. Natural recovery does not compensate the generations of wildlife or the years of services which were lost. #2 could too easily be used as an excuse for inaction.

#5 "Assess/Identify Protection Options" puts agencies in a conflict of interest, in which they must judge the adequacy of their own policies. This puts an unnecessary hurdle in the path of restoration.

#6 "Recommend additional protection options on public land/water" -- delete the phrase "for what is considered to be the recovery period for a specific resource or service. The generations or years of lost resources or services can never be retrieved. Appropriate compensation means permanent protection.

#9 "Identify preferred protection options on private land" -- on first bullet, delete "that are not adequately recovering."

#10 and 11, "Solicit nominations of candidate lands from land owners, public and agencies" and "willing owner/seller" should be placed at the beginning and occur simultaneously with the preceding boxes. Willing sellers should be asked to name the available acquisition processes (such as fee simple or conservation easements), a price for their land or development rights, and any restrictions on sales. Leaving this essential step so late in the process unnecessarily delays acquisition. Land owners are likely to lose interest and develop (or threaten to develop) their land. Waiting to begin these steps would also lead to unnecessary bureaucratic studies and higher land prices.

Exxon Valdez Trustee Council  
September 8, 1992  
Page 3

There is no use to an agency studying a land parcel to select the best few acres to purchase, only to find later that the owner will sell only the entire parcel as a unit.

#12 "Apply threshold criteria using existing data." Among the threshold criteria should be an asking price by the seller. It is not enough to agree on using "fair market value" because comparable sales are almost impossible to find. If the Trustees rank the desired acquisitions (#14-15) before an asking price is established, they will automatically drive up the asking price of the most desirable areas.

#20 "Non-acquisition tools" would be weak and are irrelevant in this case, considering the choices faced by the private owners of land in the western Gulf of Alaska coast.

Imminent threat protection process:

We support the proposed imminent threat protection process.

However, there is too much emphasis on threat alone. The process should be used also to evaluate special opportunities.

#2 "Assess rate and degree of recovery" should be deleted, for the reasons stated above.

Alternative threshold criteria:

Of the three available alternatives, only Set A is acceptable. There is no legal or rational justification for eliminating options simply because they lie outside the areas in which oil hit the beaches (set B) or for limiting habitat protection and acquisition to a process of last resort (set C). Sellers should name their asking price at this time, in order to promote competition among sellers and prevent sellers from raising their prices to match the rankings.

Thank you for your consideration.

Sincerely,

*Pamela Brodie*

Pamela Brodie  
Sierra Club

*Alan Phipps PB*

Alan Phipps  
Alaska Center for the Environment

## Public Comments - 9/14/92. TCA Meeting

1. Tracy Akers - Kodak Environmental  
Network

Supports: Figure 7, P. 9. Consistent Restoration  
Set A Threshold Criteria

2. Craig Patrick - Kodak Anderson

Supports: Fig 7, P. 9. Consistent process  
Set A Threshold Criteria

3.



SEP 03 1992

August 31, 1992

Exxon Valdez Oil Spill Trustee Council  
645 G Street  
Anchorage, Alaska 99501

Dear Trustee Council Members:

Thank you for providing The Nature Conservancy of Alaska with an opportunity to comment on the draft habitat protection and acquisition process as described in the Restoration Framework Supplement, dated July, 1992.

After a careful review of the Supplement, and in full consideration of the Plea Agreement and Memorandum of Agreement and Consent Decree, the Conservancy strongly encourages the Trustee Council to use the concurrent approach to habitat protection and acquisition as depicted in Figure 7. Additionally, the Conservancy recommends the use of threshold criteria that are substantially the same as Set A criteria described in the Supplement.

As noted in the Conservancy's June 4, 1992 comments on the Restoration Framework, our recommendations are based upon the Conservancy's institutional commitment to cost effective conservation actions. The concurrent approach, when matched with Set A threshold criteria, will enable restoration planners to consider all alternatives when evaluating whether an action is cost effective and ecologically meaningful.

Also, given the lack of a comprehensive information base, and the high cost of developing such a data base, "best professional judgement" must be a key component of the decision making process. The concurrent approach combined with Set A criteria places an appropriate emphasis on the use of best professional judgement.

In regards to the imminent threat process, we recommend that the Trustee Council modify the process so as not to preclude significant opportunities. For example, if an owner of what appears to be an important property indicates a willingness to enter into an interim protection agreement (e.g. option to purchase, right of first refusal, etc.), the owner should not have to "create" some kind of imminent threat for the property to be seriously considered. Strategically important, but unthreatened, sites made available by willing sellers should be given full consideration. To do otherwise will result in both lost opportunities and higher costs.

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Telephone (907) 276-3133 • Fax (907) 276-2584

International Headquarters: 1815 North Lynn Street, Arlington, Virginia 22209



recycled paper

EVOS Trustee Council  
August 31, 1992  
Page 2

Once again, thank you for providing an opportunity to comment. We look forward to reviewing the next version of the habitat protection process in the draft restoration plan and draft environmental impact statement.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan L. Ruddy".

Susan L. Ruddy  
Vice President/State Director



SEP 03 REC'D

# THE WILDERNESS SOCIETY

August 31, 1992

Exxon Valdez Oil Spill  
Trustee Council  
645 G Street  
Anchorage, AK 99501

RE: Restoration Framework Supplement,  
Habitat Protection & Acquisition

Dear Trustees:

The Wilderness Society wishes to provide additional comments on habitat protection and acquisition in response to your Restoration Framework Supplement. The Restoration Plan must work from the recognition that the ecosystems of Prince William Sound and the Gulf of Alaska were damaged by the spill and approach restoration efforts with the premise that ecosystems need to be restored.

Ecosystems will have the best chance for restoration using these options:

- o Concurrent Analysis
- o Imminent Threat Protection Process
- o Threshold Criteria Set A

Just as repairing the individual homes or stores torn apart by Hurricane Andrew will not restore the devastated communities, we should not rate the effectiveness of habitat acquisition by judging how well a particular parcel of land might help increase (or sustain) the bald eagle population alone, for example. While we must try to protect, and acquire where threatened, important habitats that serve critical functions for species injured by the spill--we must not look just at the pieces, but at the whole fabric of life that is sustained by intact ecosystems.

Yes, we must protect habitat for fish, birds, mammals, mussels, and other wildlife. But acquisition options cannot not evaluate the effectiveness for restoring each aspect of the ecosystem separately; the plan must consider the whole. And already, scientists have enough information to draw up a list of priority acquisition areas where forest and

ALASKA REGION

430 WEST 7TH AVENUE, ANCHORAGE, AK 99501

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coastal habitats sustain species that were injured by the spill and are imminently threatened.

We believe that the concurrent analysis with an imminent threat protection process, using the threshold criteria in Set A is the only realistic option for the Trustees in light of the kinds of biological information available and the limitations of existing wildlife management programs. Quite simply, the kind of scientific information available about the pre- and post-spill distribution and populations for many fish and wildlife species is inadequate to draw precise conclusions about the effectiveness of management strategies. Throughout the world, limitations in our knowledge of ecological systems has led wildlife managers to chose protection of wildlife habitat as the best means of protecting wildlife populations.

We believe that the options other than those bulleted above will preclude ecologically significant habitats, and areas that provide unique services in the ecosystem affected by the spill, from being acquired soon enough to prevent them from being seriously degraded or destroyed. As well, threshold criteria Sets B and C set standards that are virtually impossible to address with present scientific knowledge. Sets B and C would virtually preclude acquisition of equivalent resources as a restoration strategy, and in so doing violate the legal underpinnings of the settlement.

The Restoration Plan must benefit an array of species more broad than the commercially important ones, and therefore must contain criteria that do not favor management or protection of species just because society has spent more funds learning about them. While we recognize that management actions may be necessary to rectify the damages to certain species, we believe that habitat acquisition can provide the most benefit for restoration of the entire ecosystem and its services even if these benefits cannot be strictly quantified due to insufficient biological information. The Trustees should chose similar threshold criteria as for habitat manipulation and management projects--in which case Threshold Set A would apply based on the restoration projects approved by the Trustees for 1992.

In conclusion, we believe that habitat acquisition--by preventing further damage to the coastal forests and shorelines of the Prince William Sound and the Gulf of Alaska ecosystems--is the most meaningful form of restoration that can be undertaken and urge you to incorporate these recommendations into your plan.

#### Detailed Comments:

On the figures for concurrent and hierarchical analysis, the "adequate" rate and degree of recovery that leads to "no further action" should be changed to reflect that monitoring will continue to assure that further injury wasn't detected or arise later as a result of latent injury or complex ecological interactions.



P. 32. We do not believe that requiring a "finding that existing laws, regulations, or other requirements are inadequate to provide the level of protection that a proposed habitat protection/acquisition action would provide," is at all realistic or prudent. Whether laws and regulations are effective--or even whether they are substantially modified--depends on politics, not biology, that change over time. For example, changes proposed by the State for Water quality standards, or by the Federal government for Clean Water Act permit guidelines, could dramatically change the levels of protection offered by existing laws. Obviously, to require such a finding would put an unreasonable burden of proof on those making acquisition proposals and would needlessly polarize the decision-making process. If it were the case that our existing environmental laws adequately protected fish and wildlife and their habitats, we wouldn't be faced with this restoration process, or the public pressure for habitat acquisition.

P. 35. In order to adequately consider Threshold Criteria Sets A & B, it is obvious that results of the Contingent Valuation studies must be made available to the public and results incorporated into the EIS. This criteria should be added to the list: "The degree to which the proposed action minimizes further impact on an injured resource or service."

The Wilderness Society is a national environmental organization with 350,000 members nationwide, nearly 1,500 of whom live in Alaska and many who reside along or use the shorelines of areas affected by the spill. The Wilderness Society has had a longstanding commitment to protection of the natural values and integrity of Alaska's parks, refuges, forests, and other public lands and was influential in passage of the Alaska National Interest Lands Conservation Act. We appreciate this opportunity to comment and look forward to continued involvement in the Restoration Plan.

Sincerely,



Pamela A. Miller  
Asst. Regional Director

# National Parks

SEP 03 1992

Association

PO Box 202045  
Anchorage, AK 99520  
August 31, 1992

Dave Gibbons, Acting Administrative Director  
Exxon Valdez Oil Spill Trustee Council  
645 G Street  
Anchorage, AK 99501

Re: Restoration Framework Supplement  
Habitat Protection and Acquisition Process

Dear Mr. Gibbons,

I am writing on behalf of the National Parks and Conservation Association (NPCA), the only national nonprofit citizens organization that focuses on park concerns. Our 300,000 members nationally, including over 2,300 Alaskans, promote the protection, preservation and public understanding of our nation's National Park System through diverse activities. We appreciate this opportunity to comment.

