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REGULATIONS

40 CFR 1500-1502

Most important, NEPA documents must

- 1500.1(b) ...*concentrate on issues that are truly significant to the action in question, rather than amassing needless detail.*
- 1500.2(b) Implement procedures to make the NEPA process more useful to decisionmakers and the public; to reduce paperwork and the accumulation of extraneous background material; and to *emphasize real environmental issues* and alternatives.
- 1500.4(c) *Discussing only briefly issues other than significant ones.*
- 1500.4(g) Using the scoping process, not only to *identify significant environmental issues deserving of study, but also to deemphasize insignificant issues,* narrowing the scope of the environmental impact statement process accordingly.
- 1502.2(b) Impacts shall be discussed in proportion to their significance. There shall be *only brief discussion of other than significant issues.* When a finding of no significant impact, there should be only enough discussion to show why more study is not warranted.

SUMMARY

Focus on significant environmental issues related to the proposed action.

Discuss other issues briefly.

COMMON MISTAKES IN ADDRESSING ISSUES

- We identify issues then ignore them throughout the analysis.
- We try to address too many issues.
- We assume we know the issue instead of clarifying and determining the "real" issue.
- We confuse *issues, concerns, and opportunities* required for Forest Plan development with *environmental issues* required for NEPA.
- We have failed to focus our analysis on the significant issues that need to be addressed.
- We don't make the tie between the issues and the proposed action and purpose and need for the action.

STEPS IN ISSUE DEVELOPMENT

- 1 - Identify preliminary issues**
- 2 - Organize/group issues**
- 3 - Clarify issues**
- 4 - Identify significant issues**
- 5 - Identify units of measure**

Step 1:

IDENTIFY ISSUES

SOURCES OF ISSUES

- Issues, concerns, and opportunities identified in ~~Forest~~ Plans.
RESTORATION
- Issues identified for similar projects (past actions).
- Issues identified in plan to practices stage.
- Issues generated from compliance with laws or regulations.
- Current management (internal) concerns.
- Changes in public uses, attitudes, values, or perceptions.
- Issues raised by the public during scoping.
- Comments from other government agencies.
- Others

Step 2:

ORGANIZE/GROUP ISSUES

Organize and group issues:

- **COMMON RESOURCE** - water quality, visual quality, soil productivity, and wildlife habitat.
- **LINKED TO CAUSE-EFFECT RELATIONSHIPS** - increased erosion leads to increased sediment in streams which leads to increased sediments in spawning gravels. Three issues: (1) increased erosion, (2) increased sediment, (3) decreased spawning gravels are grouped.
- **COMMON GEOGRAPHY** - trash removal in a campground, and parking in the campground. Given that the campground is one geographic component of the proposed action.
- **LINKED TO THE SAME ACTION** - grouping issues associated with timber harvesting versus road construction versus site preparation.

ORGANIZE/GROUP ISSUES

ISSUES

ISSUE GROUP

- Timber harvesting and road construction creates sediment which may decrease fish populations.
- Sediment from timber harvesting and road construction may plug irrigation structures downstream from project.
- Sediment from proposed activities may increase costs of producing drinking water above what the county can afford.
- Increase in water yield caused by timber harvesting may disrupt channel stability.
- Creating openings with timber harvest may allow earlier melt-off of snow and change the timing of peak flows to non-critical periods.
- The project area is roadless and should be considered for wilderness designation.
- Hauling from the proposed sale will create dust in Glorious Heights subdivision.
- Proposed Activities will contribute to Global Warming.

Step 3:

CLARIFY ISSUES

Issue statements should be written:

- without bias
- to show conflicts or the problem between the proposal and some consequences (i.e. show cause-effect concerns)
- as specific as possible
- keep asking "why"

Go back to the source for clarification

Involve the Line Officer

TRUSTEE COUNCIL

Step 4:

IDENTIFY SIGNIFICANT ISSUES

Factors for identifying Significant Issues

- **EXTENT** - the geographic distribution of the issue.
- **DURATION** - the length of time the issue is likely to be of interest.
- **INTENSITY** - the level of interest or conflict generated by the issues.

Reasons for Not Considering ISSUES

- Issue is outside the scope of the proposed action
- Issue already decided (by law or ~~Forest Plan~~, etc.)
Settlement Agreement
- Issue is irrelevant to the decision
- Issue is not supported by scientific evidence
- Issue is limited in extent, duration, and intensity

Points to Remember

- Document reasons for dismissal
- *Trustee Council*
Get ~~line officer~~ concurrence on final list of issues
- Inform the public of final list of issues

Example . . .

Eliminating Issues from Detailed Study

ISSUES	ISSUE GROUP
- Timber harvesting and road construction creates sediment which may decrease fish populations.	Water Quality
- Sediment from timber harvesting and road construction may plug irrigation structures downstream from project.	Water Quality
- Sediment from proposed activities may increase costs of producing drinking water above what the county can afford.	Water Quality
- Increase in water yield caused by timber harvesting may disrupt channel stability.	Water Quantity
- Creating openings with timber harvest may allow earlier melt-off of snow and change the timing of peak flows to non-critical periods.	Water Quantity
- The project area is roadless and should be considered for wilderness designation.	Wilderness
- Hauling from the proposed sale will create dust in Glorious Heights subdivision.	Dust
- Proposed Activities will contribute to Global Warming.	Global Warming

Step 5:

IDENTIFY UNITS OF MEASURE

Select units of measure that are:

- Quantitative, where possible
- Measurable
- Predictable
- Responsive to the issue
- Linked to cause-effect relationships

SUMMARY

Five Steps for Issue Development:

- Identify preliminary issues
- Organize/group issues
- Clarify issues
- Identify significant issues
- Identify units of measure

Issue Statements Should be Written:

- Without bias
- To show conflicts
- As specifically as possible

Issue Measures Should be:

- Quantitative, where possible
- Measurable
- Predictable
- Responsive to the issue
- Linked to cause-effect relationships

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

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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. 2

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.] 3 4

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] 5
- [The imminent threat protection process used and negotiations begun immediately] 6

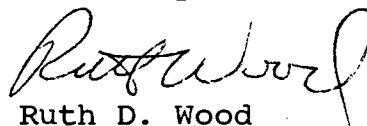
Finally, [the public advisory group should have a seat designated for each interest group.] Use me as an example. I am an environmentalist. I am not a fisherman, I have no interest in fishing, and I often have very different views than fishermen.

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 RWWB
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Mr. Dave Gibbons
Acting Administrative Director
Restoration Team
645 G Street
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May 29, 1992

Dave Gibbons
Acting Administrative Director
Restoration Team
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contains substantive comments 1-7.
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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

R. Leo

TELEGRAM & GAZETTE

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Dave Gibbons
Acting Administrative Director
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contains substantive comments 1-59.
107

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.

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,).] 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 6 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.

(1-5 below)
[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.

12 [We recommend an additional action to include archaeological site inventory work 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 program in Prince William Sound.

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Option 2. Intensify management of fish and shellfish.

The proposed ⁻²⁻option¹³ should be expanded to include the intensified management of fisheries habitat. ¹⁴[Habitat management of fish and shellfish] is an essential component in managing populations.

Option 3. [Increase management for fish and shellfish that previously did not require intensive management.] 15

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. [Reduce disturbance at marine bird colonies and marine mammal haul-out sites and rubbing beaches.] ↑ 16

The proposed actions should be expanded [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 [Forest Service should be an integral partner 17 in the development of any management plan that recommends changes in recreational use on the Chugach National Forest.] [Information required to 18 implement this option should include the evaluation of habitat capability in order to properly assess stock status in non-oiled systems.] Additionally, [alternative sport fishing locations need to be inventoried and assessed for 19 their recreational potential] and [possible adverse impacts on the fisheries.] 20

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

We agree that the possibility of [redesignating portions of the Chugach National Forest be considered. This should be addressed in the Chugach National Forest Plan Revision.] 21 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. This [option and proposed actions should include the Chugach National Forest.] 22 Currently the suggested actions include hiring and training additional staff, and providing interpretive services to educate the public about the spill. [We recommend that actions also include providing additional facilities and equipment for increased staff requirements.] 23

Option 8. Restrict or eliminate legal harvest of marine and terrestrial mammals and sea ducks. 920602079

24

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.

↑ 25

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

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

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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.

Comments on Restoration Options for Manipulation of Resources

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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 program in Prince William Sound.

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

33

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 administer 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

Option 22. Designate protected marine areas.

40
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 the designated habitats adjoin Forest Service lands.] 42

43
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

49
Option 29. Establish or extend buffer zones for nesting birds.

50 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

Comments on Restoration Options Listed as "Other Options"

Option 31. Develop a comprehensive monitoring program.

52
53 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

Option 32. Endow a fund to support restoration activities.

55
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:

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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.] 58
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,] 59 including the Alaska Fish and Wildlife Research Center (US Fish and Wildlife Service).

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Document ID Number

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Date: 4/2/72

Time: 5:15 PM

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

Organization: EXXON VALDEZ RESTORATION TEAM
ATTN: DAVID GIBBONS

No. of pages including cover sheet: 4

Message: Following are 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

Document ID Number

920602085

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

June 3, 1992

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 (PWSA) 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, PWSA was the primary non-government organization monitoring annual cleanup efforts. PWSA 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.]

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.

[Therefore Prince William Sound Conservation Alliance recommends that habitat protection be the priority of the Restoration Framework.]

5

[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.] 7 8 9

10 [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.] 11

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 12
13 [negotiations begin immediately, that acquisitions be given concurrent consideration in the restoration process] and [an imminent threat protection process be initiated.] 14

* 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. 15

* 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. 16

* 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. 17 18
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 seats for the identified interest groups.] 19

* ["Non-commercial" species need to be on an equal footing when being considered for a research or monitoring program.] 20


* [Roads, docks, airstrips, lodges, ferries, hatcheries, etc. are a completely inappropriate use of these monies.] 21

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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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May 24, 1992

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

contains substantive comment(s) 1-15.

per

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.] 1
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. 2 3 4
3a acquisition of
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.] 5 6
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. 7

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.

- 8 [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.] 9 10 11
- Also of importance is the restoration of archeological resources, especially in national parks. 12

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] 13

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

David A. Brunetti

P.S. Since restoration planning began, the public has strongly favored habitat protection and acquisition as the most meaningful form of restoration. Now, 3 years after the spill, not a penny has been spent to actually acquire threatened habitats. [This policy must change and it must change now.]

15

"of no apparent protection or acquisition"

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David A. Brunetti
102 Arthur's Way
Taunton, RI 02859

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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 murrelets (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.² This can best be done through habitat protection and acquisition and this³ 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, you can prevent⁴ 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.

⁵
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.

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
John Strassenburgh

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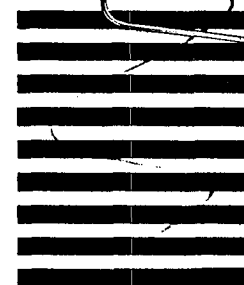
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FROM John Strassenburg
P O Box 100171
Anchorage AK 99510

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



TELECOPY INFORMATION

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

Telecopy Number: (202)778-2201

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

No. Pages 7 Including cover

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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

(For confirmation or assistance with problems, call 202/955-1611)

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)

*contains substantive comments 1-12
907*

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 funds 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.] 13

Potential Restoration Alternatives. [PSG strongly agrees that federal and state management authorities should use their 14 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 15 enforce the laws or redirect their programs.] For example, [we 16 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 17 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 18 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 19 logged for at least a decade.]

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

PSG wishes to highlight several potential restoration options that seem to be especially promising. [Increasing 26 wildlife management in parks and refuges (Option 7) would be very useful for marine birds.] [The U.S. Fish & Wildlife Service (FWS), 27 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) 28 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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[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.

[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

4(

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.]

restoration 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.

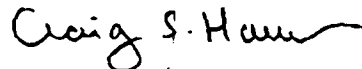
III. 1993 Work Plan

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 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

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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:

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

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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 funds 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 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 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.

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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.

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.

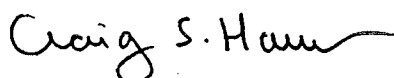
III. 1993 Work Plan

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*
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**



L 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.

My closed contribution is \$ _____

Name _____

Address _____

Mail to:
The Pacific Seabird Group

Ellen Chu
334 Champagne Point Road
Birkland, WA 98034

Keep this portion for your tax records
Contribution to:
Pacific Seabird Group, Inc.

Check No. _____

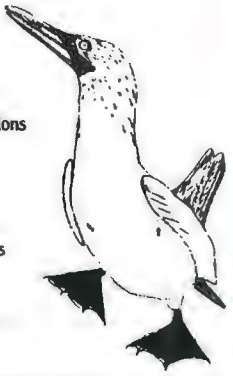
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The Pacific Seabird Group is a scientific, non-profit, non-governmental, conservation organization. Contributions are fully tax deductible under the Internal Revenue Code 501 (c) (3).

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, 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 longlived 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.

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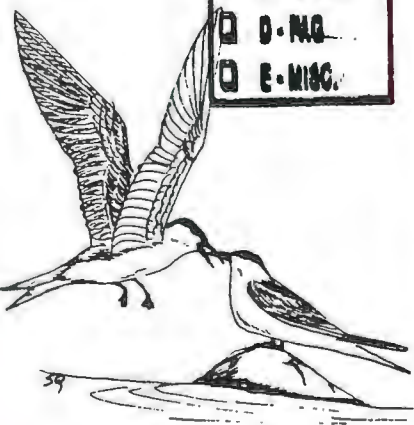
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Pacific Seabird Group



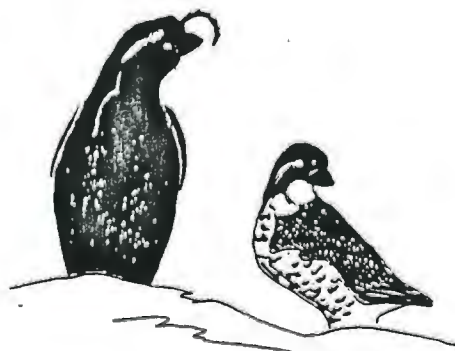
Dedicated to the study and conservation of Pacific seabirds & their environment

What is the Pacific Seabird Group?

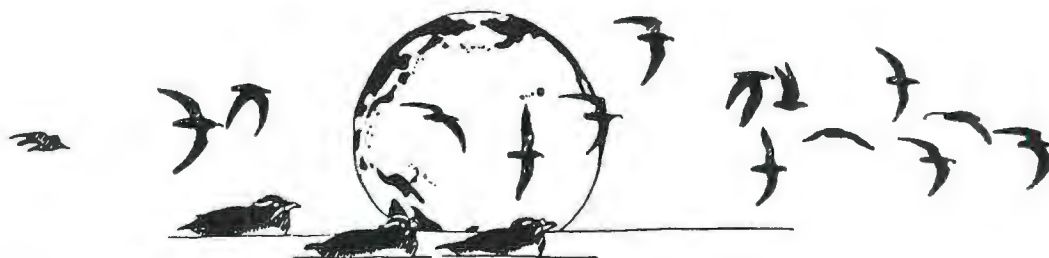
THE PACIFIC SEABIRD GROUP, INC. is a scientific, non-profit organization dedicated to the study and conservation of seabirds and their environment. PSG was formed in 1972 out of a need for better communication among seabird researchers, through research supported by a variety of agencies and organizations, 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 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.



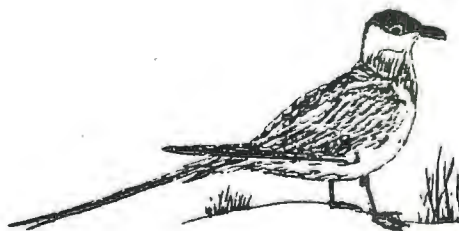
Pacific Seabird Group



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 Nino 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 Bird Group (United Kingdom).

SHOREBIRDS IN MARINE ENVIRONMENTS.

A collection of 25 papers by 39 authors resulting from 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 members.

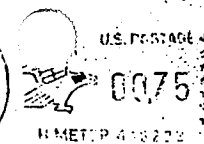
TROPICAL SEABIRD BIOLOGY.

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 Schreiber and published by the Cooper Ornithological Society as Number 8 in Studies in Avian Biology series. 114 pp. Available to members at reduced cost.



Craig S. Harrison
3731 North 6th Road
Arlington, Virginia 22203

JUN 08 REC'D



FIRST CLASS MAIL



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



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Reply to: 1900

Date: June 3, 1992

Exxon Valdez Oil Spill Trustee Council
645 "G" Street
Anchorage, AK 99501contains substantive
comments - 1-28Attn: 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

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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. 6

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. 7 8 9

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. 10 11 12

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. 13 14 15

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. 16 17 18





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. 19 20

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. 21

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. 22 23

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. 24 25 26

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. 27

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) 28

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

Sincerely,

Donald G. Zee
for BRUCE VAN ZEE
Forest Supervisor



United States
Department of
Agriculture

Forest
Service

Chugach
National
Forest

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

Document ID Number

920604100

- ☐ A-92 WPWG
- ☐ B-93 WPWG
- ☒ C-RPWG
- ☐ D-PAG
- ☐ E-MISC.

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.

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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containing substantive comments 1-9
921

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

Document ID Number
920608194
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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

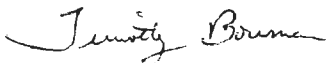
1. [The best and proper use of restoration money should be habitat acquisition.] Although I believe that this should be a primary use of the settlement funds, [it should not be done at the exclusion of 2 other important actions, such as long term monitoring of affected wildlife and habitat.] The [Exxon Valdez oil spill has emphasized the need for baseline data, and we should be prepared for other oil 3 spills or other catastrophes.]
2. [Certain activities are completely inappropriate for the intended purposes of Restoration money. These include the 4 construction of roads, ferries, docks, airstrips, and hatcheries.]

Specific Comments

1. Option 34 (Establish a Marine Environmental Institute). [I support this concept, but urge that funding be directed to improve 5 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,

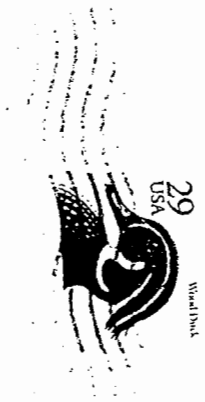
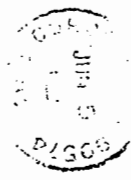

Timothy D. Bowman

Tim Beaman
Box 768
Cordova, AK 99574

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





June 8, 1992

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

Document ID Number
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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.



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EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
RESTORATION PROJECTS

4

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[Title: Kodiak National Wildlife Refuge Habitat Acquisition]

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

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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
99501

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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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9/21

COMMENTS
OF
THE NATURAL RESOURCES DEFENSE COUNCIL
ON

THE RESTORATION FRAMEWORK
FOR THE EXXON VALDEZ OIL SPILL

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June 4, 1992

Prepared by:

Sarah Chasis
Senior Attorney

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Fax 808 521-6841

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.

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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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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.

¹²
[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.] [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.]