Planning for habitat protection and acquisition deserves our serious and professional attention. The Restoration Plan must work from the recognition that the reasonably intact ecosystems of Prince William Sound and the Gulf of Alaska were damaged by the oil spill and that restoration efforts must work from the premise that ecosystems are to be restored. Ecosystems will have better opportunities for restoration using (1) concurrent analysis, (2) an imminent threat protection process and (3) threshold criteria set A.

The scientific information available about pre- and post-spill distribution and populations for many wildlife and fish and for archeological sites is inadequate to draw precise conclusions about the effectiveness of management strategies. Limitations in knowledge have led land managers to chose protection of habitat and sites as the best means of protecting natural and cultural resources. We again ask that all studies (the Contingent Valuation studies for example as listed on page 35) be made available to the public.

This document unfortunately is a gaggle of confusion. In reading and re-reading the diagrams, it is unclear which process applies to what strategy. Because decision making for habitat protection and

Habitat Protection  
page 2

acquisition is complex, we expected to find a key chart or an overall document chart to guide us. The text offers little clarification. There is no table of contents. Terms are not defined. We wonder how the public is to comment if we cannot understand what is being proposed. It would be attractive and obvious for us to become suspicious about this document and what it may propose. We however understand that the Habitat Work Group wrote this document with little communication from the Restoration Planning Work Group and the Public Participation Work Group. We wonder why no one person or work group chair signed off on this document.

Specific concerns that illustrate the confusion include:

The chart on page 7 uses the terms "Hierarchical Options" and "Concurrent Options" when these are not options.

The chart on page 13 uses "Assess Rate and Degree of Recovery" as a criteria. It is just one of a series of criteria; yet this chart seems to indicate that this is the only criteria.

The last sentence on page 16 states "Each of these steps will be described in both the Draft Restoration Plan and the Draft Environmental Impact Statement." It is our understanding that an EIS assesses possible outcomes of possible actions; an EIS is neutral about a decision making process.

#20 on page 19 is listed as "Non-Acquisition Tools". What does this term mean? #21 is listed as "Acquisition Process"; yet what follows are tools, not a process. #20 and #21 are parallel; yet only #21 is then incorporated into public management (#17). What happens to #20? Who manages that?

#9 on page 26 implies that the Trustee Council has contractual authority. Is that true? What about agency participation and authority?

The charts on pages 41, 42 and 47, 48 are factual representations of what happens. Are we to comment on these procedures? It seems that this information is better suited for an appendix.

The Table 1: Comparison of Alternative Threshold Criteria Sets on pages 33 and 34 offers no explanation of what the "not applicable" means in several columns.

We wonder why we are being asked again to comment on concurrent and hierarchical consideration for habitat protection and acquisition? We responded to this question in our comments on Volume 1, Restoration Framework. Why were not the public comments already gathered incorporated here?

Habitat Protection  
page 3

Cost effectiveness is an inappropriate criteria for assessing habitat and ecosystem values. This method considers limited factors and is better used when choosing among specific actions of limited scope. Cost benefit analysis may be a better choice for making decisions. In any case, costing out intrinsic values (such as wilderness or aesthetics) and non-consumptive uses of wildlife and fish requires additional resource economic expertise.

In conclusion, we ask that this document be re-written so that we can understand what is being proposed. We ask that all studies be released for public review. We ask that the same stringent process and criteria standards being set for habitat protection and acquisition also be used for management options and activities and for studies (evaluations, assessments and restoration).

Thank you for your consideration of our comments. If I can provide additional information, please contact me.

Sincerely,



Mary Grisco  
Alaska Regional Director

8-28-92  
James Diehl  
Safety Officer  
Knik Canoers and Kayakers  
Box 868  
Girdwood, Alaska 99587

Trustee Council  
645 "G" Street  
Anchorage, AK 99501  
Dear Sirs,

SEP 03 RECD

I have read the Restoration Framework Supplement. In regard to the alternative strategies to the threshold criteria, Set B, the middle criteria, neither too lax, nor too restrictive seems the best choice.

Set A criteria, the least restrictive, would open the process to habitat protection/acquisition actions too loosely associated with the the oil spill. The purpose of setting a criteria threshold is to somehow limit the number of actions that must be considered. Set A, which allows indirect linkage to the spill and does not set physical limits to the area of the spill, is too broad and would defeat the purpose of setting a threshold criteria.

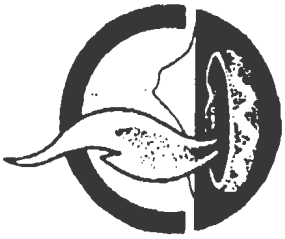
Set C criteria, the most restrictive, would require almost an automatic selection of any habitat protection/acquisition actions meeting its threshold criteria, thus making the word "threshold" irrelevant. Set C would leave the Trustee Council no room for judging selections, especially in regard to long term benefits. This criteria is also the most time consuming criteria, leaving little room for immediate action, because alternative studies are required before any final aquisition is made.

Set B criteria, the middle choice between these too extremes, is the obvious choice. Set B defines a true "threshold criteria" that would make the number of proposed habitat protection/ acquisition actions manageable, but still leaves to the Trustee Council decisions that may have very tight time constraints. This criteria would also leave to the Trustee Council decisions where the long term benefits might outweigh short-term remedial effects. Set B threshold criteria limits the number of actions, yet leaves some flexibility for decisions that require swiftness and/or longterm appropriateness.

Thankyou for the opportunity to review this material.

Sincerely Yours,

  
James Diehl



## HOMER SOCIETY OF NATURAL HISTORY

PRATT MUSEUM  
3779 Bartlett Street  
Homer, Alaska 99603  
(907)235-6635



Approved by the  
Alaska Native Association

### MEMORANDUM

DATE: September 14, 1992

TO: Exxon Valdez Oil Spill Trustee Council

FROM: Board of Directors, Homer Society of Natural History

RE: Appropriation of funds to assist in the purchase of Seldovia Native Association lands, timber and mineral rights, within Kachemak Bay State Park

In February 1990, the Board of Directors of the Homer Society of Natural History passed a resolution in support of the State of Alaska's purchase of the SNA lands and the timber and mineral rights within Kachemak Bay State Park. The Society operates the Pratt Museum in Homer and represents over 800 individual, family, and business members residing primarily in the lower Kenai Peninsula, the area most likely to feel the negative impact of logging of SNA lands should reacquisition not occur. We believe that funds received through the settlements with Exxon are best spent to restore and replace habitat that will support recovery of species of animals and birds lost in the *Exxon Valdez* oil spill in 1989.

The SNA lands on the south side of Kachemak Bay are critical habitat for many species damaged by the spill including the endangered or potentially threatened species such as Bald Eagle, Marbled and Kittlitz's Murrelet, and Harlequin Duck. In addition, many nesting bird species and terrestrial mammals, such as black bear, river otter, and mink would lose their habitat completely. Logging operations would severely impact many other species on the shoreline and in surrounding waters including whales, the threatened Steller sea lion, sea otters, harbor seals, many species of ducks and shorebirds, and several species of sea birds that nest on nearby islands and coasts - and find food in coastal waters that would be contaminated by logging operations. Anadromous and marine fish impacted by the oil spill would be further damaged by contamination of coastal waters by siltation and pollution as a result of logging. Archaeological sites known to be along the coast throughout the areas to be logged could also be lost.

The SNA lands and Kachemak Bay are integral parts of a diverse and rich ecosystem that will be further damaged if the lands are allowed to be logged. You have the opportunity to preserve this habitat and allow some of the species which were severely decimated by the oil spill to recover to pre-spill levels by assisting in the purchase of the SNA lands and timber and mineral rights and restoring ownership to the State. We request that you allocate the funds necessary to initiate the buy-back before the October deadline presented by SNA.

Homer Society of Natural History Board of Directors: Mike Cline, Hazel Heath, Chuck Jay, Margaret Pate, Sarah Peterson, Carol Swartz, Cathie Ulmer, Marie Walker, George West

SEP 14 1992

1992

August 21, 1992

Dear Trustees:

I have reviewed the the Habitat Protection and Acquisition Process and have the following comments.

Alternative Threshold Criteria Set A: This has the making of a giant Federal and State land grab. It essentially allows carte blanche acquisition of any land. There would be very few, if any, tracts that did not meet the criteria of "associated either directly or indirectly to an injured resource or service or equivalent resource or service". This can be stretched as far as ones imagination. This alternative gives a license to acquire, period!

Alternative Set C directly addresses the injured resource or service. This should be the only alternative.

The Federal Exchange Process on page 41 has left out a major time consuming step which is the need for an environmental assessment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Wayne Cook".

# ALASKA SURVIVAL

Box 320 Talkeetna, Alaska 99676 (907) 733-1413

August 18, 1992

Exxon Valdez Oil Spill Trustee Council  
645 "G" St.  
Anchorage, Ak 99501

These are comments on the Habitat Restoration and Acquisition Process.

First of all, your Restoration Framework Supplement is much too complex for the general public to take the time to sit down and understand it. In fact, you are making this information and process inaccessible to the general public by all this bullshit complicated papertalk. If your goal is to talk habitat acquisition to death with no results, then you have a good start. As you know, since the current administration has vetoed the popular state legislation that would buy important habitat, the public will be looking to the Trustees to acquire important habitat.

The main message is: do not study acquisition to death. Let us get on with it. We do NOT want this public money to just fund bureaucrats, consultants, and scientists. People in power, lobby people such as yourselves, to spend the money on capital projects (a sea world in Valdez, a science technology building in Seward) and habitat manipulation (lake fertilization projects) instead of protecting the valuable public resources that we have. UP411 was extremely popular among the people of Alaska and that should send a powerful message to you.

Important habitat is threatened by logging now. The owners will sell now. Do it now. Don't spend our money on salaries for paper pushers. Do not talk it to death. And we certainly do not need more big capitol projects built and subsidized by public money because they do not work. Look at Delta Parley, Point McKenzie, the Seward shipbuilding yard, and the list goes on and on.

WE WANT CLEAN AIR, CLEAN WATER, HEALTHY WILF FISH POPULATIONS AND AN ECONOMY FULL FROM DURABLE PRODUCTS.

*Becky Long*

Becky Long  
Director



John Graves 274-6348  
P.O. Box 100827, Ave. 99510  
September 14, 1992

Dear Chair Pennoyer, Oil Spill Trustee Council:

Please consider public taking, eminent domain, in your land acquisition alternatives - with unwilling sellers,

I'm familiar with this process from the Government acquiring our land on 4th Avenue, after the earthquake of '64, to build a buttress between E+C streets.

Across the street from your meeting, Mayor Tony Knowles bought the property for the Main Parking lot from chanceycroft, using public taking.

The big advantage to this method, mostly in buying right-aways, is that the landowner doesn't pay taxes on the sales price; important benefit to put money in your pocket as a safety <sup>valve</sup> ~~to~~ <sup>to</sup> your market value, ~~and~~ <sup>and</sup> oil spill valves which ever is appraised the highest should be used by appraisors. Also recommend the Kachamat Bay State Park buyback be undertaken by these proven means.

with deference,

John Graves

SEP 14 REC'D

1992, of Trustee Council Meeting



# Kodiak Island Borough

710 MILL BAY ROAD  
KODIAK, ALASKA 99615-6340  
PHONE (907) 486-5736

SEP 03 REC'D

August 31, 1992

Exxon Valdez Oil Spill Trustee Council  
645 "G" Street  
Anchorage, AK 99501

Thank you for the opportunity to respond to the document titled SUMMARY OF THE "RESTORATION FRAMEWORK SUPPLEMENT EXXON VALDEZ OIL SPILL RESTORATION". The Kodiak Island Borough has a number of concerns about the process that are expanded on below.

The document lays out a technical and complicated process in which land selected land parcels will be reviewed to determine if they are worthy of habitat protection and restoration (to some degree) of resources that were injured by the oil spill.

After reviewing the document, **acquiring habitat from other owners appears to be only a last resort technique after other protection methods have been investigated (i.e. habitat manipulation, management of human uses) and other forms of land management (agreements, easements etc.) have been attempted.** Also, in most cases there has to be a strong "linkage" between the injured resource, and the habitat acquired. Acquiring "substitute" habitat to compensate for lost or damaged habitat is a low priority.

## GOALS

Multiple goals are discussed in the document, the most important being:

1. To identify strategic lands that will benefit the long-term recovery of resources and services that were injured by the oil spill;
2. To evaluate lands based on one of the two approaches identified in the document.

## PROCESSES

There are two different processes for the acquisition outlined in the document.

The **hierarchical approach** addresses the acquisition of land only as a last option. The acquisition of land would only be used when other restoration methods are not effective. The **concurrent approach** addresses the acquisition of lands at the same time other types of management techniques are being reviewed. These other management techniques include:

1. Changes in management practices that are presently being instituted at the site. (such as zoning districts and land use controls).

2. Creation of protected areas and enlarging boundaries of protected areas (usually on public lands).
3. Changing or creating regulations that offer more protection.
4. Last and probably least, acquiring equivalent resources as compensation for resources injured or lost during the spill.

Please note that in both approaches it is required that there be **identification of injured resources and a determination that the degree of recovery of the habitat has been assessed as inadequate.**

#### CANDIDATE AREA FOR ACQUISITION

Areas nominated or identified for acquisition by the public or governmental officials must meet the following criteria before they are even considered by the Trustees. Otherwise, the document concludes they will be rejected. These include:

1. Must consist of "Essential Habitat Components" linked to the recovery of the injured resource;
2. Must not be afforded adequate protection through the law, regulation or policy;
3. Must have a willing buyer/willing seller;
4. Must maintain full compliance with all threshold criteria.

#### THRESHOLD CRITERIA

The Threshold Criteria process is a screening process designed to eliminate proposals that will not facilitate recovery of injured resources/services and eliminate proposals that do not represent a reasonable selection for equivalent resource acquisition.

However, even if a parcel nominated for acquisition meets all of the above criteria, that does not necessarily translate into property acquisition. The process allows for acquisition at a less than fee simple interest. The purchase of fee simple title is a last resort option with acquisition of partial interests such as the purchase of conservation easements, deed restrictions and timber rights being attempted first. Only after these other methods have been investigated will fee simple acquisition be pursued.

The document also discusses three different options in formulating any Threshold Criteria. These range from the least restrictive option (Set A) to the most restrictive (Set C).

Set A requires that land nominations demonstrate that they are either directly associated with the spill or indirectly (provide equivalent value resources) associated.

Set B requires that nominated parcels must benefit the recovery of the resource/service.

Set C contains the most restrictive criteria. Nominated parcels must contain habitats that are linked to the recovery of injured habitats, and include a finding that existing laws and regulations are inadequate to provide a level of protection. Also only habitats of injured resources that are also being threatened can be protected.

## CONCLUSION

The proposed system is a very complex bureaucratic process with a clear bias against land acquisition. If it is going to be used at all, at a minimum the process should:

- 1) Consider habitat protection and acquisition **concurrently** with all other restoration options as opposed to the hierarchical approach that considers acquisition of habitat only after other restoration options are found to be inadequate;
- 2) Use the least restrictive approach to formulate the **THRESHOLD CRITERIA** (Set A) that discuss acquiring habitat that is directly or indirectly associated with the injured resource.

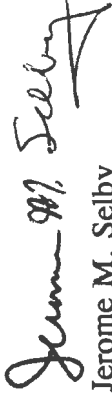
A far better solution would be to substitute a simpler process.

There is one last concern that because the process is a technical one, performed by technical staff, that the staff input may be regarded as more important than public input. This concern is reflected in the flow chart contained in the document (see #10 on the flow chart, page 13) that indicates that the Trustee's "Solicitation for Candidate Sites" (nomination by public officials and the public) occurs well into the process.

Should you have any questions, please call me at 486-9300.

Sincerely,

KODIAK ISLAND BOROUGH



Jerome M. Selby  
Borough Mayor

August 15, 1992

Exxon Valdez Oil Spill Trustee Council  
645 "G" Street  
Anchorage, AK. 99501

SUBJ: Habitat Protection/Acquisition Plan

To the Trustees:

The purpose of this letter is to provide comment on EVOS Restoration "Restoration Framework Supplement" dated July 1992.

With respect to the Alternative Threshold Criteria I would, as a general matter, speak in favor of "Set A" in so far as this set of criteria offers the greatest flexibility in considering possible Habitat Protection or Acquisition options.

More specifically, I would like to expressly object to the proposed threshold criteria #7c which would have the attribute of giving a mandatory priority to direct restoration alternatives (i.e., "alternatives must be judged to be insufficient before acquisition options can be exercised..." [p. 38 of the Restoration Framework Supplement, emphasis added]).

Acquisition of private land holdings can, and usually is, quite difficult (eg. Kachemak Bay State Park inholding negotiations with Seldovia Native Association). This proposed threshold criteria (#7c) would likely prove unduly burdensome, result in delay of timely consideration of possible acquisitions, and serve to frustrate restoration goals.

ERIC F. MYERS  
6710 Potter Hgts.  
Anchorage, AK 99516  
(907) 345-3366



Document ID Number  
920608198

Natural Resources  
Defense Council

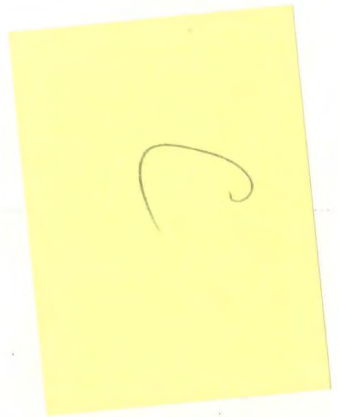
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Mr. Gibbons:

Here is the replacement  
page for our comments,  
submitted last week.  
Please call if this  
is a problem.



Thank you,

Ashley Mann  
Program Assistant

40 West 20th Street  
New York, New York 10011  
212 727-2700  
FAX 212 727-1773

noted change on  
original 10/7

The Natural Resources Defense Council (NRDC) appreciates this opportunity to comment on the Restoration Framework for the Exxon Valdez oil spill. This framework is set out in a document entitled Exxon Valdez Oil Spill Restoration, Volume I: Restoration Framework dated April 1992. Comments have been requested by June 4 by the Trustee Council.

NRDC has been carefully monitoring the damage assessment and restoration planning process for the Exxon Valdez oil spill for the last three years. We believe that it is essential that this process be carried out with the utmost care since what happens with respect to this spill will serve as a model for oil spills everywhere. The full range of impacts resulting from this spill must continue to be explored so that the long-term, sublethal effects, as well as the immediate impacts of this massive oil spill are well documented.

We are pleased that the scientific data from the studies carried out to date by the federal and state governments are finally to be made available so that the public will have full access to the findings so far. However, we strenuously object to the state's failure to release the economic studies that indicate the valuation of the natural resource damages of the spill. Without this information, it is impossible to assess the full ramifications of the spill.

At the same time that it is important that the assessment and restoration process be carried out carefully, the process should not be used as an excuse for foregoing key restoration options in the interim. There are a number of proposed timber sales, for example, on lands which provide important habitat for species such as marbled murrelets and harlequin ducks which were adversely affected by the spill. Timber harvesting could subject these species to further environmental insult and could also harm other spill-impacted species, such as wild salmon and cutthroat trout which utilize streams adjacent to such lands. Preventing this timber harvesting is crucial for the restoration of these important species. Rather than allow the opportunity to acquire such rights to slip by, the Trustees should identify and immediately undertake interim actions to acquire such rights. The framework document is inadequate in that it fails to provide for such interim actions or to establish a process for carrying out such actions before the final restoration plan is finalized.

Our comments on the specific sections of Volume I are set out below.