14

To make the public advisory committee effective, [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.] [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.]

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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, [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.] The [potential for natural recovery should not be used as an excuse for no action.]

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CHAPTER V (PROPOSED INJURY CRITERIA)

²⁰
[The definition of injury to natural resources is too constrained.] 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.] 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.] [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.]

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Similarly, [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)

26

[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

JUN 09 REC'D



PLEASE
DELIVER
FAX TO:

Dave Gibbons

ORGANIZATION:

Exxon Valdez, Restoration Framework

200 Comments

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FROM:

Sarah Chastis

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

IF THERE ARE PROBLEMS WITH THIS TRANSMISSION

PLEASE CONTACT:

Ashley McLain

AT (212) 727-

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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
any questions, at (212) 727-4424.

Thank you,

Ashley McLean
Assistant Counsel
40 West 20th Street
New York, New York 10011
212 727-2700
FAX 212 727-1773

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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

JUN 09 REC'D

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JUN 08 REC'D

NY
00

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

*The Duke Gilpin's
Exxon Valdez Oil Spill Trustee
645 "G" Street Council
Anchorage, AK 99501*

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Substantive comments 1-6
927

Document ID Number	
920605127	
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PO Box 905
Sana, 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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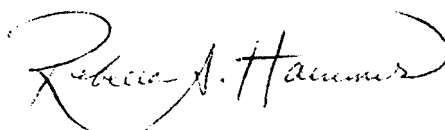
before they are even considered, the imminent threat protection process should be used. Begin negotiating NOW.]

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 wildness.

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

Sincerely,



Rebecca A. Hammer

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

Rebecca Hammer
PO Box 905
Sana, Alaska 99586

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



JUN 05 REC'D

ADLER, JAMESON & CLARAVAL

ATTORNEYS AT LAW

500 L STREET, SUITE 502

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CORDOVA, ALASKA 99574

TEL: (907) 424-7410

FAX: (907) 424-7454

VIA FACSIMILE - 276-7178

contains sub structure comment 1-11
103

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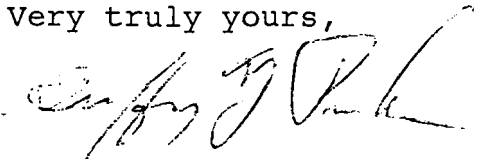
Exxon Valdez Oil Spill Trustee Council
June 4, 1992
Page Two

[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.]

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Very truly yours,



Geoffrey Y. Parker

GYP:slt

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ADLER, JAMESON & CLARAVALL

ATTORNEYS AT LAW

500 I. 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

ADLER, JAMESON & CLARVAL

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CORDOVA, ALASKA 99574

TEL: (907) 424-7410
FAX: (907) 424-7454

*Done
see duplicate*

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.

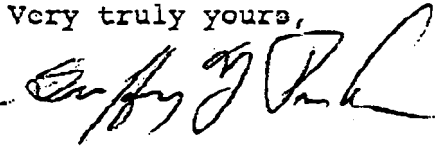
With respect to the Framework document the Alaska Sport Fishing Association and Trout Unlimited support the second (non-hierarchical) method of deciding among restoration options. We think it will generally be most useful to pursue land acquisition for replacement of services rather than other options.

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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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EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
FORMAT FOR IDEAS FOR RESTORATION PROJECTS

Document ID Number

920605136

☐ A-92 WPWG

☒ B-93 WPWG

☐ C-RPWG

☐ D-PAG

☐ E-MISC.

Title of Project:

can law substitute comments 1-6
921

Justification: (Link to Injured Resource or Service)

Description of Project: (e.g. goal(s), objectives, location, rationale, and technical approach)

[Find the most pristine areas of Alaska that are the richest in wildlife +

Leave them the Hell Alone.] 1

No rape or trapping

No walking - No entering.

[No Nothing.] 2

[Not like reserves where we arial hunt trap hunt kill + maine.] 3

4 [Not like parks where it is for human use priority. Toilets 3 wheelers]

[A whole new approach - Let Ma Nature live]. 5

What a unique idea. Probably too advanced for your understanding or total comprehension. Ten 100, thousand dollar fine to enter an property 5 year jail.

Estimated Duration of Project: life of planet. 1

Estimated Cost per Year: 3 Donated signs for posting

Other Comments: [Try another unique idea. let Defenders of Wildlife, Wilderness Soc. + Earth First manage the land for free.] 6
Take all gov't agencies off the trustee council.

Name, Address, Telephone:

LINDA FEILER

Box 148

ANCHOR PT. AK. 99556

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.

fold here



Exxon Valdez Trustee Council
645 G St.
Anchorage, Alaska 99501

Attn: 1993 Work Plan

Document ID Number	
920605136	
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JUN 05 REC'D

COMMENTS

You are invited to share your ideas and comments with the Trustee Council. Please use this tear sheet to present your views on the Restoration Framework. You may send additional comments by letter or participate in a public meeting on the 1992 Work Plan and Restoration Framework.

- ☐ A-92 WPWG
☒ B-93 WPWG
☒ C-RPWG
☐ D-PAG
☐ E-MISC.

- 1 - Habitat Protection & Acquisition should be given
priority use of settlement funds This should include 2
direct land purchase, timber rights & conservation easements
- 3 - Habitat acquisition should be given concurrent
consideration It is the most pressing need in view
of the long term & chronic contamination of spill area
Habitat, particularly inter-tidal 4
- 5 - Imminent threat protection process should be used
& the negotiation processes begun immediately before 5
critical lands are logged or developed
- 6 - Wilderness qualities must be protected 6
- 7 - Restoration process must begin immediately with
funds made available now - Not locked up in an on-
slow ment, except for possibly a very small percentage 8
for future wildlife monitoring programs
- 9 - Construction projects i.e. roads are inappropriate use
of funds 9
- 10 - All species should be given equal consideration in a comprehensive
monitoring program 10

If needed, use the space on the back or attach additional sheets. Please fold, staple, and add a postage stamp. Thank you for your interest and participation.

Additional Comments:

[At least 80% of settlement funds should be used for Habitat Acquisition] to compensate for the massive losses of resources & to prevent further natural resource damage.

Document ID Number

920605121

- ☐ A-92 WPWG
- ☒ B-93 WPWG
- ☒ C-RPWG
- ☐ D-PAG
- ☐ E-MISC.

Return Address:

Joe Scott

233 WEAVER Rd.

BAINBRIDGE IS, WA.

98110



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

Attn: Restoration Framework

Document ID Number

920605121

- ☐ A-92 WPWG
- ☒ B-93 WPWG
- ☒ C-RPWG
- ☐ D-PAG
- ☐ E-MISC.

JUN 92

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

FORMAT FOR IDEAS FOR RESTORATION PROJECTS

920528049

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Title of Project: Do Nothing

Restoration
framework

Justification: (Link to Injured Resource or Service) Stop interfering with Nature

Description of Project: (e.g. goal(s), objectives, location, rationale, and technical approach)

let nature take its course.

man, too often, interferes.

Estimated Duration of Project: 3 years

Estimated Cost per Year: \$0

Other Comments:

Name, Address, Telephone:

G. H. HOLLIDAY
PO Box 1088
TOMBALL, TX 77377
713-357-7691

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.

*Comments was submitted at public meeting - may have
been sent in as well.*

*contains substantial comments 1-8
9/87*

CITY OF VALDEZ, ALASKA

RESOLUTION NO. 92-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALDEZ,
ALASKA, REGARDING THE EXPENDITURE OF FUNDS UNDER HOUSE
BILL 411 FROM THE EXXON CRIMINAL PLEA AGREEMENT

WHEREAS, under the criminal plea agreement between the United States and Exxon Shipping Company and Exxon Corporation, the State of Alaska received \$50,000,000 "for restoration projects, within the State of Alaska, relating to the Exxon Valdez oil spill"; and

WHEREAS, restoration includes "replacement and enhancement of affected resources, acquisition of equivalent resources and services, and long-term environmental monitoring and research programs directed to prevention, containment, cleanup and amelioration of oil spills"; and

WHEREAS, legislation has been introduced in the Alaska House of Representatives in the form of House Bill 411; and

WHEREAS, the present form of House Bill 411 is CS for House Bill 411 (Resources) offered 3/20/92; and

WHEREAS, this bill allocates funds, in large part, for "the acquisition of land, development rights in land, including timber rights, or moratoria on timber harvesting" from many willing private sellers; and

WHEREAS, a great number of these land purchases are in areas that were not severely damaged or dramatically impacted by the release of oil from the Exxon Valdez; and

WHEREAS, the use of these funds to buy back private property runs counter to the public policy effort over the last twenty-five years to place more property into private ownership where it can be developed; and

WHEREAS, expenditures from the Exxon criminal plea agreement should bear a greater relationship to the areas, primarily in Prince William Sound, which were impacted by the release of oil from the Exxon Valdez and continue to be the area of highest risk for future oil spills from the Trans-Alaska Pipeline System trade.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, that

Section 1: ¹ Funding under HB 411 be allocated based on a relationship between the area of impact from the Exxon Valdez oil spill and the risk analysis for potential oil spills.

Section 2: ² More funding emphasis in HB 411 shall be placed on "long-term environmental monitoring and research programs directed to the prevention, ³ containment, ⁴ cleanup and amelioration of oil spills" in those areas identified as being in areas of highest risk for future oil spills. include underline in all substantive statements

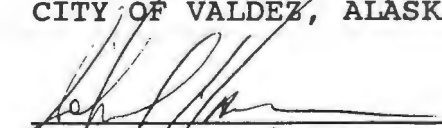
Section 3: ⁵ Restoration projects be scientifically based so that human intervention to restore areas affected by the Exxon Valdez oil spill provide overall benefit for the environment.

Section 4: ⁶ Timber purchases should be clearly linked to environmental degradation directly caused by the Exxon Valdez oil spill and the price paid for timber rights shall be objectively determined. ⁷ The total economic impact of taking developable land out of private ownership and restricting its use under public control should be given greater consideration. ⁸ The overall scope of the timber buy backs shall not constitute the expenditure of more than one-third of the fine of the criminal plea agreement.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, this 20th day of April, 1992.

Com #	Top/op	Issue
1	50	1020

CITY OF VALDEZ, ALASKA


John L. Harris, Mayor

ATTEST:


Jeanne D. Donald, City Clerk

Com #	Top/op	Issue
2		

Com #	Top/op	Issue
3	86	3600

Do not code
as 1992. Should be
Restoration Framework

National Parks

PO Box 202045
Anchorage, AK 99520
June 3, 1992

contains subcommittee comments 1-24
924

Dave Gibbons, Acting Administrative Director
Restoration Team
Exxon Valdez Oil Spill Trustees
645 G Street
Anchorage, AK 99501

Re: Volume 1
Restoration Framework

Dear Mr. Gibbons,

I am writing on behalf of the National Parks and Conservation Association (NPCA), America's only national, non-profit citizens organization that focuses on park concerns. [Our over 285,000 members nationally, including over 2,300 in Alaska, promote the protection, preservation and public understanding of our Nation's national park system through diverse activities.] NPCA appreciates this opportunity to comment.

NPCA notes that the long-promised studies were not released until Monday, June 1st. Scoping comments for this document are due Thursday, June 4th. The Exxon-Valdez oil spill touched lands and waters belonging to all Americans. Yet, [the actions of the Trustees regarding the studies precludes nearly all living outside of Alaska from reviewing public information.] [Certainly such a short timeline makes it nearly impossible for those in Alaska to review these newly released studies before the comment deadline.] The continued withholding of economic studies keeps the public from understanding. How is the public to offer informed comments about their resources? [This withholding of information, printing few copies of documents and short timelines need to stop; the public expects to participate fully and with full information in the decision making process for restoration of their damaged resources.]

[The impacted resources need to recover now and need protection from further damage.] [The remaining oil would be difficult, impractical and in some cases, more damaging to remove.] NPCA recommends that very little money and effort be allocated for this purpose. The [Chenega Bay Local Response Program is one exception; the people of

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Chenega Bay need to continue working on their beaches, some of the 7
worst remaining with oil.]

[NPCA recommends that habitat protection and acquisition be given 8
concurrent consideration in the restoration process.] Some of the
birds most harmed by the oil spill, the bald eagles, harlequin
ducks, murres and marbled murrelets, require pristine riparian and
upland, old-growth forests for nesting. That same habitat is
crucial for other species damaged, including brown bears and river
otters. Commercial and sport fish species require pristine water
quality and protected watersheds. Clearcut logging, mineral
extractive activities and resort or subdivision development
threaten this habitat and water quality throughout the Sound and
beyond.

10 [Habitat protection and acquisition includes the purchase of land] 9
[conservation easements] and [timber/mineral rights acquisition.] 11
Intact ecosystems (including intact forests) provide permanent jobs
in commercial and sport fishing, tourism, recreation and
subsistence and resources management. Logging and other extractive
activities perpetuate a boom-bust economy, not strong, sustainable
local economies. Habitat protection and acquisition provides our
best option for protecting wildlife, marine life, wilderness areas
and archeological resources from further damage.

[NPCA recommends that at least 80% of the settlement funds be used 12
for habitat protection and acquisition to prevent further and
future damages and to compensate for lost resources and services on
an equivalent resource basis.]

[The imminent threat protection process needs to begin immediately.] 13
NPCA understood that part of the intent of the settlement was to
begin the restoration process as soon as possible instead of
possibly waiting through several years of litigation. Now, three
years after the oil spill, it is clearly time to begin habitat
protection and acquisition.

[NPCA does not support funding construction projects, additional 14
hatcheries, docks, roads and other built projects with settlement
monies.] [Nor does NPCA support tucking away funds in an endowment 15
fund that would be unavailable for imminent threats or could be
available for built projects.] The settlement funds are for
restoration of natural resources, the definition of which does not
include built developments.

[NPCA supports the use of management options/activities after 16
habitat protection and acquisition has been considered.] The
Trustees have already indicated their bias for management decisions
over habitat protection and acquisition with their funding

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decisions in the Volume 11 Draft Work Plan document. Management activities offer less protection. In some cases, [the changing of a land designation classification or intensive management of a particular human activity or wildlife species may be sufficient.] 17

[Since the information and data from ALL research and studies are not yet available and have yet to be evaluated and cross-referenced, it is nearly impossible to know what is in need of continued study. While funding may be needed, NPCA cannot recommend that much funding be allocated for studies until complete information is readily and easily available to the public.] 18

[NPCA has repeatedly expressed support for assessment and restoration of archeological/cultural resources.] While secrecy remains important for protection of these resources, [the Trustees cannot continue to ignore the imminent threats to these nationally important resources.] [Evaluation teams should in out now recovering all data and information that can be still recovered. Plans are needed now for the protection and public understanding of these sites.] 19 20 21

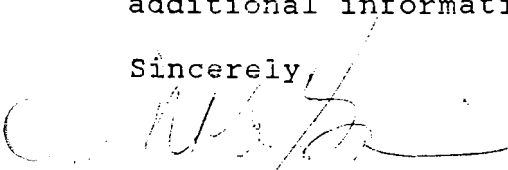
[NPCA reminds the Trustees that monitoring programs need to give equal consideration to all species and those intrinsic values such as wilderness, not just studies of commercial fish.] 22

[NPCA recommends that the public advisory group be structured in such a way as to make those appointed accountable to those interests they represent.] Group members would then more likely represent a particular interested public. 23

Finally, [NPCA strongly recommends that the Trustees allocate part of the settlement monies to educate the public about the oil spill impacted waters and coastlines.] The public needs to understand what happened and what can be done to help with the recovery. The fragility of the recovering environment needs protection from unknowing humans who would walk, boat, fish, hunt or hike at the wrong time in the wrong place. Both the State of Alaska and Exxon Corporation spent monies promoting how clean and unspoiled the oil impacted areas were and are. The public needs to know the truth - that some areas are recovering well, that some species may not recover, that some resources are damaged beyond restoration. 24

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

Sincerely,


Mary Grisco
Alaska Regional Director

National Parks

Mary Grisco
NPCA
P. O. Box 202045
Anchorage, AK 99520

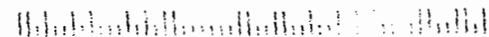


Dave Gibbons, Acting Administrative Director
Restoration Team

Exxon Valdez Oil Spill Trustees
645 G Street
Anchorage, AK 99501

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JUN 04 REC'D



Nancy Bird

Writer/Photographer

P.O. Box 1185 Cordova, Alaska 99574 U.S.A.
Telephone (907) 424-7466

June 3, 1992

*contains substantive comments 1-15
927*

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

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Dear Mr. Gibbons:

I am writing in response to the Restoration Framework Vol. I document. I appreciate the opportunity to comment and the Restoration Team's efforts to draft a framework for the decision-making process over the next nine years.

My feelings regarding restoration and clean-up activities are similar today to my reaction within weeks of the spill -- there is no way we can "restore" or fix those beaches and waters fouled by the oil to their "pre-spill condition." [Much of the \$2 billion plus spent on clean-up was wasted and may actually have done more harm than good. I do not want to see the same waste occur in the "restoration" process.]

I continue to believe the most beneficial use of settlement monies are for 1) habitat protection and acquisition that will "replace or substitute for the injured, lost or destroyed resources and affected services"; 2) continued research activities that will help us learn from this spill; and 3) a concerted environmental monitoring program for the region that will ensure we have the baseline data necessary to better understand the ecosystems' interdependencies.]

With specific regard to the Framework document,

- * [I do not support the hierarchical approach shown in Figure 6 on page 50 of that document. Habitat acquisition should be given concurrent consideration in the restoration process.]
- * [The imminent threat protection process should be used; otherwise, critical forest lands will be logged before they are considered for protection or acquisition. Negotiations should already be well underway.]
- * [Habitat protection and acquisition, including purchase of land, conservation easements and timber rights in perpetuity are the most effective means of restoration and should receive

priority use of settlement funds.]

* [A monitoring program should not be dominated by studies of commercially valuable species. It 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.] 8

* [There is no discussion of the inability to measure or assess injury to some resources. It should be recognized that we will be unable to quantify the damage in some areas.] 9

* [Restoration of archaeological resources, especially in national parks, is important.] 10

[With respect to the proposed alternatives A-E listed on pages 47-50 of the Framework document, I strongly support D and E -- habitat protection and acquisition and acquisition of equivalent resources.] 11

[I do not dismiss the options focusing on management of human uses and manipulation of resources, but suspect that their cost-effectiveness is less beneficial in the long-term than those focusing on habitat protection and acquisition.] 12

[I would like to know why the January 1992 proposal made to the Trustee Council by the Eyak and Sherstone Corporations is not included in the options listed at the back of the Framework document. Those options given are rather generic and do not respond to all of the issues and concerns listed on page 16.] 13

[I am pleased that the Restoration Team has drafted a section titled "Habitat Protection and Acquisition Process" that is to become part of the Framework document.] I only received this when I attended a public meeting with two members of the Restoration Team held in Cordova about two weeks ago. [I have only had an opportunity to quickly review this section. My quick perusal leaves me thinking some good questions are raised regarding implementation of a habitat acquisition process. However, the flow charts particularly are difficult to follow and it concerns me that a weighty bureaucracy is in the making.] 14
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Respectfully,

Nancy Bird

Nancy Bird

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Sierra Club

Alaska Field Office

241 E. Fifth Avenue, Suite 205, Anchorage, Alaska 99501

(907) 276-4048 • FAX (907) 258-6807



JUN 6 - RECD

June 4, 1992

contains Substantive comments 1-56
X7

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

RE: Comments on the Restoration Framework

Gentlemen:

The Sierra Club appreciates this opportunity to comment on the Restoration Framework. The Sierra Club is a private, non-profit environmental advocacy and education organization with approximately 580,000 members, of whom nearly 2,000 live in Alaska. Many of our members both in and outside Alaska use and enjoy Prince William Sound and the Gulf of Alaska.