## COMMENTS ON CHAPTER II (PUBLIC PARTICIPATION)

For the public to participate meaningfully in the damage assessment and restoration planning process, it is essential that they have access to the scientific data (including summaries, reports, scientific interpretation and conclusions) showing the extent of injury to date, the continued availability of oil for uptake by marine and terrestrial organisms, etc. To facilitate the public's access to that data, a notice should be issued to all interested parties (e.g., all those who have commented on the damage assessment and/or restoration framework) as new information is filed with the Oil Spill Information Center -- informing people of the title of the report(s), the form(s) the data are in, the period of time the study covers, etc. This will

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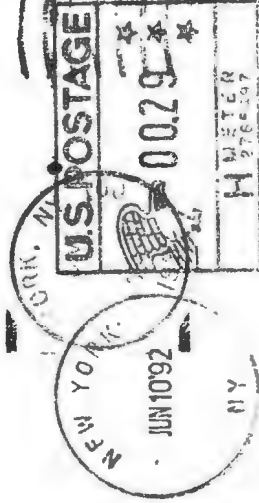


JUN 15 REC'D

Natural Resources  
Defense Council

40 West 20th Street  
New York, New York 10011

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Dave Gibbons  
 Exxon Valdez Oil Spill Restoration Framework  
 Exxon Valdez Oil Spill Trustee Council  
 645 "G" Street  
 Anchorage, AK 99501



R 35

recharms substructure comments 1-7

Ruth D. Wood  
P.O. Box 100466  
Anchorage, AK 99510

June 3, 1992

Mr. Dave Gibbons, Acting Administrative Director  
Restoration Team  
645 G Street  
Anchorage, AK 99501

Dear Mr. Gibbons:

RE: Comments on the Exxon Valdez Oil Spill Restoration plan,  
Vol. 1: Restoration Framework

Like so many others, I was devastated when I learned of the tragic oil spill from the Exxon Valdez in Price William Sound. I am an avid wilderness traveler and felt the loss personally since the spill came when the Sound was still on my wish list of places to explore. I have since kayaked and hiked there. Thus, I have a sense not only of what was lost, but also of the good that can be done there by protecting the area from further loss through acquisition of habitat or protection of habitat through purchase of timber or other extractive rights.

Indeed, as we reach the point where there is little benefit to continued clean up efforts, protecting the ecosystem from additional impacts should be our top priority. The arguments supporting spending the settlement monies on current acquisition are more compelling than arguments for other options. There are lands and rights available for acquisition now. If they are not acquired in a timely manner, the habitat values will be lost forever.

Alaskans were very vocal and persuasive in convincing the Alaskan Legislature to spend the \$50 million criminal settlement on habitat acquisition. I believe that Americans throughout the lower 48 have similar views.

Specifically, I would like to see:

- Habitat acquisition as top priority in the restoration process and as the priority use of settlement funds
- The imminent threat protection process used and negotiations begun immediately

Finally, the public advisory group should have a seat designated for each interest group. Use me as an example. I am an environmentalist. I am not a fisherman, I have no interest in fishing, and I often have very different views than fishermen.

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Mr. Dave Gibbons - Page 2  
June 3, 1992

Therefore, I do not feel that a person who represented both fishermen and environmentalists could adequately represent me. I 7 feel the public will be served best if no individual seat represents more than one interest.

Thank you for the opportunity to comment. The Restoration Team's effect on this unique and wondrous area will be as great as the Spill's effect. Please do your work with the utmost care and respect for Prince William Sound.

Sincerely,



Ruth D. Wood

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From R Wood  
Box 100466  
Anchorage, Ak 99570

ANCHORAGE, AK 995  
PM  
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1992



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Mr. Dave Gibbons  
Acting Administrative Director  
Restoration Team  
645 G Street  
Anchorage, AK 99501



P.O. Box 324  
Princeton, Ma. 01541

May 29, 1992

Dave Gibbons  
Acting Administrative Director  
Restoration Team  
645 G St.  
Anchorage, AK 99501

Dear Mr. Gibbons,

This letter contains my thoughts and comments on the Exxon Valdez Oil Spill Restoration Plan, Vol. I: Restoration Framework. I had been studying the production of oil on Alaska's North Slope for more than a year before the Exxon Valdez ran aground on Bligh Reef and have kept abreast of subsequent events including industry response to the grounding, court actions, and scientific research on every facet of America's largest domestic oil spill.

I visited the Prudhoe Bay fields in May of 1988 and the Arctic National Wildlife Refuge in June of 1988 to compare North Slope development with North Slope wilderness. I toured Prince William Sound in May of 1989 to assess oil damage and the efficacy of cleanup efforts under way. I drove the length of the Trans Alaska Pipeline System in 1989 and spent more time in Prudhoe Bay and on the Coastal Plain of ANWR. In 1991 I again visited the Coastal Plain, spent time in Kaktovik and in Arctic Village. I also spent two weeks on the water in Southeast Alaska in July of 1987. These comments are based on all of these experiences.

1. Money available under the Spill Settlement should be used primarily for land preservation in the form of outright acquisition, purchase of development rights, and establishment of conservation restrictions. 3

The devastation of ancient forests on Admiralty Island in Southeast Alaska is an egregious example of what will inevitably happen to the unprotected forests around Prince William Sound. Clear cuts on Admiralty destroy the impression of pristine beauty that Alaska claims as its birthright. They also wreak havoc on the environment.

2. Economic activities of human inhabitants of PWS depend upon the health of all biologic relationships that comprise the PWS ecosystem. It would be folly to spend Spill Settlement money to bolster a narrowly defined spectrum of species and activities deemed commercially valuable. Protection of the entire ecosystem makes far more sense. 4

3. The group that advises on use of the spill settlement money must include representatives of non-government bodies to speak for wildlife, for wilderness and for people who appreciate the enjoyment of an undeveloped area. As opposed to reps of official agencies charged with balancing conflicting interests. 6

4. The clear public interest in using Spill Settlement money to protect and preserve the entire Prince William Sound ecosystem in as pristine a state as possible should not be compromised by the powerful but narrowly focused influence of special commercial interests. 7

Sincerely yours,



Roger Leo

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R. Leo

**TELEGRAM & GAZETTE**

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JUN 02 REC'D

Dave Gibbons  
Acting Administrative Director  
Restoration Team  
645 G St.  
Anchorage, AK  
99501



United States Forest Service  
Department of Agriculture  
Cordova Ranger District  
P.O. Box 280  
Cordova, Alaska  
907/424-7661

Copper River Delta Institute  
612 2nd Street  
P.O. Box 1460  
Cordova, Alaska 99574  
907/424-7212  
FAX 907/424-7214

*contains substantive comments*

Reply to: 1500

Date: 2 June 1992

Subject: Restoration Framework

To: Bruce Van Zee, Forest Supervisor, Chugach National Forest

Attached please find general comments on the proposed Exxon Valdez Restoration Framework, and comments addressing specific options listed in the Framework. These comments were prepared jointly by the Cordova Ranger District (CRD) and the Copper River Delta Institute (CRDI).

We want to express some additional concerns we had on how the oil spill restoration has been handled with regards to both the Cordova Ranger District and the Copper River Delta Institute. First, we are concerned with the lack of involvement and familiarity we have had with the restoration process. Until Ken Holbrook's visit to Cordova 2 weeks ago, there had been very little interaction between the Trustees, the Oil Spill Restoration Committee, the Oil Spill Liaison and CRD and CRDI since the spill occurred 3 years ago. We have not been made aware how we might be involved, and how we fit into long-term planning.

The proposed Restoration Framework is an also an example of this lack of coordination and communication. Both CRD and CRDI were never made aware of the document previous to its publication, nor were they asked to submit or suggest options for the Restoration Framework. The Chugach National Forest is barely mentioned as a Prince William Sound land manager. For instance, there are at least two options (options 7 and 24) that address management issues in parks and refuges--with no mention of forest lands.

In addition, neither CRD or CRDI received copies of the 3 Volume document when it was first released. CRDI has yet to receive its requested copy and borrowed its only copy from Cordova's veterinarian. Similarly, CRD received its copy just a few days before Holbrook's visit to Cordova on 13 May. When we voiced our concerns about the 4 June response date being too soon and requested an extension, we were told that any extension was out of the question. The brief review period is reflected in our generalized comments.

In addition, neither CRD nor CRDI normally receive notification of public meetings on the oil spill when they were being held in Cordova. This lack of coordination and communication should be remedied if both CRD and CRDI are going to be effective, active participants in the restoration process.]

We also are concerned that there is very little synthesized information readily available on the results of the restoration and damage assessment studies. This lack of information makes it difficult to address many of the proposed options listed in the Restoration, let alone submit proposals for restoration monies.

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To date, the principal role of CRD and CRDI in the restoration process has been that of an advisor to other public agencies contracted to address oil spill issues on Forest Service lands. At the same time, when either CRD or CRDI have initiated and submitted proposals to the Oil Spill Restoration Committee, our proposals have entered a black hole and in some cases have been ignored or dismissed with a brief "it does not have a link to the oil spill". For example, last November, CRDI submitted 4 proposals to Ken Rice at the Oil Spill Restoration Committee, including 1 proposal that addressed shorebird staging in an oil-impacted area on northern Montague Island. Our understanding is that these proposals were never passed on to Ken Holbrook, and therefore were not considered for 1992 Forest Service oil spill monies.

In short, we urge you to have the Chugach National Forest Oil Spill Liaison and the Forest Service representative on the Oil Spill Restoration Committee to keep both CRD and CRDI informed and updated on current activities pertaining to the oil spill. We also would encourage you to raise the profile of the Forest Service in the proposed Restoration Framework. And finally, we would urge you to support both CRD and CRDI's restoration/restitution proposals and assist us in pursuing funding for them. 4

Thank you once again for the opportunity to submit our comments on the proposed Restoration Framework. We look forward to receiving a copy of the Chugach National Forest's response to the Restoration Framework.

/s/

Mary Anne Bishop, Acting Manager  
Copper River Delta Institute

/s/

Cal Baker, District Ranger  
Cordova Ranger District

Enc.

cc: Ken Holbrook, Oil Spill Liaison

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COMMENTS CONCERNING THE EXXON VALDEZ OIL SPILL RESTORATION FRAMEWORK'S  
POTENTIAL RESTORATION OPTIONS

Prepared by: Cordova Ranger District, Chugach National Forest  
Copper River Delta Institute, Pacific Northwest Research Station

GENERAL COMMENTS ON PROPOSED OPTIONS

Lack of incorporating the Chugach National Forest into proposed options.

The Restoration Framework fails to mention the Chugach National Forest throughout the options as a land manager except for Option 6. There is a need 5 to incorporate the Chugach National Forest in any options that currently concern "State and Federal parks and refuges" (e.g. Options 7, 8, 21, 24, ), ] 6  
At the same time, many of the options do reflect recreational development in Prince William Sound. There is a need to examine these proposed recreational development options as they relate to the Chugach National Forest management direction. ]

Lack of options as they relate to the criminal plea agreement.

In the introduction of the Restoration Framework (page 5), restoration includes "restoration, replacement, and enhancement of affected resources, acquisition of equivalent resources and services; and long-term environmental monitoring and research programs directed to the prevention, containment, cleanup and amelioration of oil spills." Restoration options as currently listed in the Framework, do not address prevention, containment and amelioration of oil spills. Research to date and most options focus on resources in oil-impacted areas, and not on resources in the tanker-corridor or tanker travel route that could be potentially impacted in a future spill.

Need to incorporate ~~issues and concerns of page 16 into~~ proposed options. ]

We noted the following issues and concerns were not adequately addressed in any of the potential restoration options:

1. ] use of restoration monies for the prevention of future spills. ] 7
2. ] further clean-up activities. ] 8
3. ] how much reliance should be place on natural processes to insure recovery ] 9  
of injured natural resources and services.
4. ] the effect of restoration activities on the local economy of the spill ] 10  
area.
5. ] idea of removing other (non Exxon Valdez oil) sources of contamination from  
the affected area as a means of aiding restoration. ] 11

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## Comments on Restoration Options for Management of Human Uses.

## Option 1. Archaeological resource protection.

<sup>12</sup> We recommend an additional action to include archaeological site inventories up to the 150' contour line along all shorelines and beaches in Prince William Sound. <sup>13</sup> The Forest Service would assist in the monitoring and site protection program in Prince William Sound.

## Option 2. Intensify management of fish and shellfish.

The proposed <sup>13</sup> option <sup>14</sup> should be expanded to include the intensified management of fisheries habitat. <sup>14</sup> Habitat management of fish and shellfish is an essential component in managing populations.

Option 3. <sup>15</sup> Increase management for fish and shellfish that previously did not require intensive management.

The proposed option should be expanded to include the intensified management of fisheries habitat. Habitat management of fish and shellfish is an essential component in managing populations.

Option 4. <sup>16</sup> Reduce disturbance at marine bird colonies and marine mammal haul-out sites and rubbing beaches.

The proposed actions should be expanded <sup>17</sup> to include the whole spectrum of boat operators and public users including photographers, recreational boaters, and fishermen.

Option 5. Reduce harvest by redirecting sport-fishing pressure.

Any redirected sportfishing effort for cutthroat trout will primarily occur on the Chugach National Forest. The <sup>18</sup> Forest Service should be an integral partner in the development of any management plan that recommends changes in recreational use on the Chugach National Forest. <sup>18</sup> Information required to implement this option should include the evaluation of habitat capability in order to properly assess stock status in non-oiled systems. <sup>19</sup> Additionally, <sup>20</sup> alternative sport fishing locations need to be inventoried and assessed for their recreational potential and possible adverse impacts on the fisheries.

Option 6. Redesignate a portion of the Chugach National Forest as a National Recreation Area or Wilderness Area.

We agree that the possibility of <sup>21</sup> redesignating portions of the Chugach National Forest ~~be considered~~. <sup>21</sup> This should be addressed in the Chugach National Forest Plan Revision. <sup>21</sup> As this plan is developed, the general public and other state and federal agencies including the Oil Spill Trustees should be encouraged to participate in and comment on the Forest Plan Revision.

Option 7. Increase management in parks and refuges.

The Forest Service is the largest land-owner in Prince William Sound. <sup>22</sup> This option and proposed actions should include the Chugach National Forest. <sup>22</sup> Currently the suggested actions include hiring and training additional staff, and providing interpretive services to educate the public about the spill. <sup>23</sup> We recommend that actions also include providing additional facilities and equipment for increased staff requirements.

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Option 8. Restrict or eliminate legal harvest of marine and terrestrial mammals and sea ducks.

The U.S. Forest Service should be involved in any subsistence issues or changes in subsistence regulations because it is the agency that administers subsistence on Forest Service lands. Under ANILCA, Section 801 subsistence use has precedence over commercial or sport use, and should be therefore be considered in any reduction of harvest.

Option 9. Minimize incidental take of marine birds by commercial fisheries.

We agree that minimizing incidental take of marine birds is important.

#### Suggested Additional Restoration Options for Management of Human Resources

Option 33. Develop integrated public information and education program.

This option should be included under the Management of Human Resources Options, not the "Other Options" category. The Cordova Ranger District is very supportive of developing interpretative and educational programs. We would, however, recommend that the City of Valdez be targeted for a large-scale public information program because of its central location in Prince William Sound, and its importance to recreation and industry.

Currently, an estimated 100,000 visitors to Prince William Sound pass through Valdez. Despite the fact that the Chugach National Forest is the primary land administer in Prince William Sound, we have no presence in Valdez. The development of a Chugach National Forest Visitor Interpretive Center in Valdez that emphasized the natural resources and multiple uses of the Prince William Sound and Copper River Delta ecosystems, as well as the effects of the Exxon Valdez spill, would be effective in reaching a large majority of the visitors and residents of Prince William Sound.

Suggested Option 36. Develop programs to prevent, manage and respond to future oil spills.

This option calls for the development of coordinated, intra- and inter-agency prevention and response plans. The lack of planning and response to the Exxon Valdez oil spill by the Chugach National Forest, the largest federal land agency in Prince William Sound, has demonstrated the need to develop a prevention and response program for both Prince William Sound and the Copper River Delta.

Suggested Option 37. Identify social, cultural and economic impacts of the Exxon Valdez oil spill on spill area residents and develop a response system to mitigate past and potential impacts.

The Prince William Sound has historically been inhabited by diverse multi-cultural populations residing in small communities and villages. Natural resource communities are intimately linked to the ecosystem through subsistence and commercial harvests of fish and mammals. Baseline data on local community residents needs to be collected for understanding social, economic, and cultural impacts of oil spill disasters spill communities. Furthermore, emergency response systems in these communities should be identified and evaluated.

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Comments on Restoration Options for Manipulation of Resources

Option 10. Preservation of archaeological sites and artifacts. 32

We recommend an additional action to inventory archaeological sites up to the 150' contour line along all shorelines and beaches in Prince William Sound. The Forest Service would assist in the monitoring and site protection programming in Prince William Sound. 33

Option 11. Improve or supplement stream and lake habitats for spawning and rearing of wild salmonids.

Restoration of wild salmonid spawning and rearing habitat is important and should receive high priority. The Forest Service is recognized for its expertise in fisheries habitat restoration and should be the lead agency on Forest lands involved with these projects. Chum salmon were also identified as an injured species and should be included in this option.

Option 12. Creation of new recreation facilities.

Option 12 should be expanded to include interpretive and educational facilities such as the creation of a Chugach National Forest Visitor Interpretive Center in Valdez (see Option 33 above). Currently, the estimated 100,000+ visitors to Prince William Sound pass through Valdez. Despite the fact that the Chugach National Forest is the primary land administrator in Prince William Sound, we have no presence in Valdez. 34

Option 17. Eliminate introduced foxes from islands important to nesting marine birds.

We support fox eradication under these circumstances. 35

Option 18. Replace fisheries harvest opportunities by establishing alternative salmon runs.

The Chugach National Forest would not support any stocking or fish culture techniques that have the potential to impact existing wild salmon stocks. 36

Comments on Restoration Options for Habitat Protection and Acquisition

Option 19. Update and expand the State's Anadromous Fish Stream Catalog.

While a number of "new" streams were identified for listing in the States Anadromous Fish Stream Catalog, several of these streams have been field surveyed by the Forest Service over the last 25 years. Prior to initiating additional field surveys, existing information should be compiled and future needs assessed. 37

Option 20. Establish and Exxon Valdez oil spill "special management area".

We disagree with this option because Alaska's Coastal Management Zone Act Regulations nullify the need for a special management area. 38

Option 21. Acquire tidelands.

We support tideland acquisition. The Chugach National Forest would be the logical land manager for tidelands acquired in Prince William Sound. 39

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Option 22. Designate protected marine areas.

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We support the identification and potential designation of protected marine areas. The Chugach National Forest should participate in the identification and designation of any protected marine area, especially when it relates to unique wild fish stock habitats, recreational opportunities, and whenever designated habitats adjoin Forest Service lands.

41

42

Option 23. Acquire additional marine bird habitats.

We support marine bird habitat protection and acquisition. 44

Option 24. Acquire "inholdings" within parks and refuges.

We support this option and would expand this option to include acquisition of inholdings on Chugach National Forest lands. 45

Option 25. Protect or acquire upland forests and watersheds.

In light of public opinion, Alaska House Bill 411, and current legislation pending in the U.S. House of Representatives and U.S. Senate, the acquisition of upland forests and watersheds adjoining the Chugach National Forest should be considered as a viable, and timely option to achieve restoration. 46

Option 27. Designate and protect "benchmark" monitoring sites.

47

We strongly support designation of "benchmark" monitoring sites, including oiled and unoiled sites. Whenever appropriate, these benchmark sites should be included in any monitoring study be it species specific or otherwise. We also urge that any long-term monitoring be adequately funded. 48

Option 29. Establish or extend buffer zones for nesting birds.

We support the establishment/extension of buffer zones for nesting birds on Forest Service lands in Prince William Sound where it can be demonstrated that injured populations will recover more rapidly as a result of this management practice. We would like to play a role evaluating the pertinent studies in Prince William Sound and making decisions to act on this option. 51

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Comments on Restoration Options Listed as "Other Options

Option 31. Develop a comprehensive monitoring program.

52

We strongly support a comprehensive monitoring program and list it as a top priority for restoration. In addition to continued monitoring of species and habitats where damage has already been proven, monitoring should include the collection of baseline data on species that could be impacted in a future spill. Examples of such species would be staging shorebirds and waterfowl during spring and fall migration both in Prince William Sound and on the Copper River Delta. Monitoring projects should also include the "benchmark" sites, and should be adequately funded over several years. 54

53

Option 32. Endow a fund to support restoration activities.

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We support the establishment of an endowment to support restoration activities with a portion (not all) of the restoration settlement monies. This endowment should be administered to include the following restoration activities:

Option 32 (continued).

56

habitat acquisition and protection, long-term monitoring and research, and clean-up activities. Within the framework of any endowment, items should be prioritized for funding based on public input. 57

Option 34. Establish a marine environmental institute.