We appreciate the fact that the scientific research conducted by the federal and state governments is now open to the public, and that at least some of the documents have been made physically available a few days ago. [However, as additional information becomes available over time, the restoration plan should not preclude future opportunities to restore or protect resources or services which may have suffered more damage than is currently understood.] [We continue to object to the state and federal government's failure to release the economic studies of the damages.]

General comments:

Restoration and recovery: [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

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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.]

Ecosystems: The options considered in the draft Restoration Framework indicate a narrow view of resources in terms of commercially valuable or charismatic species. In fact, the most valuable of the damaged resources were entire ecosystems. [Restoration plans should be designed to restore and maintain the health of the ecosystems.] The full range of species and their interactions should be restored and protected, including species which are not commercially valuable. [Some of the options listed under "Management of Human Uses" and "Manipulation of Resources" are designed to restore only a single species. These should not be undertaken if they damage other species in the ecosystem.] [The Restoration Framework fails to recognize the importance of the coastal forest ecosystem, including old growth forest, to a number of damaged species.]

Habitat acquisition and protection: [The Sierra Club supports habitat acquisition and protection as being, in general, the best method of restoration.] It restores and maintains the broadest range of damaged resources and services it provides the most long lasting results. [Habitat acquisition and protection includes purchase of fee simple title, conservation easements, timber rights, or moratoria, from willing sellers.]

[Habitat acquisition has been overwhelmingly supported in public testimony before the Trustee Council. It provides long term economic benefits to a broad range of sustainable Alaskan industries, including commercial fishing, sport fishing, sport hunting, recreation, tourism, Native corporations, and subsistence -- all of which provide for long term economic health.] By contrast, [jobs which might be created by logging would be short term and would damage the sustainable industries.]

Unfortunately, it appears that federal and state agencies have already spent or committed nearly one third of the civil settlement on scientific studies and on reimbursing Exxon for clean-up costs, and they have not yet begun the restoration. [The Sierra Club supports the use of at least 80% of the restoration funds on habitat acquisition and protection.]

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Interim habitat acquisition: [The Restoration Framework should provide a method for acquiring and/or protecting habitat on a fast track, using the imminent threat protection process.] Some areas will clearly be high priorities for acquisition, and a great deal of study before acquisition is not necessary. [Also, it is essential that the Trustees demonstrate to the private owners that habitat acquisition is a viable option.] Owners need to be able to consider this possibility in their long term plans.

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Logging moratorium: [There should be a moratorium on logging in the Prince William Sound portion of Chugach National Forest until the Sound has recovered.] Logging in the area would cause significant adverse impacts to numerous species damaged in the oil spill, as well as to recreation, tourism, subsistence, commercial fishing and sport fishing and hunting. The commercial value of timber in the Prince William Sound portion of Chugach National Forest is low, and logging requires continuous taxpayer subsidies.

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Area affected by the oil spill: There is no scientific or legal reason to limit restoration to the damaged marine and tidelands environment, nor to the general coastal area between Cordova and Kodiak. Some of the species which were damaged use upland habitat during at least part of their life cycles (including salmon, cutthroat trout, bald eagles, harlequin ducks, marbled murrelets, and river otters). Some (particularly loons) migrate great distances. [All of the damaged species occur in other parts of Alaska, and restoration of their populations could occur by protecting them in these other areas.] Alaskans throughout the state suffered lost services, which can be restored through protection of these services elsewhere in the State. Finally, the settlement specifically allows restoration even outside Alaska, so restoration is clearly legally justified in other parts of the State.

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Specific Comments:

Chapter 1, p. 1, "Proposed Action": The first sentence reads, "The Trustees propose to restore natural resources and natural resources services in the areas affected by the Exxon Valdez oil spill to their pre-spill condition." [This should be changed to, "The Trustees propose to restore and protect natural resources and natural resources services affected by the Exxon Valdez oil spill."] ["Areas affected by the ... spill" is a misleading term, because restoration is allowed and may be appropriate outside the immediate spill area.] Also, there is no

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[No reason to stop restoration actions once a particular resource or service is judged to be returned to a pre-spill level.] 22

Chapter 1, p. 2, "Background," 1st paragraph: [In the second to the last sentence, which lists areas that were oiled, add Kachemak Bay State Park and Kachemak Bay State Wilderness Park.] 23

Chapter II, p. 13, "Public Advisory Group": [Each of the named interest groups should have a specific seat on the Public Advisory Group; one person should not be designated to represent more than one of these interest groups.] [The representatives should be chosen by the organizations in the interest group, rather than by the Trustees.] [If the Trustees reject a Public Advisory Group recommendation, they should justify their reasons with written findings of fact.] [The Public Advisory Group should have at least one full time staff member, and its staff should be allowed to attend meetings the of the Restoration Team and the Restoration Planning Work Group.] 24
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Chapter IV, "Summary of Injury": [There should be some discussion of resources that might have been damaged but which were not studied.] [For example, some Alaskans who have spent many years in Prince William Sound have testified that they see far fewer harbor porpoises and Dall porpoises,] but these species were not studied. 28
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Chapter V, p. 41, "Recovery Concept," 2nd paragraph: "If it appears that recovery will be nearly complete before the benefits of a restoration study or project can be realized, then the Trustees may determine that spending restoration dollars is not justified." [There is no justification for ignoring the damage to a resource or service, just because some people judge that it ultimately has or will recover to pre-spill condition or population size.] The time lost is irretrievable, and the suffering cannot be compensated. [The Trustees should take steps to ensure that the resource is maintained -- that is, protected from future damages. Protection of the ecosystems should be enhanced.] 30
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Chapter VI, p. 43-44, "Evaluation of Restoration Options": [Add another "bullet" -- "Degree to which proposed action minimizes further impact on a damaged resource or service."] 32

Chapter VII, p. 47-49, "Possible Restoration Alternatives (Also Executive Summary, p. iv-v, Restoration Alternatives and Options): [With a goal as large and complex as restoration of the 33

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oil spill, no single approach is appropriate.] Under the list of options A to F, the deck is stacked in favor of F, the "Combination Alternatives," which is so vague as to be meaningless. [Except for A ("no action"), all the alternatives should be "combinations," but they should have different degrees of emphasis on the different restoration approaches.] 34

Section D, ["Habitat Protection and Acquisition," 3rd line: add "and services" to read "prevent further damage to resources and services injured...."] [Add additional bullets: "protect or acquire forests and watersheds (Option 25)"] and ["acquire 'inholdings' within parks and refuges (Option 24)."] 35
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Section E, ["Acquisition of Equivalent Resources": Add language to make it clear that the restoration actions outside the oil spill area are allowable and may be appropriate.] 38

Chapter VII, p. 50-51, Figures 6 & 7, "Possible conceptual approach to the analysis of restoration options": Figure 6 presents a hierarchical approach to the options with habitat acquisition as the choice of last resort. Figure 7 presents a non-hierarchical approach, with various types of options considered on an equal level. [There should be a Figure 8, which would be a hierarchical approach with habitat acquisition at the top.] In fact, [habitat acquisition and protection should be at the top of the hierarchy of options because it would restore and protect the largest number of resources and services and because it would provide for the most long lasting restoration and maintenance.] In addition, public testimony has overwhelmingly endorsed habitat acquisition and protection as the best use for most of the restoration funds. [The approach in Figure 6 should not even be considered as there is no scientific, or legal justification for it and it is contrary to public testimony.] 39
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In both Figures 6 & 7, an "adequate" rate and degree of recovery would lead to "no further action." This is a mistake because it does nothing to ensure that the resources and services are maintained. [While restoration priority might be given to resources and services which are slowest to recover, recovery should not preclude restoration and maintenance actions.] 42

Appendix B: [Nearly all of the options may be appropriate in some particular cases or at some level; the question is when and how much.] [Some options which are particularly helpful and appropriate are 4, 6, 17, and 20 - 25, especially 23, 24, and 25.] 43
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Some other options have associated dangers and problems. [It is vitally important that restoration funds not be used to expand or replace agency budgets for activities they otherwise would or should support through general funds.] Most of the options under 45

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"Management of Human Uses" and "Manipulation of Resources" could easily be misused in this way. [Also, some of these options would restore certain species important to commercial or sport users, possibly at the expense of other species (including Options 11, 15, 18).] Wild salmon, not hatchery salmon, were damaged by the spill. [Restoration projects should not enhance hatchery salmon at the expense of wild salmon.]

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[Restoration plans should consider the health of the entire ecosystem.] [For example, Option 12, "creation of new recreation facilities" should be used only if it decreases rather than increases negative impacts on the ecosystem.] [It should not be used if it compromises wilderness or recreational values.] [Option 32, the endowment, could prevent effective restoration by locking up necessary funds when the need and opportunities for restoration are greatest.] [If there is to be any endowment, it should be relatively small.] [Option 34, the Marine environmental Institute could be extremely costly for relatively little benefit. It would be better for an independent board of scientists to distribute funds among existing institutions for specific purposes.]

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Option 6, p. B-11, "Redesignate a Portion of the Chugach National Forest as a National Recreation Area or Wilderness Area": Wilderness is itself a service that was severely damaged by the oil spill. It is a service that is of benefit to recreationists, the tourism industry, and subsistence users. [The plan should address the protection and restoration of wilderness values, including replacement of lost wilderness values.]

54

Option 25, p. B-30, "Protect or Acquire Upland Forests and Watersheds": [Under "Background and Justification," the species list should be expanded as follows -- "Populations of salmonids, harlequin ducks, marbled murrelets, cutthroat trout, river otters, and bald eagles."] [Under "Action," the first bullet should be amended to remove "adjacent to anadromous streams." Other kinds of upland areas provide valuable habitat to some injured species.]

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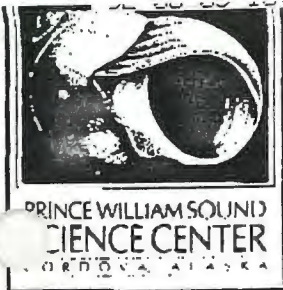
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Sincerely,

Pamela Brodie

Pamela Brodie
Associate Alaska Representative

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June 4, 1992

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

*contains substantive comment 1-11
9/1/92*

Dear Dave:

I'm sorry that I only have enough time to make a few brief comments on the Restoration Framework Vol. 1 document.

[I feel that the framework is much too inflexible.] To require "evidence of injury" presumes that the damage assessment program was comprehensive and that researchers had a uniform ability to detect injury. In contrast, the program only assessed a limited number of single species of which the detection of injury was limited to those which were the best to measure.

[I recommend restructuring the conceptual approach and decision-making process to acknowledge the amount of uncertainty in the process (Figure 1).] By all means, [the restoration phase should not be limited by the inability to detect impacts.] Unless groups such as the Trustees recognize and admit to the incredible amount of imprecision and inaccuracy of the methods used for assessment, the same measurement limitations will exist during the next catastrophe. Even more tragic is that research and development of new tools will be denied an opportunity to improve the process, and the present inefficiencies of management with low quality data will continue take an unknown toll. [I recommend that the Trustees point out the need for development and deployment of new technology to improve the ability to measure model parameters and build testable models.] This position on measurement is collaborated in the National Science Foundations GLOBEC reports (1991).

[The Trustee's recognition of current measurement and model limitations will establish precedent for addressing the "real" problem. There are few aquatic biologists that will say that they don't need better technology and training on how to improve measurement and incorporate the new information into improving predictions.] Even if the Trustees do not fund the research and development to improve measurement and predictive capabilities in the field of aquatic

ecology, management and the protection of natural resources, their statements will be of great importance justifying proposals to other sources of funding.

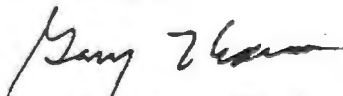
Many believe that the damage caused by impact of an environmental catastrophe, such as an oil spill, is convoluted by the compensatory mechanisms of the biological assemblage. Thus, outside of those species that suffer direct mortality and can be directly counted, the rest of the impact is spread out, and probably often below our present ability to detect injury on the species level. Personally, I see a need to develop a better understanding of how much resiliency a biological assemblage can sustain and how internal biological structure (species diversity, relative abundance, age class structure, etc.) functions as a compensatory mechanism. I also recognize that this is basic science and not a consideration of the Trustees, but again it would be nice to get an endorsement for supporting future research.]

As to the options of restoring, I feel the most prudent approach will be to protect critical habitats and to avoid manipulations without detailed modified before-after, control, impact experimental designs and rigorous testing procedures. As we previously discussed, the Science Center held a workshop on salmon enhancement practices in Prince William Sound last fall that should be considered before considering such options. The Center will be holding a timber-fish and wildlife workshop this fall which may serve as a forum to develop a better understanding on identifying, locating, and developing the criteria for defining critical habitats in the Prince William Sound. The Center already has several agency and industry sponsors to help match a 70K challenge grant from the Pew Charitable Trust, but hopes for a 30K contribution from the Trustees to complete the matching obligation.]

I hope these perspectives are not too abrupt and help your efforts because you certainly face a task of incomprehensible difficulty...the restoration of natural resources in the Greater Prince William Sound.

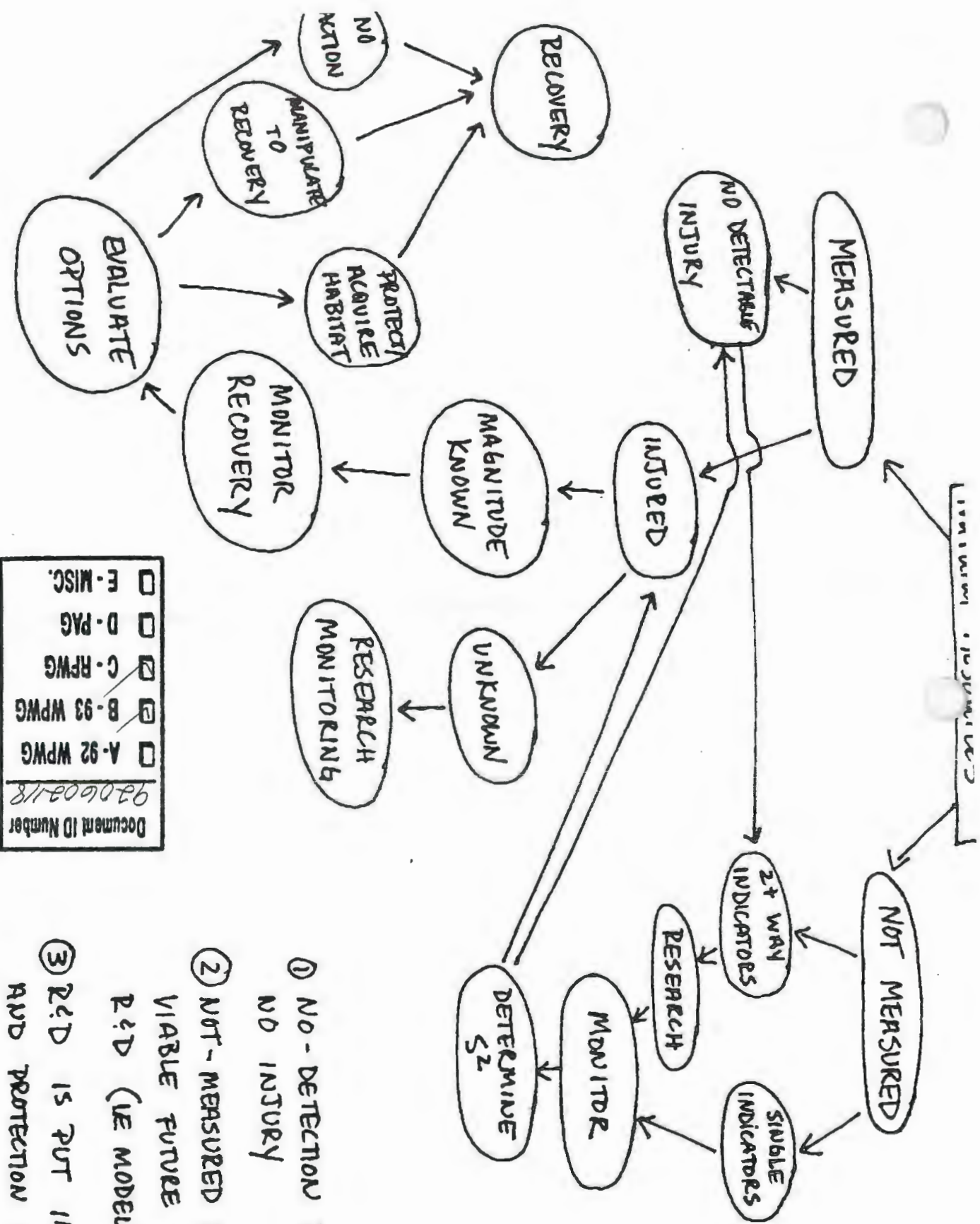
Thank you for the opportunity to comment.

Sincerely,


G.L. Thomas, Ph.D.
Director

one figure attached

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- ① NO-DETECTION DOES NOT MEAN NO INJURY
- ② NOT-MEASURED ARE ALL STILL VIABLE FUTURE OPTIONS FOR R&D (IE MODELS)
- ③ R&D IS PUT INTO PLAN AND PROTECTION AND ACQUISITION IS IN PLAN (I.E. NO APPROPRIATE DECISIONS)

FIGURE 1 -- Letter from G.L. Thomas



Alaska Center for the Environment

519 West 8th Ave. #201 • Anchorage, Alaska 99501 • (907) 274-3621

June 4, 1992

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

Re: Restoration Framework

Dear Trustee Council:

The Alaska Center for the Environment (ACE) welcomes the opportunity to comment on the above referenced document. ACE is a private, non-profit environmental advocacy and education organization with approximately 1500 members, most of whom live in Southcentral Alaska. ACE has had a long-standing interest in the Gulf coast region of Southcentral Alaska, which our members use and enjoy.