We do not support this option because it potentially supports a duplication of research effort and facilities. Currently there are 4 research institutes in Prince William Sound that either have the ability or the potential to address marine environmental issues. These include: the Copper River Delta Institute (U.S. Forest Service), the Prince William Sound Science Center and the associated Oil Spill Recovery Institute, and University of Alaska's Seward Marine Center. We strongly urge that these institutes better coordinate their efforts both with each other and in cooperation with other federal and state research divisions, including the Alaska Fish and Wildlife Research Center (US Fish and Wildlife Service). 58

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Prince William Sound Conservation Alliance

P.O. Box 1697  
 Valdez, Alaska 99686  
 (907) 835-2799  
 Fax (907) 835-5395

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Date: 4/2/92

Time: 5:15 pm

Sent to: EYES TRUSTEE Council  
 Fax number: 276-7178  
 Phone number: 278-8012  
 Sent from: DAVID JANKA

Organization: Exxon Valdez Restoration Team  
 ATTN: DAVE GIBSON

No. of pages including cover sheet: 4

Message: Follow all comments on the framework + DRAFT work plan.

PLEASE give me a call if there is any problem with the fax or if it needs to be sent any other locations.

Thank you.  
 David Janka

contains substantive comments 1-22  
927



# Prince William Sound Conservation Alliance

P.O. Box 1697  
Valdez, Alaska 99686  
(907) 835-2799  
Fax (907) 835-3395

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Exxon Valdez Oil Spill Trustee Council June 3, 1992  
645 C Street  
Anchorage, Alaska 99501

RE: Comments on Volume 1: Restoration Framework and Volume 2: 1992 Draft Work Plan.

Greetings,

**BACKGROUND:**

Established in 1988 and incorporated in 1989 as a non-profit (501c3) membership and public advocacy group, the Prince William Sound Conservation Alliance (PWSCA) promotes sound environmental policies for the Prince William Sound region of Alaska; advocating conservation of Pr. Wm. Sound's natural resources and engaging in educational activities concerning the Sound's natural history, environmental problems, and legislative issues.

Following the 1989 Exxon Valdez oil spill, PWSCA was the primary non-government organization monitoring annual cleanup efforts. PWSCA served as the Volunteer Coordinating Center under a contract from the Alaska Department of Environmental Conservation (ADEC), represented environmentalists on the Inter-Agency Shoreline Cleanup Committee, a decision making advisory group to the Federal On-Scene Coordinator and operated under contract from the City of Valdez and ADEC the Valdez Local Response Program from January 1990 through completion in September 1991.

Our membership is wide and varied having the common interest and concern being Prince William Sound.

**COMMENTS:**

\* [The impacted resources need to recover NOW and need to have protection from further damage. This is not possible if destructive activities such as clearcut logging, [resort/subdivision] or [mineral development] are allowed to take place.]<sup>1</sup>

The fish and wildlife as well as the people impacted and in turn the habitat they mutually depend on is diverse and interwoven. Because of this interrelationship of such things as water quality, nesting habitat, tidal influences, migration, seasonal usage and food sources the habitat ranges from the subtidal to the mountain tops.<sup>2</sup>

[Therefore Prince William Sound Conservation Alliance recommends that habitat protection be the priority of the Restoration Framework.]<sup>3</sup>

<sup>5</sup> [The 1992 Work Plan as well as future work plans.] This should be accomplished through acquisitions including purchases of land, conservation easements, development rights and timber rights. [Land classifications (Wilderness, National Recreation Area, Wildlife Refuge, etc.) and Land trades could also be utilized.] <sup>7</sup> <sup>8</sup> <sup>9</sup>

<sup>10</sup> [We recommend that no less than 80% of the settlement funds be used for habitat acquisition] to prevent the further destruction to the natural resources damaged by the spill [as well as replacement and acquisition of equivalent resources.] <sup>11</sup>

The wilderness qualities of the impacted areas are being further damaged as this process crawls along. This is allowing further damage to take place to the fish and wildlife and the long term economic interests of commercial and sport fishing, tourism, subsistence and recreation. Therefore the Conservation Alliance stresses that habitat protection not only take a financial priority but a time priority as well. We ask that [negotiations begin immediately, that acquisitions be given concurrent consideration in the restoration process] and [an imminent threat protection process be initiated.] <sup>12</sup> <sup>13</sup> <sup>14</sup>

\* Much of the wildlife and many of the impacted beaches need to be just left alone. To put further stress onto them would only continue the damage and postpone recovery. We recommend that any further studies, research or monitoring programs be of a nonintrusive/observational nature. To continue running down otters or ducks for capture to have teeth extracted, radio transmitters implanted, blood sampled, or out right killed for the sake of final detailing of damage or even worse to possibly assist an individual or agency to acquire better funding, or to have a better looking thesis is morally wrong and financially irresponsible. <sup>15</sup>

\* Until the [information and data from ALL research and studies is put into a final form] evaluated and cross referenced, it is next to impossible for anyone to know what is in need of further study, what is duplicated, inappropriate, or wasteful. Money and effort needs to be allocated to meet this need but new or costly continuation of research and studies is of questionable merit. <sup>16</sup> ↑ ↓

<sup>17</sup> \* The remaining oil would be difficult and impractical to remove. We recommend that very little effort or money be allocated for this purpose. The exception is to continue some support to the Chenega Bay Local Response Program to allow the people of Chenega Bay to actively work on their beaches, which have some of the worst remaining oil left on them. A very few other locations may need some direct work as well but in general little more can be done.

\* If the representation on the public advisory group is not held accountable to the interest she/he is representing, the group is not effective. We recommend that the public advisory group consist of designated seals for the identified interest groups. <sup>18</sup> ↑ ↓

\* "Non-commercial" species need to be on an equal footing when being considered for a research or monitoring program. <sup>20</sup>

\* Roads, docks, airstrips, lodges, ferries, hatcheries, etc. are a completely inappropriate use of these monies. <sup>21</sup>

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\* The public needs to understand what happened, what can be done to help recovery and how not to make things worse after the nations worst oil spill. Commercial and sport fishing interests, charter boat and cruise ship operators, recreationists, subsistence users, float plane and helicopter operators and the general public need to be made aware of not only the fragile nature of the recovering environment but of the coastal ecosystem in general. We all have the potential to do further damage by the way we live and work and by walking, boating, flying, fishing or whatever at the wrong place at the wrong time. We therefore feel that it would be appropriate to put some money and effort into education to help address these issues.] 22

Thank you.

Sincerely,



David P. Janka  
Executive Director

*may want to identify issues from above  
list.*

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# Alaska Wilderness Recreation and Tourism Association

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May 30, 1992

Dave Gibbons  
Restoration Team  
645 G Street  
Anchorage, AK 99501

Dear Mr. Gibbons,

The Alaska Wilderness Recreation and Tourism Association (AWRTA), formerly the Alaska Wilderness Guides Association, represents a business membership of approximately one hundred and fifty companies whose economic endeavor is natural resource dependent. In addition, we have a large group of individual members who use Alaska's back-country resources for recreation.

*1. Concern about inadequate damage assessment studies of the impact of EVOS on wilderness-based recreational use and tourism: AWRTA is concerned the services provided by areas impacted by EVOS to the natural resource-dependent tourism industry (boating tour operators, charterboat (drop off) companies, hunting and sports fishing guides and outfitters, natural history tour operators, sea kayaking companies and schools, outdoor education schools, etc.) were not adequately documented during the damage assessment process. Although some attention was paid to recreation (8 lines in the Restoration Framework document, p. 37 - the least space given to any damaged resource or service), no damage assessment was done of the impact of the oil spill on dispersed or back-country tourism operators in order to avoid duplication or double-counting damages "which are the subject of private economic claims." Economics Study No. 5 - Recreation (The 1991 State/Federal Natural Resource Damage Assessment and Restoration Plan for the Exxon Valdez Oil Spill, Vol.*

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AWRTA, P.O. Box 1353, Valdez, AK 99686

Restoration Plan for the Exxon Valdez Oil Spill, Vol. II: Response Public Comment, Appendix D, p. D-152, response to first comment by Exxon Shipping Company.)

However, the federal courts (precedent and Judge Holland) and the administrator for TAPFL (former Judge Gibbon) have ruled against natural-resource dependent tourism companies receiving compensation for economic losses resulting from the oil spill. Thus, the natural-resource dependent tourism industry has fallen through the legal and Trustee framework designed to deal justly with the oil spill. In his August 1991 Memorandum of Law, Gibbon actually argues that it is right for some segments of the public, specifically the natural resource dependent tourism industry, to be treated unjustly so that the majority, commercial fishermen, can be more justly compensated.

[AWRTA requests that additional damage-assessment studies be undertaken to evaluate the economic damage done to wilderness-based tourism, (including tour and charter boat operators, hunters, sports-fishermen, outdoor education schools, etc.) in the oil spill impacted area.]

2. Perception that the land acquisition process does not provide for acquiring non-habitat land needed by the tourism industry. Because inadequate damage assessment studies of the impact of EVOS on the natural-resource dependent tourism industry exist, the land acquisition process considers only "habitat protection and acquisition" without considering the need to acquire some non-habitat sensitive lands to compensate for lost resources and services important to recreational users and the tourism industry. AWRTA is particularly concerned with #12 "Drop from Imminent Threat Process". The statement "Nominations that do not contain essential habitat components will be dropped from this process." [AWRTA certainly supports the requirement that land acquisition should be for habitat which supports watchable wildlife, sports fish, and hunting opportunities.] However, the definition of Step 12 seems to imply that habitat acquisition is the only reason for acquiring land. Natural resource dependent tourism has land needs that go beyond just habitat for fish and wildlife. EVOS damaged lands that were used for their general scenic-wilderness quality, for close-up sightseeing of lands undisturbed by man, geological areas of interest (turbidite sequences, pillow basalts, beach formations, etc.), campsites, drinking water (i.e. non-salmon streams), etc. Limiting the definition of #12 to just habitat

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AWRTA, P.O. Box 1353, Valdez, AK 99686

protection excludes the justifiable needs of natural-resource recreational users and the tourism industry for the acquisition of lands on the basis of some non-habitat criteria.

*of land acquisition*

[We request that this definition be expanded to include these other needs. Perhaps the addition of the phrase "or areas related to injured resources or services" in item (3) of Proposed Threshold Criteria Set A (04/20/92) would be suitable if amended to "or areas related to injured resources (other than biological) and services (other than biological)."]