We offer the following general comments for your consideration:

1. [We believe strongly that acquisition of upland fish and wildlife habitat and recreation sites, both in areas immediately adjacent to oiled shorelines and areas beyond oiled shorelines, is well within the letter and intent of the Settlement.] Per the MOA, "'restoration' means any action...which endeavors to restore to their prespill condition any natural resource injured, lost, or destroyed as a result of the Oil Spill and the services provided by that resource or which replaces or substitutes for the injured lost, or destroyed resource and affected services." "Natural resources" are defined as "land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources"; since these are all components of functioning natural coastal marine and forest ecosystems, any injury or damage to any single "resource" will also injure or damage other resources and the ecosystem, due to the interrelationship of all elements within an ecosystem and the interrelationship between ecosystems. Therefore, not only were the coastal forest and marine ecosystems impacted by the oil spill, but additional impacts to the forest ecosystem from activities such as logging will also impact the marine ecosystem and the fish, wildlife, and biota which utilize these ecosystems. [Since all the components of the coastal forest and marine ecosystems are considered as "natural resources" by the Settlement, these ecosystems should also be considered as natural resources damaged by the Spill.]

There are numerous studies which document the negative impacts of development activities such as logging on fish and

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wildlife habitat. [Acquisition of upland fish and wildlife habitat, therefore, is an action which endeavors to restore injured, lost, or destroyed resources. Moreover, there is no language in the Settlement which limits restoration to the oiled shorelines or the uplands immediately adjacent to the oiled shorelines.] 3

[Because the ecosystem as a whole was damaged by the spill, it is important that restoration activities be considered at the ecosystem level, and not just focus on single species.] 4

[Restoration activities should also not be limited to species of "commercial" importance, especially as wildlife viewing becomes increasingly important to the recreation and tourism industry.] 5

2. Given the immediate threats to the coastal marine and forest ecosystem from logging activities; the importance of pristine "undeveloped" areas for recreation, tourism, and subsistence; and the limited value of additional clean-up and many scientific studies to the actual purpose of restoration, [80% of the restoration funds should be utilized for acquisition and protection of upland areas important for fish and wildlife habitat.] [Dispersed recreation] and [subsistence.] [Mechanisms for acquisition include purchase of fee simple title, conservation easements, timber rights, or moratoria, from willing sellers.] 9

[Acquisition of fish and wildlife habitat and recreation sites should begin immediately.] 10 Certain areas are immediately threatened. [And while a certain amount of study may be necessary over time, there are certain areas which have consensus support for acquisition and should be pursued now.] 11 In addition, this will show private landowners that there will be money invested in acquisition. [In other words, targeted areas should be immediately acquired as a show of good faith by the Trustees to the public and the willing sellers. Otherwise, there will be little faith in the intentions of the Trustees to actually pursue restoration through acquisition of habitat.] 12

There are economic benefits to habitat and recreation site acquisition as well. [Since most private landowners are ANCSA corporations whose shareholders live in the local communities which were most impacted by the spill, investment in acquisitions will be an investment in the local economy.] 13 Also, [since local communities depend on functioning coastal forest and marine ecosystems to sustain local jobs in commercial fishing, tourism, recreation, and subsistence, the protection of coastal forest habitat from the negative impacts of activities such as logging will have long term positive impacts on the economy.] 14 [These jobs will be supported by the coastal forest and marine ecosystems in perpetuity, while logging jobs will be provided only on a very short term basis.] 15

[An additional benefit to acquisition of habitat and recreation sites is the potential for consolidation of management of areas which are currently being managed under a checkerboard pattern of state, federal, and private ownership.] 16

3. [The document fails to recognize the need to protect the coastal forest and marine ecosystems, and the impacted fish and] 17

wildlife which rely on functioning ecosystems for their survival, from additional impacts in order to achieve the goals of restoration. Although certain species, or entire ecosystems, may be to some degree "recovering", this recovery over the long term will depend on the continued existence of the ecosystem elements needed for survival. For instance, as stated on page A-20, "most marbled murrelets nest in mature forests". Therefore, any recovery of this species will depend on the continuing presence of mature forests. If these forests are threatened by logging activities, acquisition of areas proposed for logging will be necessary to ensure restoration. Moreover, acquisition of habitat can enhance the viability of impacted species.

Services were also impacted. Prior to the spill, there was very little logging occurring, which was one reason why the economic activities of recreation, tourism, and subsistence were so successful. In order to ensure the recovery, and enhancement, of these activities, acquisition of areas threatened by logging will be necessary.

4. Habitat acquisition should be given concurrent consideration in the restoration process, not merely utilized as a last resort. Moreover, the imminent threat protection process for acquisition should be used, in order to prevent logging on lands prior to their consideration for acquisition. It is important that the restoration process not be used as an excuse for not pursuing restoration actions that are needed immediately.

5. We oppose locking up the settlement money into an endowment. Given the immediate threats of logging and other development activities, these funds are needed now for habitat acquisition and other restoration activities. Putting large sums of money into an endowment fails to meet the intent of the Settlement to provide funds immediately for restoration.

6. Wilderness qualities of the region were negatively impacted. These qualities are important to recreationists, the tourism industry, and subsistence users. The restoration plan should address the protection and restoration of wilderness values, including replacement of lost wilderness values.

7. The Public Advisory Group format fails to adequately provide for public representation in the restoration process. The Public Advisory Group as proposed does not provide for designated seats for designated interests; does not allow for selection of the Group members by the interests they represent; does not provide adequate funding or staffing; and does not provide for adequate interaction with the Trustee Council or the Restoration team. For instance, it is essential that the Public Advisory Group have an independent staff person who works full time for the Group, and who has access to all RPWG and Restoration Team meetings in order to monitor the progress of the restoration effort and report to the Group. This staff, however, is not provided in the current proposal. We incorporate herein by reference our letters to the Trustee Council dated December 3, 1991 and February 13,

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1992.

8. [Given the ongoing nature of the restoration process, the changing needs of society, and the additional information which will become available over time, the restoration framework and subsequent restoration plan should not preclude at this time the future opportunity to restore or protect any values or uses not currently anticipated by this framework.] 27

9. Much of the area impacted by the spill is managed by federal agencies. Most notably, most of Prince William Sound is managed by the U.S. Forest Service. [Due to the impacts from the spill on the coastal forest and marine ecosystems of Chugach National Forest, the need to protect the area from additional impacts, the economic and cultural value of recreation, tourism, and subsistence, and the very limited value of the timber, there should be a moratorium on logging in the Prince William Sound portion of Chugach National Forest until the Sound has recovered.] 28

Management of Chugach National Forest will have major impacts on the restoration effort. [We hereby incorporate by reference our letter to Chugach National Forest dated February 26, 1992 regarding the Chugach Land Management Plan Amendment.] 29

10. [While we appreciate the fact that the scientific studies have been released to the public, we object to the state's failure to release the economic damage studies, and urge the state to make this information available to the public.] 30

11. [The document fails to recognize that some resources may have been damaged but were not studied, such as harbor and Dall porpoises.] 31

12. [It is essential that restoration funds not be used to enlarge or replace agency budgets currently supported through general funds.] 32

We also offer the following specific comments. Please note that we consider the first full paragraph of each page as paragraph 1:

Page 1, paragraph 3 - [We object to the proposed limitation of restoration to "the areas affected" by the Exxon Valdez oil spill.] We have found no language in the Settlement which creates this limitation. [This language fails to recognize the potential need for restoration activities, such as habitat acquisition, in areas connected biologically, ecologically, culturally, socially, or economically to the "area affected by the spill";] it also [fails to recognize the potential need for replacement or substitution of injured, lost, or destroyed resources and services by acquisition or enhancement of, or other actions relating to, equivalent resources and services in areas not "affected" by the spill.] Moreover, it is important, [and should be stressed in this document, that the area "affected" is not limited to oiled shorelines.] 33
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[We recommend, therefore, that the phrase "in the areas" be deleted.]

[We also recommend the addition of the following sentence: "Due to the life histories of the fish and wildlife impacted by the spill, there is an intricate web of essential interactions between marine, estuarine, intertidal, instream, riparian, and upland habitats necessary to support the recovery of injured fish and wildlife. Therefore, the impacts of the oil spill go beyond the impacts to the oiled shores, and restoration activities will therefore also go beyond mere restoration of oiled shorelines."]

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☐ E-MSC

P. 2, para. 1 - [In the next to last sentence, please add Kachemak Bay State Park and Kachemak Bay State Wilderness Park as specific areas which were oiled.]

39

P. 18 - [We support habitat protection, primarily through acquisition of habitat,] as the best way to ensure recovery from the Spill.

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P. 19, para. 3 - We agree with the last sentence. However, it is also true that injuries to populations of any species may not be fully understood, appreciated, or anticipated at this time. [A sentence should be added that recognizes this limitation in our knowledge and understanding, and the possibility that the restoration framework and plan may need to change accordingly in the future based on additional information.]

41

Pp. 36-38 - We agree that the spill impacted archaeological, subsistence, recreation, wilderness, aesthetic, and other uses. We suggest the addition of tourism as an impacted use.]

42

P. 38, para. 1 - [Wilderness uses also have economic value.]

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P. 39, para. 2 - ["Services" should also include wilderness values and uses] and [aesthetics.]

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P. 39, para. 3 - [The proposed criteria should be expanded with an additional "bullet" which states: "potential threat to recovery due to additional impacts".]

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P. 40, para. 3 - [Who's "best professional judgment" will be used to make this determination? Many of the values and uses, and the injury to these values and uses, are not quantifiable by scientific studies, and those that are quantifiable and subject to "professional judgment" will undoubtedly be subject to disagreements between professionals. Therefore, public input and involvement will be essential, including public expressions of values and "best public judgement".]

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P. 41, para. 2 - [The "particular concern" here should be expanded to Wilderness Study Areas and de facto wilderness which could provide "replacement" wilderness.]

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P. 41, para. 4 - [Even if recovery is "nearly complete", it may be

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necessary to pursue habitat acquisition in order to protect the opportunity for full and ongoing recovery in the face of impacts from development activities such as logging.]

P. 43 - ⁵⁰ To the list of "objective criteria", add the following: "Prevention of additional negative impacts to the ecosystem."

P. 44, bullet 1 - [We disagree that restoration must comply with agency "directives and policies". This is not a provision of the settlement.] It also fails to recognize that this is a unique court-directed process in response to an environmental catastrophe of unprecedented proportions. ⁵¹

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P. 45, para. 1 - [Add a "bullet" that states: "opportunities to maintain the rate of recovery by preventing additional negative impacts."]

P. 45, para. 4 - [It is critical that the steps for acquisition of habitat and recreation sites takes into account the timing of the imminent threat being addressed,] and action is taken to prevent the negative impact while the steps are being taken to protect the habitat and recreation sites; or [that the acquisition occur in a timely manner prior to the initiation of the impact activity.]

Pp. 47-49 - [The list of possible restoration alternatives seems to minimize the option for acquisition of fish and wildlife habitat and recreation sites from willing sellers, as discussed for example at options 24 and 25. [Alternative D should provide for and emphasize acquisition of habitat and recreation sites.] Also, [as currently worded, the opportunity for fee simple acquisition is not discussed. This should be added.]

Moreover, [acquisition of habitat and recreation sites should be included as an example under Alternative E.] For instance, [acquisition of cutthroat trout habitat in Southeast Alaska could be considered as a means of providing an equivalent resource and service for lost cutthroat habitat in the Prince William Sound area.]

[Under Alternative E, add a "bullet" which states: "acquire fish and wildlife habitats and recreation sites."]

P. 49 - A combination of alternatives as anticipated in Alternative F is a likely outcome of this process. [We support the development of a combination alternative which provides for 80% of the funds being invested in acquisition of fish and wildlife habitat and recreation sites.]

P. 50, Figure 6 - [We oppose the use of the hierarchical analysis as depicted in Figure 6.] This proposed approach inappropriately considers habitat acquisition as an option of last resort. Public comment, however, has overwhelmingly emphasized acquisition of habitat and recreation sites as the primary means of restoration. Also, since many areas potentially available for acquisition are threatened by development activities such as

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logging in the immediate future, use of this approach will render much of the process moot, since areas being considered may already be developed by the time the process is completed. [We therefore, propose that acquisition of habitat and recreation sites be considered as the first alternative for action under this scheme.] 62

P. 51, Figure 7 - [We support the use of a concurrent process as depicted here,] with certain changes. If recovery is assessed and deemed "adequate", [there should also be the option (beyond the "no further action" option) of preventing additional negative impacts.] For instance, even if a species is recovering, that recovery may be dependent on the existence of upland habitat for breeding and rearing. This habitat may be threatened by logging or other development activity. [It would therefore be essential to acquire the habitat in order to ensure the continued recovery of the species.] 63 64 65

P. B-7, Option 2 - [The main goal here should be to protect wild stocks.] 66

P. B-11, Option 6 - [We support this option.] Both designated and de facto wilderness were impacted by the spill. [Consideration for wilderness should include designation of wilderness to provide for equivalent resources and services to replace wilderness values lost due to the spill and subsequent clean-up.] 67 68

P. B-17, Option 12 - [Creation of new recreation facilities is appropriate only if limited to very small scale dispersed recreation type facilities, and should not include floating lodges, new boat docks, etc.] [Facilities should also not be constructed in locations where wilderness values will be compromised.] 69 70

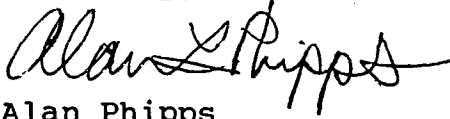
Pp. B-28, B-29, Options 23, 24, - [We especially support these options.] 71 (2)
72

P. B-30, Option 25 - [We also especially support this option.] However, the Action opportunities given are much too limited. For instance, [habitat protection and acquisition should be considered for all uplands, not just where adjacent to anadromous streams.] 73 74

P. B-37, Option 32 - [We oppose the establishment of an endowment except possibly very small amounts of money for specific limited purposes such as environmental education.] [The money available over the next ten years is needed immediately, primarily for the acquisition of fish and wildlife habitat and recreation sites, since these areas are threatened by imminent development activities such as logging and are essential to the recovery of the ecosystem.] Locking the money up in an endowment is contrary to the purposes of the settlement. 75 76

ACE appreciates your careful consideration of our comments. If you have any questions, please do not hesitate to contact us.

Sincerely,



Alan Phipps
State Lands Specialist

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- ☒ B-93 WPV
- ☒ C-RFWG
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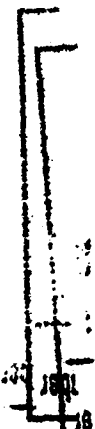
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519 W
ANCHORAGE AK 99501

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UNIVERSITY OF ALASKA STATEWIDE SYSTEM
FAIRBANKS, ALASKA 99775-5560

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FAX COVER SHEET

*contains substitute comment 1-4 + an
option (#36)*
4/21

TO: EXXON Valdez Oil Spill Trustees

FAX Number: 276-7178

Telephone Number: 278-8012

FROM: President Jerome Komisar

Location: University of Alaska

FAX Number: 474-7570

Telephone Number: 474-7311

Number of Pages: 7 + cover page

Comments: _____



Jerome B. Komlear
President

UNIVERSITY OF ALASKA STATEWIDE SYSTEM

202 BUTROVICH BLDG.
FAIRBANKS, ALASKA 99775-5560
PHONE: 474-7311
FAX: 474-7570

June 4, 1992

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

Re: Exxon Valdez Oil Spill "Restoration Framework" and "1992 Workplan"

Dear Trustees:

I have had a chance to review your reports, "Exxon Valdez Oil Spill: Restoration Framework" and "Exxon Valdez Oil Spill: 1992 Workplan," and appreciate the hard work and thought that underlie your plans. I am, however, concerned that an eight-year program is too short, given coastal life cycles. A longer time is needed for the restoration of the coastal areas affected and in order to complete a comprehensive analysis of the spills' impact.

The Trustee Council's and Restoration Team's dedication to early action focused on damaged species and habitats is commendable. Such action must be a major focus during the initial stages of recovery. Nevertheless, it appears to me that the recovery time, cost of restoration and monitoring need not be directly tied to damage settlement payments. Deriving a framework that matches restoration efforts with actual recovery, and one which grows - in contrast to temporarily hiring expertise is a major challenge and I suggest it receive greater consideration in the Restoration Framework and the Work Plan. In order to lengthen the time available for restoration and research, you might want to consider two suggestions:

First, provide for a portion of the settlement payments being placed into an endowment trust. The endowment need not be perpetual, but structured so funds are available for at least 20 - 30 years. A sinking fund structure, using increasing annual deposits during the period of Exxon payments and taking advantage of fund earnings, is outlined in the first attachment to this letter.

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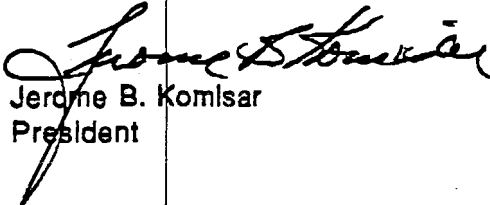
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Exxon Valdez Oil Spill Trustee Council
page two
June 4, 1992

Second, provide for an institutional arrangement that ensures the availability of experts - marine scientists, ecologists, oceanographers, fisheries experts - for the time it will take for the habitat to heal and analyses to be completed. A possible approach is outlined in the second attachment.

I, of course, would be pleased to discuss these suggestions with you.

Sincerely,


Jerome B. Komisar
President

JBK:dfm
Enclosures

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Proposed New "Potential Restoration Option"

University of Alaska

June 4, 1992

• [The University of Alaska proposes that the Trustee Council add another *Potential Restoration Option* to the *Restoration Framework*, within a new approach category called "Fiscal Management of Restoration."] Adoption of this option will enhance the effectiveness of the overall restoration program by allowing the Trustees to match the restoration process to the needs of damaged systems, species and habitats beyond the period of settlement receipts.

The University believes maximal management of the restoration process requires that more attention be devoted to planned management of the Trustee's financial assets, and to long-term planning for restoration activities for at least 20-30 years.

Fiscal Management of Restoration

OPTION 36: Establish and endow a sinking fund and associated foundation for long-term restoration activities, including research, monitoring and capital projects.

APPROACH CATEGORY: Fiscal Management of Restoration

INJURED RESOURCES AND SERVICES: Habitats expected to exhibit chronic presence of hydrocarbons (eg: intertidal and subtidal), and long-lived organisms, including sea otters, harbor seals, killer whales, common and thick-billed murrees, bald eagles and others.

BACKGROUND AND JUSTIFICATION:

The Trustees to date have been unable to devote significant attention to assuring that the restoration process continues for a sufficient period to match the actual recovery time of damaged resources. The restoration needs of injured resources will not be fully met unless the entire restoration process is explicitly planned to occur over a longer period than the payments from Exxon. In addition, creation of a foundation-like institution will establish continuity throughout the restoration process, and will enforce coordination

Restoration Option
University of Alaska
Page 2

among agencies and academic institutions participating in the foundation. Properly structured, the foundation would largely uncouple the long-term recovery of natural processes from shorter term political processes, to the benefit of injured resources. Finally, properly managed, a foundation/sinking fund, will provide significantly greater funds for restoration than would current spending of settlement proceeds.

ACTION:

- Establish a foundation with a specified management structure comprised of Trustees and representatives of academic and public-interest institutions. Determine and specify the method the foundation shall use to apply settlement funds to restoration options over time, the bylaws of the foundation, and the methods the foundation shall use to carry out restoration. The mission of the foundation will be completely integrated with the restoration plan, and will be focused upon completion of restoration research, monitoring and capital projects after cessation of settlement payments.

INFORMATION NEEDED TO IMPLEMENT OPTION:

Completion of the pending reviews a critical syntheses of the scientific literature on the recovery of marine mammals, marine birds, commercially important fish and shellfish, and invertebrates will provide the basic framework for designing this option. In addition, additional reviews and critical syntheses of scientific literature of affected natural systems may be necessary, insofar as the pending reviews are inadequate in this regard.

Attachment: Sample case describing extension of restoration investment over a 20-year period.

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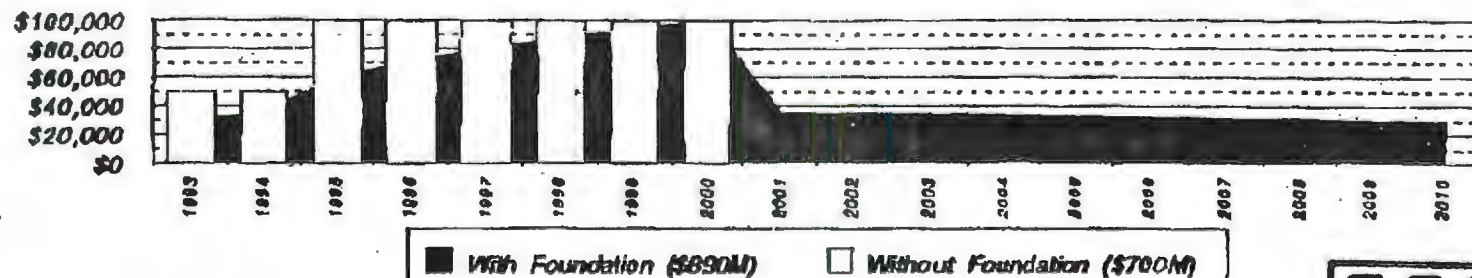
University of Alaska -- Sinking Fund Endowment Model/Sample Case

	1993	1994	1995	1996	1997	1998	1999	2000	2001
Beginning Balance		\$20,900	\$38,561	\$84,834	\$123,934	\$156,975	\$184,894	\$208,485	\$228,420
Deposit	\$20,000	\$20,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	
Earnings	\$1,550	\$3,170	\$8,863	\$10,450	\$13,480	\$16,041	\$18,204	\$20,033	\$17,703
Inflation Proofing	\$900	\$1,841	\$3,985	\$6,068	\$7,827	\$9,314	\$10,570	\$11,632	\$10,279
Net Available	\$650	\$1,329	\$2,875	\$4,382	\$5,653	\$6,727	\$7,634	\$8,401	\$7,424
Foundation Operations	\$7	\$13	\$29	\$44	\$57	\$67	\$76	\$84	\$74
Foundation Research	\$644	\$5,496	\$10,562	\$21,305	\$30,383	\$38,054	\$44,536	\$50,014	\$35,902
Fund Balance	\$20,900	\$38,561	\$84,834	\$123,934	\$156,975	\$184,894	\$208,485	\$228,420	\$210,146
With Foundation (\$890M)	\$30,644	\$35,496	\$60,562	\$71,305	\$80,383	\$88,054	\$94,536	\$100,014	\$35,902
Without Foundation (\$700M)	\$50,000	\$50,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$0
Compensation	\$50,000	\$50,000							
Other Restoration	\$30,000	\$30,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	

Assumptions:
 Earnings 7.75%
 (% of Fund Balance) Infl. Proof. 4.50%
 Operations 1.00%
 Drawdown 20%

F. w/Found F. w/o Found End Balance
 \$890,116 \$700,000 \$3,870
years since
post 2000
 8

Funds Available for Restoration With and Without Foundation



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University of Alaska - Sinking Fund Endowment Model/Sample Case

2002	2003	2004	2005	2006	2007	2008	2009	2010	Totals
\$210,146	\$191,050	\$171,095	\$150,242	\$128,450	\$105,678	\$81,881	\$57,013	\$31,028	\$340,000
\$16,286	\$14,806	\$13,260	\$11,644	\$9,955	\$8,190	\$6,346	\$4,419	\$2,405	\$194,803
\$9,457	\$8,597	\$7,699	\$6,761	\$5,780	\$4,756	\$3,685	\$2,586	\$1,396	\$113,111
\$5,830	\$6,209	\$5,561	\$4,883	\$4,175	\$3,435	\$2,661	\$1,853	\$1,008	\$81,692
\$68	\$62	\$58	\$49	\$42	\$34	\$27	\$19	\$10	\$817
\$35,314	\$34,700	\$34,057	\$33,387	\$32,685	\$31,953	\$31,187	\$30,387	\$29,551	\$530,116
\$191,050	\$171,095	\$150,242	\$128,450	\$105,678	\$81,881	\$57,013	\$31,028	\$3,870	
\$35,314	\$34,700	\$34,057	\$33,387	\$32,685	\$31,953	\$31,187	\$30,387	\$29,551	\$295,116
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$70,000
									\$360,000

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Proposed Institutional Structure of Restoration Foundation
University of Alaska
June 4, 1992

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Directors: Two Federal Restoration Trustees or their designees.
Two State of Alaska Restoration Trustees or their designees.
The President of the University of Alaska or his designee.
The President of the University of Washington or his designee.
A public member appointed by the President.
A public member appointed by the Governor.
A public member appointed by the National Academy of Sciences.

Limitation of Foundation Staff/Operating Expenses:

Two percent of foundation balance annually.

Authorized Uses of Foundation Funds:

Restricted to the uses authorized to the Restoration Trustees, to exclude habitat acquisition.

Funds must be applied according to the restoration plan in place when the last settlement payment is received.

Investment and Draw-down of Sinking Fund Endowment:

Funds to be transferred to foundation according to specified schedule determined by the Restoration Trustees when the foundation is created.

Funds to be applied to restoration projects on a sinking fund schedule similarly determined by the Trustees.

Funds to be invested in government securities and inflation proofed according to rules similarly determined by the Trustees and incorporated in the foundation by-laws.

Authority of Foundation Directors:

Foundation Directors shall provide for continuity in the restoration process through:

Annual revision of the restoration plan.

Contracting with agencies and institutions to accomplish restoration options, research and monitoring in a manner that insures continuity of individual and institutional expertise.



UNIVERSITY OF ALASKA STATEWIDE SYSTEM
FAIRBANKS, ALASKA 99775-5560

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FAX COVER SHEET

TO: EXXON Valdez Oil Spill Trustees

FAX Number: 276-7178

Telephone Number: 278-8012

FROM: President Jerome Komisar

Location: University of Alaska

FAX Number: 474-7570

Telephone Number: 474-7311

Number of Pages: 7 + cover page

Comments: _____



NATIONAL WILDLIFE FEDERATION

750 W. Second Ave., Suite 200, Anchorage, AK 99501 (907) 258-4800

June 3, 1992

contains substantive comments 1-23
907

JUN 04 REC'D

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

Dear Trustees:

The National Wildlife Federation (NWF) submits the following comments on Volumes I and II of the 1992 Exxon Valdez Oil Spill Restoration and asks that they be made part of the public record. NWF incorporates by reference its comments on the 1989, 1990, and 1991 damage assessment and restoration plans.

Volume I: Restoration Framework

Public Participation

As a preliminary matter, [NWF repeats its concern that meaningful public comment is impossible without unrestricted access to both the scientific and economic damage assessment studies.] The MOA between the state and federal governments specifically states that the Trustees shall permit the public to participate in the injury assessment and restoration processes. Memorandum of Agreement and Consent Decree at 11. Accordingly, one of the goals of the 1992 restoration framework is to "provide the public with information and resources to evaluate proposals and programs independently." Framework at 11. Obviously, this objective cannot be achieved if the public has no access to economic data and only limited access to scientific data. As the Trustees themselves acknowledge, the proposals stated in Exxon Valdez Oil Spill Restoration have been largely determined by the results of the undisclosed studies. [NWF requests immediate release of all scientific and economic studies.] (This would not preclude a formal presentation of information in a symposium as suggested by the Restoration Team.)

[NWF recommends that a seat be reserved for each of the interest groups participating on the public advisory committee, not just for the representatives of local government and Native interests. All group members should be accountable to a particular constituency.]

Summary of Injury

On page 35, you state:

In 1991 relatively high concentrations of oil were found

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in mussels and in the dense underlying mat (byssal substrate) of certain oiled mussel beds. These beds were not cleaned or removed after the spill and are potential sources of fresh oil for harlequin ducks, black oystercatchers, river otters and juvenile sea otters--all of which feed on mussels and show signs of continuing biological injury.

NWF understands that fresh oil is still found in certain mussel beds. [Why has the Trustee Council not insisted that the Coast Guard and Exxon return to clean these areas? Tainted shellfish contribute to the decline of sea otter and waterfowl populations and pose a health hazard to subsistence users. We cannot simply ignore the problem.]

4

Proposed Injury Criteria

On page 40, the Trustees assert that consequential injury (injury for which restoration should be undertaken) will be determined at the population level. If injury manifests itself only at the egg or juvenile stage, it will not be considered consequential. The Trustee Council needs to define "population." In particular, [it should be clear that wild stocks of salmonids are distinct from populations of hatchery fish released in the same area. Restoration of wild populations should rely primarily on protecting or acquiring essential freshwater and intertidal habitat, not on the introduction of hatchery stock.] Continued mixing of hatchery stock with wild stock will eventually result in the loss of genetic vigor that is characteristic of wild stock, creating a salmon population dependent on artificial enhancement for survival.

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The Trustees contend that they should "consider the effects of natural recovery before investing restoration dollars." Framework at 41. Maximizing restoration dollars is certainly a worthwhile objective; however, NWF cautions against waiting too long for the environment to heal itself. [There are restoration projects that should be performed now. For instance, we may lose opportunities for habitat acquisition if we do not act quickly.]

7

Evaluation of Restoration Options

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

Yes, [Exxon should be required to clean oiled mussel beds. These actions can proceed concurrently with Trustee Council restoration projects.]

8

2. The relationship of the expected costs of the proposed actions

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Trustee Council

June 3, 1992

Page 3

to the expected benefits: Do benefits equal or exceed costs?

[Although there is no direct relationship between costs and expected environmental benefits, NWF believes that economic analyses can be useful. This criterion underscores the importance of releasing all economic studies.]

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

[In attempting to restore adversely affected wildlife populations, the Trustees need to guard against injuring wildlife populations that were not affected the spill. For instance, the construction of fish ladders around waterfalls may help oil-impacted salmonids at the expense of native populations of rainbow or lake trout.]

4. Importance of starting the project within the year: Would delay in the project result in further injury to a resource or service or would we forego a restoration opportunity?

[NWF considers this a critical criterion. It has been well over three years since the oil spill, and eight months since the settlement, yet the Trustee Council has not accomplished any significant restoration! Clearly, opportunities for restoration are slipping away.]

Scope of Potential Restoration Alternatives

[NWF supports the combined alternatives approach as a restoration strategy.] However, [special emphasis should be given to immediate habitat acquisition.] The United States Congress, the Alaska State Legislature, and the citizens of Alaska have all expressed strong support for this form of restoration. [NWF believes that 80% of settlement funds should be used for habitat acquisition to prevent further damage to natural resources] and [to compensate for resources and services lost as a result of the oil spill.] [Since many forests are faced with the imminent threat of logging, acquisition efforts should begin now.] [Settlement funds should not be hoarded in an endowment.]

[NWF strongly objects to the hierarchical approach to restoration depicted in Figure 6.] That figure describes a sequential process for evaluating restoration alternatives. Short-term strategies such as management of human uses are given preference over long-term strategies such as habitat acquisition. [The process outlined in Figure 7 is more consistent with public opinion and the Memorandum of Agreement and Consent Decree.]

Trustee Council
June 3, 1992
Page 4

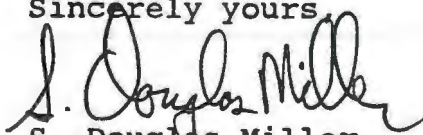
Volume II: 1992 Draft Work Plan

NWF has attended most of the public meetings held by the Trustee Council since settlement in October 1991. We have frequently noted a degree of hostility and resentment on the part of some Trustees toward ongoing research and its proposed costs. To some extent, this attitude is understandable; there is no question scientists will find a use for every cent they are given. [Unfortunately, the public was not permitted to review the research results in 1989, 1990, or 1991, so we were unable to judge the merits or quality of the research.] The fact that Exxon reimbursed the governments for the \$100 million spent on research contributed to the problem of unsupervised research. Thus, NWF commends the Trustee Council for now taking a hard look at the science. Nevertheless, [we fear that they may be rushing to close out important projects.]

[NWF recommends that some studies be reduced to a monitoring status through the year 2002, instead of being terminated.] For instance, [subtidal studies 1A, 1B, 2A, 2B, 3A, 3B, and 4 provide essential baseline information for continuing subtidal studies 5 and 8 and proposed restoration projects 71 and 103A - 103D.] [Subtidal study 3A would also yield important data on the movement and nature of oil residue in mussel beds, a problem noted in the study summaries. NWF urges the Trustees to continue these studies, at least on a limited basis.]

Thank you for your consideration.

Sincerely yours,


S. Douglas Miller
Director

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National Wildlife Federation
Alaska Natural Resource Center
750 West Second Avenue, Suite 200
Anchorage, Alaska 99501-2163

JUN 04 REC'D



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June 1, 1992

JUN 04 REC'D

Mr. Dave Gibbons
Acting Administrative Director, Restoration Team
645 G. street
Anchorage, Ak. 99501

Dear Sir:

This letter offers testimony for possible use for the Restoration Framework - Exxon Valdez Oil Spill Restoration Plan.


I am a property owner on Shuyak Island where, oil from the spill did touch my property with minimal damage, if any.

After a lifetime in the Kodiak Island group and activity on Shuyak Island since 1928, it wasn't hard to observe the flight patterns of birds coming of the great arc of the Gulf of Alaska, stopping in Shuyak near my place, then at other times observed at Kiziuyak Bay or other areas on their way to the south end of Kodiak where they cross the Shelikof Straits and find the pass to Becharoff Lake and beyond.

[My concern is with the diminishing returns of these flights after the spill resulting in a smaller percentage available along the route for subsistence users] and [the building of a program to scout and catalog and possibly propagate this chain of life for a ten year period which would involve biologists, ornithologists and the like.] The [results of such a program should be aimed at recovery of the species affected by the spill along the route and continued good use for all Alaskans from the chain of life.]

[I consider the acquisition of land secondary unless it directly helps to advance the promotion of the species involved.]

Sincerely,


Neil A. Sargent
303 Wilson Street
Kodiak, Alaska 99615

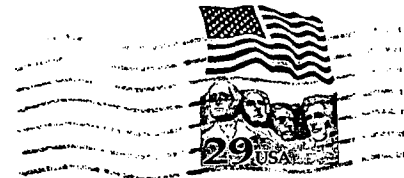
CC: Alaska Federation of Natives

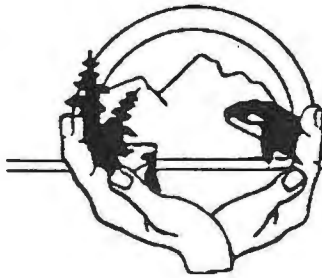
US Neil A. Sargent
303 Wilson Street
Kodiak AK 99615

JUN 04 REC'D

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





Oil Reform Alliance

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June 4, 1992

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

JUN 04 REC'D

The Oil Reform Alliance^{1/} would like to recommend that the Trustee Council incorporate the following two issues as part of the Restoration Framework.

Issue #1: "User Friendly" Synopsis of Oil Spill Data

[The Oil Reform Alliance recommends that the Trustee Council develop a "user friendly" synopsis of its oil spill data that is oriented towards, and widely distributed to, the public.]

The Trustee Council released in April 1992 the latest and most informative of a series of restoration documents. [Most of the information compiled by the Trustee Council starkly contrasts information released by Exxon during the last three years, yet the public may be unaware of the importance of these data because the presentation is not oriented to the lay person.] The Trustee Council's report is geared more for scientists and technical persons.

In contrast, [Exxon's unending barrage of "spill science" is attractively laid out in short glossy brochures with color photographs and drawings; this misinformation campaign specifically targets the public^{2/}]

Part of the goals and objectives of the public participation plan of the Trustee Council is to:

"* [provide the public with information and resources to evaluate proposals and programs independently; and]

1/The Oil Reform Alliance is a coalition of environmental, recreational user and commercial fishing groups which formed after the Exxon Valdez oil spill to reform oil industry activities that can adversely impact communities on social, economic and environmental levels.

2/For example, refer to "Sea Otters Thrive in Prince William Sound, Alaska" (February 1991); "Water Quality In Prince William Sound and the Gulf of Alaska" (March 1991); "Two Years After Conditions in Prince William Sound and the Gulf of Alaska" (October 1991).

* [disseminate information to the public concerning the restoration process in a timely manner"] (pg. 11 Vol. I)

5

Development of a "user friendly" synopsis of the Trustee's oil spill data on an annual basis is a justifiable expense of restoration funds to increase the public's independent comprehension of spill-related injuries and evaluation of restoration programs.

Issue #2: Long-Term Epidemiology Study of Clean Up Workers

[The Oil Reform Alliance recommends that the Trustee Council develop and implement a long-term epidemiology study to monitor health of workers involved with oil spill clean up, including those who worked with the bioremediation compound Inipol.]

6

In April 1992, the Boston Globe reported that "a handful" of Alaska oil-spill workers have filed lawsuits claiming latent health problems from exposure to crude oil vapor and Inipol (attached). Followup stories by the Boston Globe, the Anchorage Daily News and the Anchorage Times (attached) and extensive interviews by KCHU radio Valdez have revealed one confirmed death from Inipol and possibly "hundreds" more victims of petroleum- or Inipol-related poisonings from the oil spill clean up. According to the articles and interviews, Veco and Exxon are denying that Inipol is toxic and downplaying the importance of the pending toxic exposure lawsuits.

The settlement documents specify that the use of restoration trust funds must be linked to injuries resulting from the Exxon Valdez oil spill. [A study of latent health problems incurred by clean up workers relating to over exposure to crude oil vapors and clean up chemicals is clearly a justifiable use of restoration funds.]

7

[An epidemiology study would increase the public's understanding of spill-related injuries, specifically, the health risks associated with exposure to crude oil vapors and clean up compounds.] Further, [an epidemiology study could minimize such human health risks in future spills by leading to improvements in protective clothing and safety training, and to development of bioremediation compounds which do not contain carcinogens like Inipol.]

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The Oil Reform Alliance appreciates the opportunity to participate in the restoration process.