3. AWRTA is concerned that the Acquisition of Equivalent Resources may be employed to change the nature of existing recreational and tourism activities. The construction of tent platforms would have an adverse impact on outdoor recreation schools which teach low-impact camping (Option 12). [Option 12 is an excellent example of the type of restoration or enhancement project opposed by AWRTA because its effect is to further damage recreational users, outdoor education schools, and tourism businesses already hurt by the spill.] More acceptable options would be: 1) [acquisition of comparable lands from private landowners to be managed in an undeveloped manner]; 2) [development of a clean beaches program for removing garbage from beaches used by recreational boaters and the tourism industry] (most of this garbage drifts ashore and is not left by recreational users and tourism companies); and 3) [Option 6.] 7

4. It is unclear to us how the monitoring of the effects of an action on other resources will be done. We are [concerned that planning for the restoration of one resource may be done by resource experts in that field without adequate analysis of the effects of the proposed project on other resources.] We are also [concerned about how a project once it is undertaken will be monitored to determine the effects on other resources.] For example, Agayuut Bay in Eaglek Inlet used to be a popular destination for recreational boaters and commercial outfitters. However, since the siting of a commercial shellfish operation in the bay, commercial tourism operators have ceased using this bay. How can the absence of a use be monitored especially if responsible resource agencies have not collected data on preexisting use? Or another example - the construction of hatcheries tends to lead to a reduction in watchable wildlife such as river otters, mink, deer, bear, harbor seals, etc. in the area. How will adverse effects on the recreation and tourism industry's ability to find watchable wildlife be monitored?

[AWRTA requests that an analysis of the effects of any proposed action on another resource or resource user be included in the decision-making 10

process] and [be an integral part of a required monitoring element of any project undertaken.] It is possible that this could be achieved through the NEPA process, at least for the planning aspect.

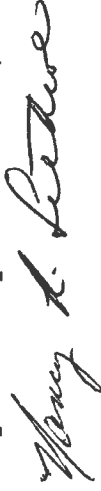
5. [AWRTA prefers concurrent consideration of the habitat and land acquisition alternative in the restoration process.] Restoration of natural resources (scenic quality, wilderness, etc.) and services lost by recreational users and the tourism industry should not be postponed until after all resources lost by other groups are first satisfied.

6. [AWRTA prefers "Proposed Threshold Criteria Set A (04/20/92) version A with the following changes:

(3) The parcel contains key habitats ADD: "or areas related to injured resources (other than biological) and services (other than biological)"  
13  
In the explanation of (3) we are concerned about the meaning of the phrase "substantially similar service." [There needs to be some criteria for determining what is a "substantially similar service."] As noted above, AWRTA's members would regard additions to the Chugach National Forest's proposed wilderness area a "substantially similar service" whereas we would not regard the construction of tent platforms or cabins a "substantially similar service."

Thank you for the opportunity to comment.

Respectfully submitted,



Nancy R. Lethcoe, President

cc: Connell Murray, Division of Tourism  
Karen Cowart, Alaska Visitors Association  
Marilyn Hoeddel, Prince William Sound Tourism Coalition

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AWRTH  
P.O. Box 1353  
Valdez, AK 99686



JUN 02 REC'D

Mr. Dave Gibbons  
Restoration Team  
645 G Street  
Anchorage,  
Alaska 99501

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927

Dave Gibbons  
 Exxon Valdez Oil Spill Restoration Team  
 645 G Street  
 Anchorage, Alaska 99501

May 18, 1991

Dear Dave,

Following are comments on the Oil Spill Restoration Framework (Vol. 1.)

The practical options presented that would result in the  
 [greatest benefit] to the oil impacted region in general and  
 [many of the impacted species] would involve acquisition  
 1 "inholdings", upland forests and watersheds, [and buffer  
 2 strips near anadromous streams (#25,25,26)]. [Fully 70% or 3  
 more of the monies should be spend in such acquisitions.]

I have great concern that [many of the options are simply  
 methods for putting more money in agency hands, creating 4  
 more bureaucracy while doing little to benefit the  
 ecosystem or injured species.] Prime examples are  
 ["increasing management in parks and refuges" (#7), "increase  
 management of fish and shellfish" (#2,#3)... enhances bureaucracy] 5

We are not in a position to force recovery of any species,  
 anymore than we can clean up the oil that still bleeds into  
 the system. [Reducing additional damages to the system by 6  
 preventing further habitat degradation] (as upland timber  
 buybacks would accomplish), [monitoring recovery of  
 7 particular key injured species,] [and making sure there is a 8  
 baseline of information on these species] in the event of  
 future perturbations should be goals of the Trustee Council.

9 [Future studies and monitoring should be conducted on a  
 competitive bid basis.] [Monies should not automatically be  
 allocated to agencies for monitoring or other activities.] 10  
 We are no longer in an emergency situation. [The processes  
 need to be opened up. The public advisory committee is very  
 important at this time and should represent a variety of  
 perspectives.] 11

12 [The settlement monies should not be locked away in an endowment] or [used for development projects in the spill 13 area.] [Private development of uses compatible with recovery will be best fostered by the assurance of ecosystem protection and recovery of which upland and timber buyback 14 should be the cornerstone.]

Sincerely,

*Craig O. Matkin*

Craig O. Matkin

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<input type="checkbox"/> E-MISC.	



Mr. Craig O. Matkin  
Box 15244  
Homer, AK 99603-6244

29 USA



99603

D. Davis (Lbn)  
Re front in Teams 1005  
645 G Street  
Anchorage, AK 99501

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<input type="checkbox"/> E-MISC.	

# ALASKA COALITION OF MARYLAND

206 Brookes Ave. #5  
Galthersburg, MD 20877  
22 May 1992

Mr. David Gibbons  
Acting Administrative Director  
Restoration Team  
645 G St.  
Anchorage, AK 99501

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contains substantive comments 1-10  
907

Dear Mr. Gibbons:

The Alaska Coalition of Maryland is a statewide alliance (see appended listing) representing more than 100,000 Marylanders who are concerned about the fate of natural resources in the federal domain and which are contained within the boundaries of Alaska. Quite a significant number of those represented have been to Alaska and a smaller but substantial number have lived there. All of us want the maximum protection for lands, waters, flora, and fauna which belong to all Americans. We therefore feel compelled to comment on the *Exxon Valdez Oil Spill Restoration Plan, vol. 1, Restoration Framework*.

It has been adequately documented that there is little more that can be done to clean up the remains of the oil from the *Valdez*. On the other hand, the primary and principal victims of the spill were the ecosystems, communities, and organisms of Prince William Sound and its environs. Therefore, immediately, restoration should begin by acquisition of habitat through outright purchase, easements, or timber/mineral rights acquisition. Moreover, 80% of the settlement funds should go to habitat acquisition. This move and this alone is the only action that can be taken to benefit the principal victims of this disaster, and it must be given priority and concurrent consideration. Under no conditions should these funds be used for construction and/or development. We believe that this would be a misuse of the restoration funds. This should not be an chance for opportunists to pursue their personal agenda to degrade further the ecosystems of the region. Along the same lines, when a monitoring program is designed, it should not just include commercially valuable species, but indicator species from a sufficient number of guilds should be chosen to allow determination of the spill's effects on all ecosystems over time.

We want to remind the Trustees that federal wilderness lands were directly harmed by this criminal act, that creatures belonging to all Americans were

killed and injured. The damage done to the ecosystems must be given the opportunity to heal, and in just the same way that human victims of some chronic disease needs some special care, the same is true of damaged natural systems. The most effective care we can give Prince William Sound is to protect from interference all its component ecosystems so nature can apply its full regenerative powers. To prevent further impoverishment of these biological systems, the imminent threat protection process should be employed before any more damage is done.

We appreciate the opportunity to comment.

Yours sincerely,



Paul F. Torrence  
Chairman

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ALASKA COALITION OF MARYLAND

Audubon Council of Maryland  
Central Maryland Audubon Society  
Chesapeake Audubon Society  
Clean Water Action  
Conservation Federation of Maryland  
Federated Garden Clubs of Maryland  
Garden Club of America (Maryland region)  
Grassroots Coalition for Economic and Environmental Justice  
League of Women Voters of Maryland  
Maryland Conservation Council  
S.A.V.E. (Students Against Violation of the Environment)  
Student Environmental Action Coalition  
of Western Maryland College  
Sierra Club (Potomac Chapter)  
Students United for the Earth  
Southern Maryland Audubon Society  
Washington D.C. Area Chapter, Appalachian Mountain Club

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E-MISC.

TORRENCE  
206 BROOKES Ave #5  
GAITHERSBURG, MD 20877



MAY 2 1992

Mr. David Gibbons  
Acting Administrative Director  
Restoration Team  
645 G St.  
Anchorage, AK 99501

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# Alaska State Legislature

JUN 08 REC'D



3111 C STREET, SUITE 550  
ANCHORAGE, ALASKA 99503  
(907) 561-7615

SENATOR  
ARLISS STURGULEWSKI

While in Juneau  
STATE CAPITOL  
JUNEAU, ALASKA 99801-1182  
(907) 465-3818

Senate

June 3, 1992

Steve Pennoyer  
Director  
National Marine Fisheries Service  
P.O. Box 216688  
Juneau, Alaska 99802- 1668

Dear Mr. <sup>Steve</sup>Pennoyer:

Re: Exxon Valdez Oil Spill Restoration - Restoration Framework

During the three years since the grounding of the *Exxon Valdez*, you and your associates have charted a course through previously un navigated waters. Much has been accomplished in cleaning the beaches and seas, determining the extent of resource damage, and stemming the tide of injury. The distribution for public comment of the Restoration Framework is another sign that the ultimate destination, the restoration of Alaska's coastal and marine environments, is nearer now, although much remains to be done.

The finished version of the Restoration Framework will map the work of the trustees through the culmination of the charge established by the court settlement. As such, it must make manifest your vision of future programs and objectives, as shaped by experts and the public. As that vision coalesces over the next year, I hope that you will place strong emphasis on looking forward, past individual restoration projects, to a comprehensive view of the outcome of your efforts. That vision should include not only restoration, but also protection of Alaska's shoreline and seas. The physical protection of our injured environment will be difficult to achieve. The constraints on our abilities to foresee and influence the processes of nature, the vagaries of chance, and the limits on technological capabilities are too great. Protection can best become reality through acquiring and using more and better knowledge of Alaska's

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marine systems and resources. The more we know about those ecosystems, the better equipped we are to both restore and protect them.