Sincerely,

Riki Ott

Riki Ott, President

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Illness tied to Exxon cleanup is cited in spate of lawsuits

By William P. Coughlin
GLOBE STAFF

A handful of volunteer Alaska oil-spill workers and a tugboat captain, who have filed suits claiming they were poisoned by exposure to a combination of crude oil vapor and toxic cleanup agents after the Exxon Valdez spill, may constitute the tip of a legal iceberg.

Three suits seeking millions of dollars in damages have been filed in Alaska and federal courts. Environmentalists and people involved in the cleanup say many more such suits may be filed as potential victims trace illnesses back to their oil spill work.

Randall Scarlett, a partner in Melvin Belli's San Francisco law firm, is bringing one of the three suits. "and we are getting five calls a day on these types of cases. . . . We alone could end up with 200 to 300 of these cases."

Belli said his firm already has upwards of 1,500 suits stemming from the spill, most of them against Exxon Corp. on behalf of fishermen, canneries, and other businesses that had losses.

Named as defendants in the three personal injury suits are Exxon Corp. and two subsidiaries, Exxon Shipping Co. and Exxon Pipeline Co.; Veco Inc. of Anchorage, Exxon's hired supervisory cleanup firm, and Arctic Tug and Barge Co., also of Anchorage.

An Exxon spokesman in Houston declined comment, saying he wondered "why the toxic exposure lawsuits made news." However, officers for other firms explained their positions in interviews.

Scarlett and George M. Kapolchok, an Anchorage lawyer, have filed one suit on behalf of Timothy Jon Burt of Juneau and his wife, Laurie Anne. Burt worked for Martech Inc., a firm employed by Exxon to assist in the cleanup, cleaning sludge inside large enclosed tanks with high pressure jet sprayers.

The complaint says Burt suffered "devastating permanent and totally disabling injuries" and "must rely on compressed or concentrated oxygen to sustain his life." In accusing Exxon of negligence in hiring an "incompetent firm," Burt's claim also says that his wife had to quit her job to care for him.

In a complaint filed against Veco, Carmen Olsen of Fairbanks says she became severely ill while she was working for Veco using chemical solvents to clean clothes used by workers who had used the chemical Inpol to help clean up the oil spill. She said she continues "to this day to suffer diminished lung capacity, dizziness, skin lesions, headaches and neurological disorders."

Veco's president, Pete Leathard, commenting on the suit, said, "We're in the process of working to determine if people really got sick as a result of Inpol." Leathard said the chemical is a fertilizer used to promote bacteria growth to break down the oil.

Leathard conceded that other suits have been filed by people who describe similar symptoms. "But whether it was caused by the fertilizer or some other reason, I don't know," Leathard said. He said Veco provided safeguards, protective clothing and breathing apparatus for its workers, and "our position is we don't see how it could have caused any problems."

In the third case, a federal suit filed against Arctic Tug and Barge Co., Thomas Pickworth of Anchorage, son of one of the owners of the company, makes claims similar to Olsen's. Pickworth's suit says that after "exposure to toxic compounds . . . he became extremely ill . . . and is

Jo Anne Pickworth said Thomas eventually was examined by a doctor who diagnosed his symptoms as those of chemical reaction, and he was sent to a Dallas clinic where he is under treatment.

"Everyone who sustained damage was injured by either aspiration of oil itself - that is, actually getting liquid into their lungs - or by inhalation of fumes evaporating from the product," Scarlett said.

He said the victims were poisoned by a "synergistic" combination of toxins - fumes, including benzene, toluene, xylene, and other components of crude oil, and by fumes from supposedly harmless cleaning agents the workers were given to scour away the oil itself.

"There is no doubt some of these individuals are going to die," he said.

He said only one treatment center in the nation, headed by Dr. William Rea in Dallas, specializes in these cases, and they now are getting "increasing numbers of calls from people who were exposed up there." Rea declined to comment.

David Driver of Augusta, Ga., said he became sick after he managed a Veco Co. barge that housed oil spill workers, but has recovered. He estimates that 12,000 people were "unnecessarily" exposed to toxins.

The crucial part of the story, he said, "is that these people volunteered and were trying to clean up the environment, and now they are getting very sick."

We are getting five calls a day on these types of cases. . . . We alone could end up with 200 to 300 of these cases.'

RANDALL SCARLETT
San Francisco lawyer

completely disabled from duty as a seaman in any capacity."

His tugboat and barge were leased by Exxon for the cleanup.

Jo Anne Pickworth, secretary treasurer of the firm and Thomas Pickworth's stepmother, said he became sick after Exxon sprayed some chemical from a helicopter.

"They thought it was flu," Jo Anne Pickworth said, and later ar-

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Oil Reform Alliance
211 4th Street, Suite 112
Juneau, Alaska 99801

Valdez cleanup linked to ailments

Doctor blames exposure to combination of oil, cleaning agents; 1 death cited

By William P. Coughlin
GLOBE STAFF

A doctor who specializes in treating victims of petroleum-related poisonings says he knows of one death and he expects a growing toll among those who cleaned up the Exxon Valdez oil spill.

The cardiovascular surgeon said he is treating six serious cases and expects "hundreds more patients" suffering from the combined exposure to oil and toxic cleanup agents used to combat it.

In a telephone interview Friday, Dr. William J. Rea of Dallas, said he could confirm one death. "This is extremely serious. People need to wake up," Rea's Texas clinic is the nation's only facility specializing in treating victims of the combined toxins from crude oil and cleanup chemicals.

The Globe reported last month that a number of people who participated in the cleanup had become ill, and that their illnesses were being attributed to the combined toxic effects of the oil spill and chemicals used in the cleanup.

Rea said two more persons, a 54-year-old woman and her 20-year-old son, have been diagnosed by him, in addition to the victims identified in the earlier report.

The two new patients, Jacqueline Y. Payne of Kenai, Alaska, and her son, Jacob, of Soldotna, Alaska, contacted the Globe and urged that the paper publicize the problem. Both said they believe there has been an oil industry coverup of the illnesses.

Both mother and son were volunteers on an Exxon cleanup barge, and say they worked without protective masks or respirators cleaning the

Dr. William Rea said the worst case his clinic is treating from the spill is that of a 24-year-old man who 'is on oxygen because he can't breathe.'

equipment used by other workers. The Paynes cleaned the oil with Inipol, an agent that Exxon and its contractor, Veco, Inc. brought in to clean up the spill.

In a signed diagnosis prepared for lawyers at Melvin Belli's San Francisco office—which the Paynes released to the Globe—Rea said the Paynes' symptoms "began after working in the Alaska oil spill." In addition to other lawsuits against Exxon, the Paynes will join other alleged victims in a separate suit being filed by Belli's firm.

Both said in interviews that theirs are not isolated cases, and Jacqueline Payne said she knows of "hundreds more people who volunteered to work on the spill who are now getting sick because of it."

Rea said the Alaska situation was particularly disturbing because of the so-called synergistic effect of combined poisons. "No one knows which toxins, or which combinations will be synergistic. But there will be a situation where one adds to another and another, and so on."

The doctor said it was "ridiculous" for Pete Leathard, president of Veco, to deny that Inipol is toxic. Last month, in an interview with the Globe, Leathard, citing protective steps he said the firm took, said of Inipol: "Our position is we don't see how it could have caused any problems."

According to an Exxon Co. document obtained by the Globe, Inipol is not only carcinogenic, but if inhaled, "may result in dizziness, headache and respiratory irritation, to unconsciousness and possibly death." The document contains a federal Occupational Safety and Health Administration warning that exposure to the product may cause "eye and skin irritation . . . and blood and kidney damage."

Rea said the worst case his clinic is treating from the spill is that of a 24-year-old man who, as a result of his exposure to oil and the cleanup agent, "is on oxygen all the time because he can't breathe."

Asked why patients are turning up at his clinic with oil-spill-related symptoms three years after the March, 1989 spill, Rea said, "if you look at them, you can see they had started getting sick when they worked on that spill."

Rea said afflicted persons have been gradually getting sicker. "I know there's a lot of people out there with similar circumstances . . . but it's a long way from Alaska to Dallas," he said.

He said the Alaska spill-related illnesses are "like a textbook of medicine. . . . We have seen people with arthritis, heart irregularities, stroke symptoms, colon problems, bladder problems, muscle aches, and all sorts of pains."

Anc Daily News 4/10/92

Oil-spill workers sue, claim chemicals made them sick

By ROSANNE PAGANO
The Associated Press

A group of Exxon Valdez cleanup workers is seeking millions of dollars in compensation for illnesses they say are linked to exposure to crude oil fumes and cleaning agents.

The suits filed in federal and state courts name Exxon Corp., Exxon Shipping Corp. and Exxon Pipeline Co., as well as two local contractors



that supplied cleanup help following the 11-million-gallon spill in 1989.

An Exxon spokesman in Anchorage declined comment Wednesday on the pending lawsuits, except to

say that throughout the cleanup — which is entering its fourth year — the company believed it and its contractors had complied with safety regulations.

One of the lawsuits is set for trial in state court here next month. It asks unspecified damages for an Augusta, Ga., man who came north to manage a barge that housed oil-spill workers.

Anchorage-based lawyer

George M. Kapolchok said Wednesday his client, David Driver, has lingering skin problems caused by exposure that Kapolchok says violated Occupational Safety and Health Administration rules.

Driver's suit names the local oilfield service company Veco International.

Veco was Exxon's prime contractor for the multibillion dollar cleanup stem-

ming from the Exxon Valdez tanker accident. It was the worst oil spill in U.S. history.

Pete Leathard, Veco president, said Wednesday the company tested its workers and provided protective clothing and gear to guard against toxic exposure.

"To my knowledge, everything was deemed safe," Leathard said.

Presses see Page B-3, SPILL

SPILL: Exxon Valdez cleanup workers file lawsuits, allege chemicals make them sick

Continued from Page B-1

Driver told Valdez radio KCHU he was captain of a barge that housed workers cleaning oily beaches with a chemical known as Inipol.

Although the crew was told it was safe, Driver said he refused to work anywhere near an Inipol site after he found out the chemical occasionally caused blood to show up in workers' urine.

Kapolchok said he also was representing Timothy Burt of Juneau, who claims

he got sick two years ago while working at a cleanup site in Seldovia, about 150 miles southwest of Anchorage on Kachemak Bay.

The suit asks for compensation for pain and suffering for Burt and his wife, Laurie Ann, as well as the costs of medical care and rehabilitation.

"I believe Tim is worse off than a quadriplegic," Kapolchok said.

"We've got a guy who is permanently disabled at 32 years old, who's got a wife

and child. He has severe headaches, he's got to drag around an oxygen tank and he's got a whole host of other problems," Kapolchok said.

Burt says he was working for Anchorage-based Mar-tech Inc. in June 1989 when he was given only a rain suit and a paper filter mask as he was sent in to clean crude oil residue collected in two tanks.

The lawsuit says one of the tanks was 14 feet tall and had a hatch in the roof

for ventilation. Burt says he spent about three hours in one tank and about 90 minutes in the other. He used a high-pressure steam hose that, Kapolchok claims, forced toxic vapors into the air for Burt to inhale.

Complaints about improper gear and safety procedures date to the earliest phases of cleanup, when crews returning from oily Prince William Sound beaches said crude oil fumes were making them sick.

Ernie Piper, who was assigned to monitor the clean-

up as an aide to then-Gov. Steve Cowper, said Wednesday the first six weeks following the spill were "a confusing time."

"My personal belief is there was insufficient monitoring of workers then but not knowingly, or negligently," Piper said.

"It was just that nobody knew what they were dealing with. It was a confusing time."

Piper, who recently resigned after nearly two years as the state's on-scene coordinator, said he did not

know specifics of the latest lawsuits.

But he said workers assigned as late as July following the spill, in March might still have been exposed to crude oil irritants such as benzene.

"We've been pretty critical of Exxon for a lot of things," Piper said, "but for the most part, given the hardships of what was out there and running a safety program, they did a pretty good job. They were genuinely careful."

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ANC TIMES 4/16/92

Workers allege illnesses tied to Exxon Valdez cleanup

By ROSANNE PAGANO
ASSOCIATED PRESS

A group of Exxon Valdez cleanup workers is seeking millions of dollars in compensation for illnesses they say are linked to exposure to crude oil fumes and cleaning agents.

The suits filed in federal and state courts name Exxon Corp.,

Exxon Shipping Corp. and Exxon Pipeline Co., as well as two local contractors that supplied cleanup help following the nearly 11 million gallon spill in 1989. It was the worst oil spill in U.S. history.

An Exxon spokesman in Anchorage declined comment Wednesday on the pending lawsuits, except to say that throughout the

cleanup — which is entering its fourth year — the company believed it and its contractors had complied with safety regulations.

One of the lawsuits is set for trial in state court here next month. It asks unspecified damages for an Augusta, Ga., man who came north to manage a barge that housed oil spill work-

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Anchorage-based lawyer George M. Kapolchok said Wednesday his client, David Driver, has lingering skin problems caused by exposure that Kapolchok says violated Occupational Safety and Health Administration rules.

Driver's suit names the local

oilfield service company VECO International.

VECO was Exxon's prime contractor for the multibillion-dollar cleanup stemming from the Exxon Valdez tanker accident. VECO International is owned by Bill Allen.

Pete Leathard, VECO president, said the company is owed by Exxon. See Cleanup, back page

Cleanup

Continued from page A1

dent, said Wednesday the company tested its workers, and provided protective clothing and gear to guard against toxic exposure.

"To my knowledge, everything was deemed safe," Leathard said.

Driver told Valdez radio KCHU he was captain of a barge that housed workers clearing oily beaches with a chemical known as Inipol.

Although the crew was told it was safe, Driver said he refused to work anywhere near an Inipol site after he found out the chemical occasionally caused blood to show up in workers' urine.

Kapolchok said he also was representing Timothy Burt of Juneau who claims he got sick

two years ago while working at a cleanup site in Seldovia, about 160 miles southwest of Anchorage or Kachemak Bay.

The suit asks for compensation for pain and suffering for Burt and his wife, Laurie Ann, as well as the costs of medical care and rehabilitation.

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The lawsuit says one of the

tanks was 14-feet-tall and had a hatch in the roof for ventilation. Burt says he spent about three hours in one tank and about 30 minutes in the other. He used a high-pressure steam hose that, Kapolchok claims, forced toxic vapors into the air for Burt to inhale.

The Boston Globe reported Sunday that Melvin Balli's San Francisco law firm was receiving calls daily from former cleanup workers and had taken at least one of the lawsuits.

Complaints about improper gear and safety procedures date to the earliest phases of cleanup, when crews returning from oily Prince William Sound beaches said crude oil fumes were making them sick.

Ernie Piper, who was assigned to monitor the cleanup as an aide to then-Gov. Steve Cowper, said Wednesday the first six weeks fol-

lowing the spill were "a confusing time."

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"It was just that nobody knew what they were dealing with. It was a confusing time."

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But he said workers assigned as late as July following the spill in March might still have been exposed to crude oil irritants such as benzene.

"I've been plenty critical of Exxon for a lot of things," Piper said, "but for the most part, given the hardships of what was out there and running a safety program, they did a pretty good job. They were genuinely careful."

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COMMENTS
OF
THE NATURAL RESOURCES DEFENSE COUNCIL
ON
THE RESTORATION FRAMEWORK
FOR THE EXXON VALDEZ OIL SPILL

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Containing subcommittee comments 1-26
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June 4, 1992

Prepared by:

Sarah Chasis
Senior Attorney

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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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.

[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.] 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, 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.] [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.]

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, 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.] [The potential for natural recovery should not be used as an excuse for no action.]

CHAPTER V (PROPOSED INJURY CRITERIA)

[The definition of injury to natural resources is too constrained.] [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.] [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. 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, [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.] 21

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.] 22

[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.] 23
24

[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. 25

[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. 26

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Natural Resources
Defense Council

PLEASE
DELIVER
FAX TO:

Dave Gibbons

ORGANIZATION:

Exxon Valdez Oil Spill Trustee Council

THIS TRANSMISSION IS 6 PAGES, INCLUDING COVER SHEET.

FAX IS
FROM:

Sarah Chasis

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

IF THERE ARE PROBLEMS WITH THIS TRANSMISSION

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

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

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JUN 04 REC'D

contains substantive comments 1-6

927

Sam Booher
4387 Roswell Rd
Augusta, Ga 30907
22 May, 1992

Mr Dave Gibbons
Restoration Team

RE: Framework Doc.

Dear Mr Gibbons

After watching Wally Hinkle on the TV show 60 Minutes. and now that the Oil Spill Settlement is behind us. I am concerned as to how the funds will be spent.

[Do plans call for the restoring and preserving of the coastal ecosystem or will it be spent to develop the area to facilitate man's exploitation of the coastal ecosystem]? 1

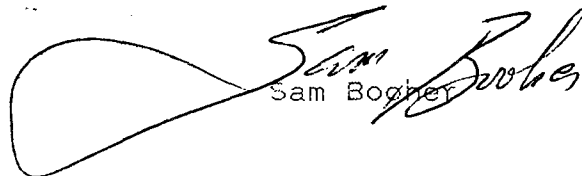
I offer that Wally Hinkle has no compunction as to how he would use these funds to support his building programs. I offer that his proposed uses are in conflict with the original intent in obtaining these funds.

My first concern is the [preservation of wildlife habitat that depend on Ancient Forests. In the lower 48 we have destroyed virtually all of ours. That which is left must be saved.] 2

My second concern is [the selling of Kodiak Island by its owners (Native Americans) for development] [I offer that any funds used to preserve this Island network and the Kodiak Bear is critical to the bears survival] 3 4

[My last concern and I am sure it is shared by most Americans is the preservation of Wilderness shorelines.] [If this money is not used to fund the protection of forested coastline habitat, Alaska's coastline is going to resemble the timbered areas of Oregon and Washington state] - a disgrace that we must all share the blame. 5 6

Any thing you can do to support the above ideas will be appreciated.

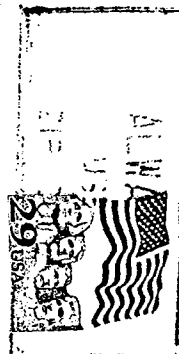

Sam Booher

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Sam Booth
 4387 Koswell Rd
 Augusta GA 30907
 JUN 04 REC'D

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Dave Gibbons
 Restoration Team
 645 G. St
 Anchorage AK 99501



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4780 Cambridge Way
Anchorage, AK 99503
June 4, 1992

JUN 04 REC'D
....

EXXON VALDEZ Oil Spill Trustee Council
645 G Street
Anchorage, AK 99501

Comments on the EXXON VALDEZ Oil Spill Restoration Framework and 1992 Draft Work Plan, Vols. I and II, date April 1992.

Restoration activities funded from the joint trust fund are limited to:

- * Restoring
- * Enhancing
- * Replacing
- * Rehabilitating
- * Acquiring equivalent natural resources injured as a result of the spill and for reduced or lost services provided by such resources

[Available data (until recently) indicates baseline information of injured resources in the spill area are limited and in some cases, completely absent. To this extent, it is difficult to determine the naturally operating relationships of the ecosystems within the area.] Further, it is suggested that the impacts of the oil spill have been identified for at least 500 miles away from Bligh Reef (pollack, p. 36 Vol I). Conversely, song birds were not documented as being injured and bald eagles were not "measurably affected"-"in Prince William Sound" (p. 30 and 27 respectively). [The impact to other bald eagle populations was not discussed.]

Recommendation 1: [The area of concern, or impact area, attributable to the EXXON VALDEZ be identified for each resource or services impacted.]

Rationale: This will assist the public in understanding the importance of the various resources and their habitats and potential impacts from subsequent restoration plans and for proposed federal and state resource development, protection, or enhancement programs. For example, would a resource development program, such as timber harvest or a new resort, in an oiled area add to already stressed conditions attributable to the Spill? Would the same resource development program in an unoiled area affect the rate of recovery of damaged resources in an oiled area? Would the same resource development program in either an oiled or unoiled area impact the biodiversity of the spill area as a whole or a significant part? [Better public understanding of the impacted resources and its distribution is needed. This would facilitate public input to federal and state plans and for subsequent permits to use public resources in the Spill area.]

Recommendation 2: [Use consistent descriptors for describing resource impacts associated with the Spill.]

5

Rationale: [This will assist the public in understanding the degree of impact so that an independent assessment can be made of the proposed restoration activity or proposed federal or state land use authorization/plan.] Most of Vol. I describes impacts between oiled and unoled area in terms of percent change of a life stage. Cutthroat trout, however, discusses mortality in term of percent difference between oiled and unoled streams (p. 32). Since the overall population of cutthroat trout is small, the rate of mortality can not be judged on the same basis as sea otters or Orcas. [These descriptors should be used consistently by all resource planners in the Spill area to facilitate public understanding]

6

7

[NEPA compliance documents prepared before the Spill and those prepared before the complete damage studies are available need to be re-evaluated to determine whether the proposed action would cause an unexpected cumulative impact to resources or uses damaged by the Spill.]

8

Recommendation 3: [Each federal action agency should review its pending actions in the light of the recently released information. This can best be done through a professional review of the cumulative impacts analysis originally prepared](see CEQ 40 CFR 1508.8 and 1502.14, 1502.15, 1502.16, and 1508.9).

9

Rationale: Public input to existing, approved plans for federal and state lands in the Spill area were without benefit of the knowledge just now becoming public. Prior NEPA compliance is, therefore, potentially incomplete since there may not have been a rigorous discussion of the potential impacts of biodiversity or on the rate of recovery of impacted or stressed environmental components in the Spill area. [This Recommendation would include describing and evaluating cumulative impacts on resources and uses, in inter-relationships of oiled and unoled areas associated with the Spill for potential impacts to the rate of recovery.] Do unoled areas act as reservoirs for natural recovery? Are there especially sensitive areas, such as sheltered bays, in the oiled and unoled areas that act as basic genetic reservoirs for the ecosystems in the Spill area?

10

Recommendation 4: [Each state agency should develop a review process for pending actions similar to that suggested in Recommendation 3 for federal actions.]

11

Recommendation 5: [A specific, coordinated public involvement process should be developed for Recommendations 4 and 5.]

12

Acquisition of private lands creates polarized controversy. Restricting uses of public resources on state or federal lands also creates controversy. Unless condemnation authority exists, acquisitions of private lands takes funding and a willing seller and a willing buyer. Restriction of uses on public lands, except for limited emergency conditions, requires a lengthy

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public involvement process. Frequently federal or state enabling legislation is required. Courts are increasingly asked to intervene, further delaying the final decision and ultimate implementation. Resource development programs (timber harvest, hatchery operations, lodges, subdivisions, roads, airports, marinas, anchor buoys, etc.) create a variety of primary and secondary economic assets and liabilities. These economic changes extend throughout and well beyond the Spill area.

[There is an opportunity to reduce, or eliminate controversy through about resource development/preservation/use in the Spill by prudent use of the Restoration funds.]

13

Recommendation 6: [Explore the option of acquiring timber rights for the period that it would take for a cut-over area to return naturally to its present existing condition.]

14

Rationale: Lands are not removed from the tax roles and other uses, such as marinas and specified term lease subdivisions, could generate income. This also leaves to the future the decision on the proper role of timber resources in the natural ecosystem and in the state and local economy.

Recommendation 7: [Acquisition of resources with Restoration funds should identify and compensate for net secondary economic gains that would have been realized if the resource were not purchased.]

15

Rationale: In addition to the in-place value of a resource (such as timber, hatchery site, or a commercial recreation use) there are secondary economic gains that are impacted when a proposed use is foregone. These include tax revenues from the operation of a local sawmill and local suppliers, taxes paid by workers, sales taxes generated by suppliers, etc. [The Forest Service has developed economic models to display the economic impact to local communities from timber operations in Alaska. This methodology should be used in determining the extent of secondary impact to the local communities.] These modeled secondary economic gains should be paid directly to the concerned local community to assure that there are no cumulative economic losses resulting from the Spill as a result of a Restoration action. [Payment for secondary economic losses to the local community should be on a "net" basis. This takes into account the fact that local utilities, schools, or other public services would not be stressed, upgraded, or expanded.]

16

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Recommendation 8: [Restoration funds should be used as matching funds for state and federal grants in the Spill area. These sources should be identified immediately.]

18

Rationale: [The Restoration fund has been created from a non-public source. Therefore, these monies may be used for matching existing programs.] [Potential sources of federal matching monies include the Land and Water Conservation Fund for state programs to acquire private

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lands and resources for public outdoor recreation purposes.] ²¹ [Pittman-Robertson and Dingell-Johnson funds also may apply to state wildlife and fishery programs associated with the Spill.] [The Land and Water Conservation Fund also is available for federal land and resource inholding acquisition.] The National Science Foundation supports good science. ²²

Desires for research and monitoring funding expands to exceed the amount of funding available. Examples of research programs and monitoring programs in Alaska that lacked good planning and follow through are studies for the Trans-Alaska Pipeline System (TAPS), and NPRA. Scientists and state and federal land managers in both cases insisted there were important and substantial gaps in the knowledge needed to make good land use decisions. Numerous studies were generated and initiated. When the special funding for research or monitoring dried-up there was little effort to obtain regular state or federal or scientific institutional funding from within an agencies' or researcher's normal budget. This was very apparent when Alyeska, after the pipeline was in operation, started asking why a particular research program designed to answer construction issues was still underway. Similarly, studies on NPRA largely stopped when special Congressional funding ended. Sometimes there is an attitude "if not mine, data are not useable". This leads to duplication of effort. Often, publication takes years to become available and has only limited distribution. In the meantime, land management decisions continue without benefit of the data. One example was the discovery of dinosaur fossils in NPRA and federal oil and gas leasing decisions.

Recommendation 9: [Research and monitoring programs should be within the framework of pending management decisions associated with expenditure of the Restoration fund for restoration.] ²³

Rationale: [Each research and monitoring proposal should be within an approved scientific design that clearly shows--

- * how the proposed expenditure supplies missing data;
- * how that missing data would be used in restoring, enhancing, replacing, rehabilitation, or acquisition of natural resources or services reduced or lost as a result of the Spill;
- * other missing data that must be collected or evaluated before the proposal can be used in decision making;
- * why the proposed research or monitoring proposal can not be funded from existing fund sources and programs; and
- * when and where data and results will be available.] ²⁴

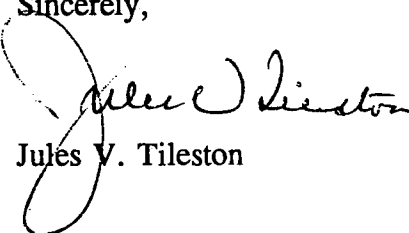
Recommendation 10: [Research and monitoring programs should generally be funded from existing federal, state, and private sources rather than from the Restoration funding.] ²⁵

Recommendation 11: [Research and monitoring programs requiring several phases over a period of time should not be approved for subsequent funding without data and progress reports being subject to peer review and available to the general public.] ²⁶

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Rationale: There is a perception that research and monitoring are used by state and federal agencies and researchers as a means to meet shortfalls in their normal operating budgets or by researchers for collection of esoteric data that has no value for land management decisions. Recommendations 9, 10, and 11 will help provide better public input and understanding of research and monitoring programs paid for by the Restoration fund.

Sincerely,


Jules V. Tileston

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Department of Anthropology
Arizona State University
Tempe, AZ 85287
June 1, 1992

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Exxon Valdez Oil Trustee Council
645 "G" Street
Anchorage, AK 99501
Attn: Restoration Framework

Dear Trustee Council:

When I was visiting the Anthropology Department at Arizona State University (ASU) the other day, I happened upon Volumes 1 and 2 of the Exxon Valdez Oil Spill Restoration Framework and decided to make some comments on them. I am a MA student in Bioarchaeology at ASU and am somewhat familiar with cultural resource management on Federal lands. I am writing to you as a member of the public. My main concern is the restoration framework put together for the cultural resources that were damaged either directly or indirectly by the Exxon Valdez oil spill. I will deal specifically on those issues first, then get into more general issues as I close this letter.

VOLUME I, APPENDIX B: POTENTIAL RESTORATION OPTIONS

OPTION 1: Creation of a Site Steward Program to watch over threatened Archaeological sites (Also Volume II, "Restoration Procedures" in this particular case).

While a Site Steward Program would be helpful in educating the public about archaeology and the existing Legislation that protects these unrenueable resources, it also has many drawbacks. First, if the function of Site Stewards is to watch over threatened archaeological sites, then the result may be more headaches to land managers than it is worth to start the a program. There is potential for some of the Site Stewards or their associates to loot the archaeological sites they claim to watch over, and it is nearly impossible to screen out or catch such individual(s).

Second, in Arizona, Site Stewards mainly function to let the land managing agency know of vandalism that has already occurred rather than prevent vandalism. Site Stewards cannot be expected to turn in vandals, especially if Alaska is like Arizona which has gun-touting looters who are serious about their looting. To deal with such individuals is too dangerous and should be handled only by experienced law enforcement personnel.

Third, notifying the land managing agency about previous vandalism creates headaches for the agency archaeologist who has deadlines and has to push projects through her/his office. Such an individual usually does not have the time to

do one damage assessment after another for a particular site or sites. [Even if Trust money is appropriated for assessing looted sites, a full-time specialist is needed to carry out these activities.] 4

Fourth, it is important to cut off the vandalism at the source. As mentioned above, Site Stewards cannot be expected to interfere directly with vandals, especially if their lives are threatened. Even if they are able turn a vandal in and the vandal goes to court, it does not necessarily mean that the vandal will be prosecuted and that the site will be saved from future vandalism. Current ARPA legislation makes it difficult to prosecute anyone, and if they are prosecuted, the sentence is less than what the actual artifacts and damaged context are worth monetarily and scientifically. I have heard of instances here in Arizona where individuals were caught looting sites "red handed" but were determined not guilty and never served time. It is also possible that the vandal could go back out after being released and continue to loot archaeological sites.

[The only way in which looting can be prevented is to have readily available Special Agents and Level IV law enforcement personnel who specialize in ARPA.] It may be expensive and time consuming, but it is much more effective. Here in Arizona, there are few archaeological sites that have not been looted at one time or another, and it is really disheartening to come upon a site that has been looted to such an extent that very little integrity left. 5

Fifth, [there is also the problem of training the Site Steward.] Many Site Stewards in Arizona have pursued archaeology as an interest, but they do not have any formal training in the subject and fail to understand some of the basic concepts and language. It can also be frustrating when Site Stewards report recent vandalism which turns out to be old and insignificant. 6

Sixth, another problem with Site Stewards has to do with injuries. If a site steward gets injured while inspecting a site, who pays for it? What happens if a Site Steward has a heart attack or gets shot by a looter? If [the Site Steward program is the option chosen, it is important to deal directly with this problem so no surprises such as a lawsuit or two come up later.] 7

To sum, [the best thing to do is to educate the public, hire on specialized law enforcement personnel and toughen up ARPA.] Though Site Stewards are useful in their function, they cannot prevent more looting. 8

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OPTION 10: Excavation and documentation of damaged archaeological sites.

First, the terms, "injured artifacts" are not too appealing. Artifacts do not have value in themselves; it is the data/information that they provide archaeologists that is valuable. (That is, after all, what some people say makes archaeologists different from looters). Also, what about damaged features or ecofacts? Does "artifacts" mean "isolated finds"? If so, say so. If not, please use a less painful word in terms of damaged data.]

9

Second, [data recovery is probably the best option for the problem at hand.] In the long run, it is cheaper because once the site is removed from management, land managers do not have to worry about looters or erosion. Nor do they have to worry about law enforcement or continual looting.

10

I am not an expert on Alaskan archaeology, [but if C14 dating is the only way that the damaged sites can be dated, then I encourage the development of new cleaning techniques or even new dating methods to aid in determining the age of sites.] I would think, however, that stylistic attributes of artifacts could serve as a relative dating method. For those sites that are damaged by oil, are they damaged in their entirety? If not, it may prove useful to sample those sites and recover only that which has not been damaged by the oil. Another option would be to excavate both areas of the site and cross-date the materials. Features that are damaged by the oil spill may have to be written off unless there are other dating methods that can be used, but some data recovery is better than allowing the sites to be looted even more.

11

OPTION 35: Replacement of archaeological artifacts by purchasing "specific pieces for public institutions".

The [purchase of artifacts from private individuals] absurd and will do nothing but encourage more looting. To the best of my knowledge, it is not the role of the land managing agency to go around and purchase artifacts which may have been stolen from the very land it manages. This option reminds me of a little museum where I did some volunteer work as an undergraduate. The museum purchased some artifacts from a private individual for quite a sum of money only to find out that many of them had been stolen from the very same museum some years prior to their purchase. Another analogy would be to find artifacts at an antique dealer that were supposed to be repatriated. If anything, [private collectors] should be educated and encouraged to either donate or loan

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their artifacts and/or notes to public institutions so they can be studied.] As for actively tracking down illegally collected artifacts, I do, and always will, support such an endeavor.

GENERAL OBSERVATIONS/QUESTIONS ABOUT ARCHAEOLOGY

When I reviewed Volume II of the Draft Work Plan, I got the impression that archaeological surveys were not conducted until two years after the occurrence of the oil spill. I hope that my impressions are wrong. However, if my impressions are correct, I am curious to know why it took two years, since earlier surveys and knowledge about the danger the damaged sites could have helped reduce looting. Some stabilization could also have been done to help reduce erosion.

I was disturbed by the fact that Volume I only briefly mentions damage done to Native sacred and burial grounds, and Volume II only briefly mentions working with Native Corporations. Current legislation (i.e. NAGPRA) requires that Federal land managers work closely with Native Americans with repatriation of human skeletal remains and associated grave furniture. [It is important to emphasize cooperation especially when it comes to restoring the damaged sacred lands and burial grounds.]

14

[No mention is made about potential data recovery or relocation of the damaged burials.] Perhaps this oversight is on purpose, since the subject of managing aboriginal sacred lands and burial grounds is a sensitive issue, but if that is the case, then why was it even mentioned? [If data recovery is feasible, it should be conducted in the most sensitive manner. It should also be as complete as possible and by an experienced and qualified paleopathologist and/or bioarchaeologist.]

15

16

Since most archaeologists from ASU are anti-contractor academicians and it has worn off on me somewhat, especially when I do thesis research. I have become wary about any kind of contractor, whether it be environmental or archaeological, because very few standards have been developed where direct comparisons can be made (it can be very expensive tracking down and re-analyzing materials from contract reports--if they can be found). Contractors are businessmen first and foremost, meaning that profit replaces caring. As a result many contractors seem to have become insensitive to the issues at hand. Instead of relying heavily on contracts, [I would like to see more schools get involved and I would like to see grants given to graduate students who study the effects of the oil spill on cultural resources and the ecosystem.]

17

Though I am no expert, [I feel that the estimated budget for cultural resources (and general environmental recovery) is lower than what the actual cost will be.] Since such an extensive and damaging oil spill has never happened before in U.S. history, it

18

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is difficult to be accurate in estimating such a cost. [It is hoped that money will be set aside for potential underestimation of project costs.] 19

GENERAL OBSERVATIONS

Nature seems to have a way of healing herself in terms of natural disaster. Mount St. Helens and even Yellowstone National Park are prime examples. [In terms of the Exxon Valdez oil spill, however, no action is not the answer.] Because actions to clean up the oil spill did not happen as quickly as it should, I am doubtful that the pre-spill ecosystem will ever come back to its pre-existing condition. I also think that Exxon got away with Ecological Murder and should be paying a larger fine than \$1 billion over the next ten years. Listed below are some general comments on the two volumes. 20

1) After reviewing the options in Volume I, I found that most, if not all, listed for the injured plant and animal life will have to be enforced to some extent, especially the manipulation of the various resources and the protection and acquisition of habitats. 21

[I support the idea of replacing the harvest of animals injured by the oil spill by establishing alternative areas of harvest (i.e. salmon runs), but I am curious about the possibility of overharvesting the undamaged areas to the point where genetic variability and/or reproduction is threatened.] [I also support that attempts will be made in re-establishing injured animals in situ rather than importing other stock.] I was surprised, however, to find that only a minor amount of data recovery on coastal habitats in the Prince William Sound area have been obtained prior to the oil spill. As a result, [extensive data recovery, perhaps more than that addressed in Volume II, will have to be carried out.] 22 23

2) Though the Restoration Framework mentions how the oil absorbed through the food chain will affect wildlife, it does not emphasize the effects as much as it should. I doubt that scientists have yet to fully understand how the minutest living organism consumed by a gastropod or any other creature can affect animals on a higher trophic level. [Thus, more emphasis should be made on the effects of the oil on different trophic levels and more studies should be carried out on this subject than is prescribed.] 24

3) [We know that the oil spill has definitely affected marine plantlife, but will it affect terrestrial plant life? If so, how? Will the oil act like fertilizer, or will it kill? This subject was not addressed in either volume.] [What happens if the terrestrial plant life begins to die? How will it affect the rest of the environment? How will it affect the wildlife and subsistence?] [How will the oil affect the local insect populations? Will insects become a problem in the future?] 25 26 27

4) It is sad to see that introduced foxes may need to be eliminated from islands that are important to nesting marine birds, especially when humans placed them on the islands in the first place. I agree that the foxes may have to be removed, but is there an alternative to outright slaughter? Can they be re-introduced into their original habitat or be taken elsewhere?

28

5) I noticed in Volume II that the majority of the project personnel are male. What happened to equal opportunity employment?

Though I have questions and comments on many other subjects, time and postal rates do not allow me to cover them, and perhaps they should be left to the experts. I do think, however, that timber and wildlife harvests and any other activity that may upset the delicate balance even more should be halted in and surrounding the damaged area until the ecosystem is able to recover to a good extent. Thank you for considering my comments.