I want to make some specific comments on the process to date and in the future. These cover both the Restoration Framework process and those for the 1992 Work Plan and 1993 Work Plan:

- The compressed and overlapping timelines for these three efforts may not result in the best final products. You and the other trustees and staff must simultaneously consider three separate works, each significant in its own right. That must certainly strain resources. The public is likely to suffer some confusion between projects, at the least, and have insufficient time to develop reasoned and comprehensive comments, at worst.
- Comments are due on the 1993 and future work plans before the 1992 Work Plan and the Restoration Plan are finalized. This will surely lead to inefficiencies and duplications avoidable if interested parties had one or both of these documents available prior to submitting comments on future work plans. I understand there is pressure to get these plans in place and proceed accordingly, but the damage has been done, clean-up is essentially complete, and restoration can now generally assume a more considered pace reflective of conservative stewardship and long-term concerns.
- The final Restoration Plan should be final only in the sense that it establishes fundamental guidelines for format, programs, and objectives. It should be a living document, adaptable over time as goals are achieved, conditions change, and knowledge expands.
- Spending \$900 million in public funds is a heavy responsibility under any circumstances. I believe that while a share of the *Exxon Valdez* settlement may reasonably be spent on habitat acquisition and individual restoration projects, these should not be the exclusive focus of restoration efforts. The long-term health of injured ecosystems and ongoing management of their systems and resources should be accorded an equal priority.

In keeping with these comments and my broad concern that you look to the future in a fashion that makes explicit how each facet of the restoration program contributes to the overall goal, I am submitting a proposal for the

Steve. Rennoy  
June 3, 1992  
Page 3

Restoration Framework. As you know, some of my colleagues have been involved in this proposal and I am confident of their support as well. The proposal outlines the creation, mission, and administration of the *Exxon Valdez* Oil Spill Marine Sciences Endowment. This endowment would consist of portions of annual civil settlement payments set aside in a trust generating annual income. That income would be used to fund long-term baseline research into ecosystem status, resource recovery and enhancement, and equivalent resource enhancement and acquisition. Additionally, the entity established to administer the endowment would serve as a research coordinating mechanism.

This proposal is a draft document. It is my intention to submit essentially the same proposal, with refinements, as a suggestion for the 1993 Work Plan. It is my hope that over the next few months, I will be able to work with you to further focus this proposal into a shape determined appropriate by the trustees and that fulfills the conditions set by the court.

I look forward to working with you. We have the opportunity for significant achievements in reclaiming and preserving Alaska's marine and coastal environment. Please contact me or Richard Rainery of my staff if you have any questions concerning my proposal.

Sincerely,

*Arliss Sturgulewski*

Arliss Sturgulewski  
Alaska State Senator

Enclosure



PROPOSED RESTORATION OPTION  
FOR RESTORATION FRAMEWORK

Exxon Valdez Oil Spill Marine Sciences Endowment

Submitted by:

State Senator Arliss Sturgulewski  
State Capitol, Room 427  
Juneau, Alaska 99801-1182  
465-3818

June 3, 1992

**Purpose**

The *Exxon Valdez* Marine Sciences Endowment would be created by diverting a portion of civil settlement funds due the State of Alaska and the United States beginning in December 1992 into a separate fund. The endowment will be dedicated to long-term baseline marine research necessary to:

- monitor and assess the status of ecosystems affected by the oil spill;
- determine how to best effect resource recovery and enhancement where necessary;
- identify needs and opportunities to enhance or acquire equivalent natural resources.

A final mission of the endowment would be to provide a mechanism to coordinate the research programs of the various research organizations active in Alaska's marine environment.

**Endowment Charter and Operations**

Endowment Administration: The trustee council will create a foundation directed by a board distinct from the council. The charter of the foundation will be based on principles established by the trustees.

Restoration Option  
State Senator Arliss Sturgulewski  
June 3, 1992

Endowment Life: The endowment will be established as either a limited duration sinking fund which will spend itself out of existence by a time certain or as a trust with a perpetual existence.

Board Composition: University of Alaska, University of Washington, Alaska Department of Fish and Game, National Oceanic and Atmospheric Administration (Alaska Region), Alaska Science and Technology Foundation and two public members.

Operations: Operations costs will be held to a minimum (target - 3% or less of funds available annually) by utilizing existing agency resources as much as possible. A small staff will screen proposals and administer grants. The board will make all funding decisions. The EVOS Trustee Council may have to initially administer the foundation until annual income is sufficient to support operations.

Endowment Management: Annual contributions to the endowment trust fund on a schedule based on the amount determined to be appropriate and the fund's structure (sinking fund or perpetual trust). Two alternatives (\$75 million and \$100 million) showing fund growth and income under a perpetual endowment are attached. The trust fund would be managed in a conservative fashion similar to that historically pursued by the Alaska Permanent Fund Corporation, the objects being to protect the principal from inflation and provide a predictable annual income stream.

### Research Grant Program

Proposal Eligibility: Research on the marine ecosystem as a whole, focussing on biota from the first link in the food chain to the last, oceanographic systems, and their interrelationships. The basic requirements for project eligibility are three:

- A proposal must demonstrate scientific merit and technical feasibility;
- The outcome of a proposal must directly benefit management of injured marine resources or systems or the equivalent of such injured resources or systems;

Restoration Option  
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- A reasonable link between the civil settlement requirements to restore, replace, enhance, rehabilitate, or acquire natural resources injured by the spill or their equivalents and the outcome of a proposal must be established.

Any scientist or institution with a demonstrated record of achievement in marine research or equivalent qualifications may apply for grants, although a formula affording priority for Alaskan scientists and institutions, as indicated by the settlement conditions, will be developed.

Research Coordination: An additional function of the endowment board is as a mechanism to coordinate activities undertaken by the North Pacific marine research community. The intent is to ensure that limited research funding is directed in the most efficient, non-duplicative manner. Institutions and individuals would be required to include as a part of their grant proposals a synopsis of other all current and planned research activities and the board would be required to use this information in its deliberations. The endowment board, composed of the major participants in Alaskan marine research, will be uniquely competent to ensure coordination and cooperation.

## EVOS Marine Sciences Endowment

Contributions Totalling \$75 Million  
(Thousands of Dollars)

Year	Beginning Balance	Deposit	Earnings	Inflation Proofing	Grants	Ending Balance
1992	0	25,000	2,250	1,000	1,250	26,000
1993	26,000	15,000	3,690	1,640	2,050	42,640
1994	42,640	5,000	4,288	1,906	2,382	49,546
1995	49,546	5,000	4,909	2,182	2,727	56,727
1996	56,727	5,000	5,555	2,469	3,086	64,197
1997	64,197	5,000	6,228	2,768	3,460	71,964
1998	71,964	5,000	6,927	3,079	3,848	80,043
1999	80,043	5,000	7,654	3,402	4,252	88,445
2000	88,445	5,000	8,410	3,738	4,672	97,182
2001	97,182	0	8,746	3,887	4,859	101,070
2002	101,070	0	9,096	4,043	5,053	105,113
2003	105,113	0	9,460	4,205	5,256	109,317
2004	109,317	0	9,839	4,373	5,466	113,690
2005	113,690	0	10,232	4,548	5,684	118,237
2006	118,237	0	10,641	4,729	5,912	122,967
2007	122,967	0	11,067	4,919	6,148	127,885
2008	127,885	0	11,510	5,115	6,394	133,001
2009	133,001	0	11,970	5,320	6,650	138,321
2010	138,321	0	12,449	5,533	6,916	143,854
2011	143,854	0	12,947	5,754	7,193	149,608
2012	149,608	0	13,465	5,984	7,480	155,592
2013	155,592	0	14,003	6,224	7,780	161,816
2014	161,816	0	14,563	6,473	8,091	168,289
2015	168,289	0	15,146	6,732	8,414	175,020
2016	175,020	0	15,752	7,001	8,751	182,021
2017	182,021	0	16,382	7,281	9,101	189,302
2018	189,302	0	17,037	7,572	9,465	196,874
2019	196,874	0	17,719	7,875	9,844	204,749
2020	204,749	0	18,427	8,190	10,237	212,939

Totals	75,000	310,362	137,939	172,423
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Assumes annual earnings of 9% and inflation of 4%.

**EVOS Marine Sciences Endowment**  
 Contributions Totalling \$100 Million  
 (Thousands of Dollars)

Year	Beginning Balance	Deposit	Earnings	Inflation Proofing	Grants	Ending Balance
1992	0	35,000	3,150	1,400	1,750	36,400
1993	36,400	25,000	5,526	2,456	3,070	63,856
1994	63,856	5,000	6,197	2,754	3,443	71,610
1995	71,610	5,000	6,895	3,064	3,831	79,675
1996	79,675	5,000	7,621	3,387	4,234	88,062
1997	88,062	5,000	8,376	3,722	4,653	96,784
1998	96,784	5,000	9,161	4,071	5,089	105,855
1999	105,855	5,000	9,977	4,434	5,543	115,290
2000	115,290	5,000	10,826	4,812	6,014	125,101
2001	125,101	5,000	11,709	5,204	6,505	135,305
2002	135,305	0	12,177	5,412	6,765	140,718
2003	140,718	0	12,665	5,629	7,036	146,346
2004	146,346	0	13,171	5,854	7,317	152,200
2005	152,200	0	13,698	6,088	7,610	158,288
2006	158,288	0	14,246	6,332	7,914	164,620
2007	164,620	0	14,816	6,585	8,231	171,204
2008	171,204	0	15,408	6,848	8,560	178,053
2009	178,053	0	16,025	7,122	8,903	185,175
2010	185,175	0	16,666	7,407	9,259	192,582
2011	192,582	0	17,332	7,703	9,629	200,285
2012	200,285	0	18,026	8,011	10,014	208,296
2013	208,296	0	18,747	8,332	10,415	216,628
2014	216,628	0	19,497	8,665	10,831	225,293
2015	225,293	0	20,276	9,012	11,265	234,305
2016	234,305	0	21,087	9,372	11,715	243,677
2017	243,677	0	21,931	9,747	12,184	253,424
2018	253,424	0	22,808	10,137	12,671	263,561
2019	263,561	0	23,721	10,542	13,178	274,104
2020	274,104	0	24,669	10,964	13,705	285,068
<b>Totals</b>		<b>100,000</b>	<b>416,403</b>	<b>185,068</b>	<b>231,335</b>	

Assumes annual earnings of 9% and inflation of 4%.

# Exxon Valdez Oil Spill Trustee Council

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