29

Sincerely,

Esther Morgan

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Additional Comments:

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THE WILDERNESS SOCIETY

June 4, 1992

contains substantial comments 1-83
9/27

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

RE: Vol I. Restoration Framework

Dear Mr. Gibbons:

The Wilderness Society is pleased to provide scoping comments on the proposed Restoration Plan for the Exxon Valdez oil spill. National interests are truly at stake. Most oiled shorelines were within the boundaries of conservation units designated by the Alaska National Interest Lands Act. Designated Wilderness shorelines of Katmai National Park and Becharoff National Wildlife Refuge, proposed Wilderness in Chugach National Forest and Kenai Fjords National Park, and the spectacular defacto wilderness coasts of other national parks and wildlife refuges were harmed by the oil spill. As well, the federal Trustees must represent the public trust of all Americans in their decisions concerning natural resources and services that were damaged by the oil spill.

2 The priority of the Restoration Plan should be an ecosystem approach that protects threatened fish and wildlife habitat within coastal forests, rivers, and shorelines by acquiring land, development or timber rights, or conservation easements on a willing seller basis. We recommend that 80% of the Spill Settlement funds be used to acquire habitat. 3

Old-growth forests provide nesting sites for some of the birds most harmed by the spill, including bald eagles, harlequin ducks, and marbled murrelets--tree-nesting seabirds proposed for listing under the Endangered Species Act in the lower 48 (and recommended for Alaska by many scientists). Pristine riparian and upland old-growth forests provide crucial habitats for other species injured by the spill such as mink, river otter, salmon and other anadromous fish. Such forests protect the quality of streams, rivers, and watersheds. Intact forests provide for permanent jobs and strong, sustainable economies--not the "boom and bust" of logging--from commercial and sport fishing, tourism, recreation, and subsistence. 4

ALASKA REGION

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TEL. (907) 272-9453 FAX (907) 274-4145

Since the 1990 Public Symposium held by the Restoration Planning Work Group,
 5 [The Wilderness Society has advocated that acquisition of equivalent resources be a high
 priority of restoration.] [At this time, we believe that habitat acquisition--by preventing
 6 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.] [It would be impractical, and more damaging to remove the remaining oil,
 7 and thus little money should be allocated for this purpose except in Chenega Bay.] [We
 are concerned that the restoration plan benefit an array of species more broad than the
 8 commercially important ones.] While we recognize that management actions may be
 necessary to rectify the damages to certain species, [we believe that habitat acquisition
 9 can provide the most benefit for restoration of the entire ecosystem and its services, and
 therefore, that spending most of the Settlement funds for acquisition is justified.]

[We recommend that habitat acquisition be given priority--or at least concurrent--
 consideration in the plan using an imminent threat process for Native Corporation and
 other private lands including areas within Chugach National Forest, Kenai Fjords
 10 National Park, Cape Suckling, Afognak Island, Kodiak National Wildlife Refuge, Alaska
 Maritime National Wildlife Refuge, and Kachemak Bay State Park.]

We are disappointed that the Trustee Council has already approved more than
 three times the funding for restoration management action than for habitat protection
 planning. Ironically, the habitat acquisition projects could provide restoration for species
 in which serious injury is well documented, whereas most of the fisheries management
 action projects and the Red Lake sockeye restoration manipulation project are justified
 using only speculative damages. Yet, the Trustee Council approved restoration
 manipulation/enhancement and management action projects in this year's planning but
 funded NO actual habitat protection or acquisition projects despite the fact that the
 public had expressed acquisition as a high priority and the Trustee Council had received
 specific proposals for imminently threatened lands. [We caution that this may contravene
 NEPA regulations which state that "agencies shall not commit resources prejudicing
 11 selection of alternatives before making a final decision" {CEQ Regulations, July 1, 1986,
 40 CFR Section 1502.5(f)}.]

These following additional major issues should be addressed in the Restoration
 Plan.

Chapter II. Public Participation

12
Public Advisory group. [Seats should be designated for each interest.] [The Public
 Advisory Group should make consensus decisions where possible, but majority
 13 recommendations with minority views should also be put forward to the Trustee Council.]

[If the Trustee Council acts contrary to the recommendations of the Public Advisory
 Group, it should justify its reasons with written findings of fact.] [At least one non-voting
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member (chosen by the Public Advisory Group) should be placed on the Trustee Council, as was done by the Trustees of the Shell oil spill settlement in California. This is the only way to ensure that input from the Public Advisory Group is a meaningful part of the Trustees decision-making process as mandated by the Court.

The Group must have access to the restoration team and other staff to have as complete of information as possible for making recommendations. A dedicated staff member should work with the Public Group and regularly report to them about meetings of the restoration team and work group and habitat acquisition team that they attended. In addition to the Public Advisory Group, we believe that the public deserves the opportunity for continued direct contact with the Trustees.

Chapter IV. Summary of Injury

Inadequate time to review damage assessment studies. Since volumes of information from the Natural Resource Damage Assessment studies were only released to the public on June 1 and scoping comments are due June 4, we believe that there may be additional significant issues pertaining to injury or restoration that may need to be raised at a later date. Furthermore, the economic studies that determined a contingent valuation of damages to resources and services still have not been released. Because the Federal Register notice of April 10, 1992 stressed the importance of raising issues early in the process, we caution that other concerns may emerge after we have adequate time to review the relevant studies.

As the Framework document points out, some injuries may not be manifested for some time, yet the Federal Register notice states this EIS will guide restoration for the next 10 years. While we believe that our framework of restoration priorities is based on a long-term vision, we caution that the process must be able to respond to new information that will only be available in the future.

Definition of injury must encompass more than population level effects. We believe that the definition of injury should not focus on detected effects to populations, but should also include degradation of habitats and sub-lethal effects including changes in physiological or biochemical changes or productivity changes. This is crucial since, as the Trustees acknowledge, pre-spill population data is lacking for many species. So far, we have been unable to compare the summaries with the detailed investigations to discern the extent to which the population-level effect focus may have resulted in some effects of the spill (such as elevated hydrocarbon levels in tissues, etc.) not being described in this section.

Because this document was based on studies that focused on documenting injury for legal proof of harm, it seems that potential future environmental injury has been downplayed. Furthermore, the difference between lack of evidence of injury and lack of

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effects must be made explicit. For example, the heavy direct mortality of yellow-billed loons was of great concern since this species has low population numbers. Situations with such significance, even though no population effects could be measured, should be described. The "Summary of Injury" should more fully describe the more subtle effects; for example, the increased significance of rockfish mortality or physiological changes for such a long-growing species that may live 100 years (p.34). The significance of petroleum metabolites in the bile of fish should be explained (p.34).

Bald eagle injury downplayed. In particular, the section on bald eagles (p.27) appears to downplay the injury. Although bald eagles in Prince William Sound were most intensively studied, what about the effects to eagle productivity, health, and nesting populations in other oil spill areas? Are there still lasting effects from the lost productivity in 1989 and nest occupancy in 1989 and 1990? The carefully-worded conclusion that population indices suggest that the Prince William Sound eagle population is not measurably affected downplays effects there may be outside the Sound, or that there may be other lasting effects, such as to their nest occupancy, or contaminant uptake from degraded habitats.

Better information about Injury to Archeological Resources needed. We recognize that specific information about archeological resources needs to be kept confidential, but if possible, maps or description of which ANILCA conservation units had injured resources would be useful. It is hard for the public to appreciate the magnitude of damage without better information.

Injury to ecosystem needs to be described. The summaries of injury to habitats are a good start at describing the injury to the entire ecosystem, but further synthesis of effects on coastal, riverine, and upland habitats and the array of species they support is needed. As well, food web relationships need greater attention. For example, the ecological significance of uptake of petroleum hydrocarbons by deer from eating kelp was downplayed with the statement "it was determined that the deer were safe to eat," (p.25) especially since the intertidal habitat section failed to mention the kelp-deer interaction (p.35). Initial and potential long-term human health effects from the spill to residents and oil spill workers should be included in the summary since humans are part of the ecosystem.

Chapter V. Proposed Injury Criteria

"Natural resources" should include the ecosystem (p.39).

Definition of injury to resources needs to be more inclusive. We are troubled by the definition of "consequential injury" that may give more priority to significant population declines than to habitat degradation or contamination (p.39-40). If habitat or sublethal or chronic effects to adults or any other life stages are continuing, but have not

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yet been manifested or inferred at the population level, there may still be a problem for which restoration is warranted. Otherwise, we are supportive of the definition of injury to resources.

Recovery concept must include protection of habitat that contributes to natural recovery. We believe that enhancement of ecosystem protection is justified under the terms of the settlement and the recovery concept as written is too narrow. For example, the apparent "recovery" of bald eagles in Prince William Sound is dependent on maintaining abundant old-growth forest habitat where they nest and that supports the salmon they fed upon, and areas that provide significant feeding or migratory habitats such as Cape Suckling. Therefore, even if bald eagles are found by the Trustees to have recovered (so far, we have not yet been given adequate evidence that this has indeed occurred), it is justified to use restoration funds to protect their habitats in order to sustain the recovery.

Chapter VI. Evaluation of Restoration Options

Cost-benefit analysis cannot fully be evaluated by the public unless the State's economic damage studies are released to the public. Furthermore, it may be difficult to calculate the financial benefits from preventing future damages to injured resources or services from habitat protection. The cost-benefit analysis should take into account the experiences in places such as Redwood National Park, Golden Gate National Park, San Francisco Bay National Wildlife Refuge, etc. where waiting until logging or other development pressures occur mean that degraded lands may end up being purchased and the price has skyrocketed.

This criteria should be added to the list (p.44): "The degree to which the proposed action minimizes further impact on an injured resource or service."

We believe that the work of The Nature Conservancy for the Trustees has provided adequate information to properly evaluate habitat and protection options, contrary to the statement made in the Framework (p.45).

Habitat Protection and Acquisition Process (Additional Handouts distributed after Framework Released). We support use of the "Imminent threat protection process" described in Fig. 2, not the "Evaluation Process" shown in Fig. 1. Based on the information we have at this time, we prefer Threshold Criteria Set A. We believe that habitat protection and acquisition should be at the top of a hierarchy of restoration options. Considering the options given in the Restoration Framework, we strongly prefer concurrent analysis (Fig. 7--we prefer revised Fig. 7 from handout that shows habitat acquisition on same level as management and manipulation) and are opposed to the hierarchical analysis (Fig. 6) where habitat acquisition may only be considered as a last resort. On both Figs. 6&7, the "adequate" rate and degree of recovery that leads to "no

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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.] 46

[Long-term recovery monitoring should comprehensively approach the entire ecosystem.] Especially in this year's proposed work plan, monitoring and restoration work focuses on commercially-harvested and sport fish species. [Birds, marine mammals, invertebrates, and other "non-game" species need to be monitored as a significant part of the entire ecosystem.] Furthermore, [relatively little attention has been given to the effects on National Park resources.] [We believe long-term monitoring of the ecological effects of the oil spill is crucial and are supportive of an integrated-ecosystem approach.] [We prefer that on-going research efforts be directed by a board of independent scientists in consultation with the National Science Foundation so that research projects are conducted by the agency or research center most qualified to do so.] 47 48 49 50 51

Chapter VII. Restoration Alternatives and Options

A New Alternative is Needed. From this year's work plan, it is already obvious that each alternative, not just #6(F), will be a combination. Therefore, [we recommend that alternatives be developed which stress the different priorities yet includes all categories.] [We believe that the preferred alternative should give priority to habitat acquisition to prevent further damage to injured resources and services, as well as to compensate for loss of equivalent resources and services (using 80% of the restoration funds for this purpose).] Your proposed Alternative #4(D), Habitat Protection and Acquisition, fails to include fee simple acquisition in addition to purchase of timber or other development rights and conservation easements. [We recommend that the Alt. D also include "prevent further damage to resources or services," and "Protect or acquire forests and watersheds" (Option 25), [Acquire 'inholdings' within parks and refuges" (Option 24)] and [Acquire tidelands" (Option 21).] As written, Alternative #4, describes a hierarchical approach in which any acquisition would be a last resort, whereas we believe it should be the priority, or at least given concurrent consideration. [Language should be added to make it clear that restoration actions outside the spill area are allowable and may be appropriate. This is especially the case for areas such as Cape Suckling that are within the spill-affected ecosystem,] but [areas used by migratory bird populations outside the spill area may need to be considered at some point.] 52 53 54 55 56 57 58

In all alternatives, [changes in management practices on public lands should be done concurrently but not as a major component of the plan so long as agencies managing public lands in the spill affected ecosystem do not take actions that compromise the natural resource values there now.] While [agency management planning is related to the restoration plan, we do not believe that it should be the primary focus of the Trustee Council's efforts.] 59 60

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[For all alternatives, manipulation of resources should emphasize management that protects wild fish stocks and natural wildlife diversity and should avoid focusing on only single species.] [Enhancements should not compromise wilderness and recreational values.] [We are opposed to construction of intrusive, new recreational facilities including roads, ports, hotels, or others.] [We are opposed to an endowment alternative should one be suggested.]

[Employment of local residents should be a priority. The Federal government should make full use of local-hire provisions. Monitoring and long-term research programs, site stewardship of archeological and other cultural resources, and restoration projects should hire rural residents.]

Appendix B

As stated above, [we support options that maintain or restore the natural diversity and populations of fish, wildlife, and habitats and the scenic beauty of the wilderness environment.] [We are especially concerned that restoration projects for fisheries may be dominated by projects to develop artificial populations whereas the emphasis should be on protecting the genetic diversity of wild salmon stocks.]

[We believe that options 1, 4, 6, 20-27, 31 are most appropriate, and we have the most enthusiasm for options #22, 23, 24, 25, and 27.] [Options 9, 10, 17, 29, 30, and 33 are also useful but at a lower priority.] [Option 6 should be divided into separate options for each type of designation.] [Option 25 should be expanded under "background and justification" to include populations of salmonids, harlequin ducks, marbled murrelets, cutthroat trout, river otters, and bald eagles.] [Under "action" in this option, the words "adjacent to anadromous streams" should be omitted because other types of upland habitats are valuable to some injured species.] [It is surprising to see Option 31, since it seems to be included already for the "no action" as well as other alternatives.]

[The magnitude, siting, and other factors will be needed to assess the suitability of some options.] In general, [we oppose option #18 and many projects that may fall under #3.] For example, [we are opposed to the Red Lake sockeye salmon project #113 proposed this year as it is similar to the one at Tustumena Lake, Kenai National Wildlife Refuge where restocking a wild lake with hatchery fish created new problems.] [Restoration projects should not sacrifice wild salmon in order to enhance hatchery fish.] [We are generally opposed to Option 12 (creation of new recreation facilities) unless it will decrease negative impacts of human use on the ecosystem] and [strongly oppose creation of new facilities that will degrade or compromise wilderness values.]

[We are opposed to option # 23, the endowment, as we believe that habitat acquisition needs to begin immediately.] [If any endowment is dedicated, it must comprize a small proportion of the funds and support long-term scientific monitoring.] [We oppose

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Option #34 because we believe that such an institute would needlessly duplicate the functions of many existing agencies and research institutions.] If anything, [a new private foundation with a board of independent scientists might be useful to coordinate research efforts done various existing bodies.] 83

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

Pamela A. Miller
Asst. Regional Director

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

Dear Trustee Council Members:

Thank you for the opportunity to comment on the Restoration Framework. Many of the natural resources and services addressed by the Framework are of vital concern to The Nature Conservancy. Therefore, we strongly support the development of a process and structure to guide effective and cost efficient restoration efforts.

We commend the Trustee Council, Restoration Team and other working groups for the countless hours expended trying to establish a solid foundation for future restoration activities. Based upon our experience elsewhere, as well as our limited involvement in Exxon Valdez oil spill (EVOS) restoration efforts, we offer the following specific comments for your consideration:

1. Chapter I, Proposed Action. The Memorandum of Agreement (MOA), dated August 28, 1991, specifically provides for meaningful public involvement in the restoration process. The Trustee Council has affirmed its commitment to public involvement continually since damage assessment and restoration efforts commenced. Accordingly, it is appropriate that the proposed action statement incorporate a strong reference to public involvement.

2. Chapter II, General Comments. As a supporter of effective public involvement, we recommend that:

A. The Public Advisory Group (PAG) support staff should be directly accountable to the PAG, to the extent legally permissible. A direct relationship between the PAG and its support staff will promote trust between the PAG and the Trustee Council and credibility in the public eye.

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B. [PAG members should be provided reasonable advance notice and an opportunity to attend Restoration Team and working group meetings.] Reasonable participation in Restoration Team and working group meetings by PAG members will help to foster a positive and effective working relationship between the parties.

4

C. [The public should be provided agendas and reasonable access to meeting materials at least seven days in advance of scheduled Trustee Council meetings.]

5

3. Chapter IV, General Comments. Overall, the injury criteria provided in Chapter IV provides an excellent basis for decision making. However, an ambiguity in linkage to the "recovery concept" creates what is probably an unintended potential to delay restoration actions indefinitely. Specifically, [restoration options may be worth considering "if it appears that time to recovery is prolonged (emphasis added)."] [We suggest that a reasonable time frame be established within which recovery is desired]

6

7

4. Chapter VI, General Comments. We suggest the addition of the following criteria:

A. ["Degree to which the proposed action provides an opportunity for public/private partnership efforts." A public/private partnership proposal will result in leveraged public dollars. North American Waterfowl Management Plan projects are an excellent example of this concept at work.]

8

B. ["Degree to which the proposed action negatively impacts non-public natural resources and services." Unintended damage to private natural resources and services could be avoided by this addition.]

9

Regarding "Evaluations of Options for Identifying and Protecting Marine and Upland Habitats," we intend to provide comments after being provided an opportunity to review the supplemental framework document announced at the April 27, 1992 Trustee Council meeting.

5. Chapter VII. Based upon the Conservancy's ecosystem conservation experiences elsewhere, a complex process such as EVOS restoration is best served by a variety of tools and approaches. Therefore, [we strongly support Alternative F, "Combination Alternatives."]

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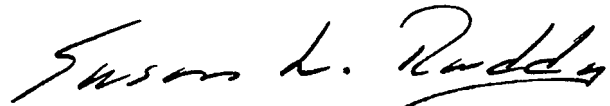
[We also recommend the concurrent approach to the analysis of restoration options. Our recommendation is based upon the Conservancy's institutional commitment to cost-effective conservation actions. The concurrent approach enables restoration planners to consider all alternatives when evaluating cost

11

effectiveness.] For example, if the hierarchical approach is used the resource managers might be forced to refuse a donation of an interest in private land until such time that it is concluded that a more expensive management action is determined to be ineffective.

Once again, thank you for providing the Conservancy with an opportunity to comment on the Restoration Framework.

Sincerely,



Susan L. Ruddy
Vice President/State Director

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The Nature Conservancy of Alaska

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Exxon Valdez Oil Spill Trustee Council
645 G Street

Anchorage, AK 99501

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