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EXXON VALDEZ OIL SPILL

Public Advisory Group

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Exxon Valdez Oil Spill
Public Advisory Group

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Exxon Valdez Oil Spill
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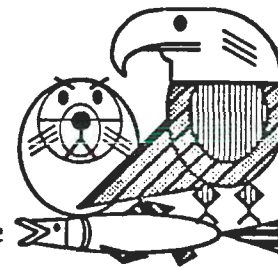
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Exxon Valdez Oil Spill Trustee Council

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**MEMORANDUM OF UNDERSTANDING
AMONG THE STATE AND FEDERAL
NATURAL RESOURCE TRUSTEES FOR THE
EXXON VALDEZ OIL SPILL**

I. INTRODUCTION

This Memorandum of Understanding ("MOU") among the State and Federal natural resource trustees for the Exxon Valdez Oil Spill ("Oil Spill") is entered into to ensure the coordination and cooperation among the Trustees in the restoration of the natural resources injured, lost or destroyed as a result of the Oil Spill.

II. PARTIES

The following officials ("Trustees") are parties to this MOU and act on behalf of the public as trustees for the natural resources injured, lost or destroyed as a result of the Oil Spill:

- Attorney General of the State of Alaska;
- Commissioner, Alaska Department of Environmental Conservation;
- Commissioner, Alaska Department of Fish and Game;
- Secretary of Agriculture;
- Secretary of the Interior; and
- Administrator, National Oceanic and Atmospheric Administration, Department of Commerce.

III. PURPOSE

The purpose of this MOU is to confirm the establishment by the Trustees of, and the authorities granted to, the Exxon Valdez Oil Spill Trustee Council ("Trustee Council" or "Council") located in Alaska.

IV. AUTHORITIES

The Trustees enter into this MOU in accordance with the authorities provided to each Trustee by Section 311(f) of the Federal Water Pollution Control Act, 33 U.S.C. 1321(f); the Memorandum of Agreement and Consent Decree ("MOA") approved and entered on August 28, 1991, in United States v. State of Alaska, No. A91-081 CV, and the Agreement and Consent Decree ("Consent Decree") approved and entered on October 8, 1991, in United States v. Exxon Corporation, et al., No. A91-082 CV and State of Alaska v. Exxon Corporation, et al., No. A91-083 CV; and Section 207 of the Dire Emergency Supplemental Appropriations Act and Transfer for Relief from the Effect of Natural Disasters, for Other Urgent Needs, and for Incremental Cost of 'Operation Desert Shield/Desert Storm' Act of

V. TRUSTEE COUNCIL

The Trustees hereby confirm in writing the establishment by the Trustees of the Trustee Council located in Alaska, whose membership is comprised of either a designee of each Trustee or the Trustee himself. The Trustee Council may take any action, consistent with applicable law, the MOA, the Consent Decree and this MOU, necessary to restore the natural resources injured, lost, or destroyed as a result of the Oil Spill. To carry out its responsibilities, the Council shall establish appropriate policies and procedures, including standards and procedures (a) governing the joint use and expenditure of moneys from the Joint Trust Fund in the Registry of the District Court, as it determines are necessary; and (b) for meaningful public participation, including the receipt of advice by the Council of advice from the public advisory group on behalf of the Trustees.

Upon completion of public review and comment on the proposed annual work plan, the Federal members of the Trustee Council shall submit to their Departments, through normal channels, the Federal portion of the budget then agreed upon by the Trustee Council for appropriate review and approval. It is expected that such review, including that of the Office of Management and Budget, will be completed within 30 days of receipt in Washington. Similarly, with respect to the State portion of the budget, State members of the Trustee Council will take appropriate action to comply with State requirements. Upon notification of Federal Executive Branch approval of the Federal portion of the budget and similar notification from the State Executive Branch, the Trustee Council will request the State of Alaska Department of Law and the U.S. Department of Justice to petition the Court for release of settlement funds and the transfer of these funds, respectively, to the U.S. Department of the Interior Natural Resource Damage Assessment and Restoration (NRDA&R) Fund and to an account designated by the State of Alaska.

If the review process of either government results, in the opinion of one government, in an undue delay in filing a petition with the Court which would adversely impact it, the Trustee Council will, upon written request of the concerned government, provide appropriate consent for a joint petition to the Court for funds to be used for the activities identified in the budget approved by the Trustee Council for that concerned government.

VI. MISCELLANEOUS

This MOU supersedes and replaces all previous interagency agreements regarding the organization and coordination of Oil Spill activities of the Federal Trustees, including the Memorandum of Agreement dated April 28, 1989.

Nothing herein is intended to void any actions taken by the Trustee Council prior to the execution of this MOU, and such actions are hereby ratified to the extent they are consistent with this MOU, the MOA and the Consent Decree.

Nothing in this MOU shall be construed as obligating the United States or the State of Alaska to expend any funds in excess of appropriations authorized by law.

The designation of a substitute or successor Trustee by either Government shall not affect the rights and responsibilities under this MOU.

The rights and responsibilities contained in this MOU shall not be the basis of any third party challenges or appeals.

VII. AMENDMENTS AND TERMINATION

Amendments, modifications or termination of the MOU may be proposed by any Trustee and shall become effective upon unanimous written approval of the Trustees. This MOU shall otherwise terminate upon the earlier of the completion of the restoration program resulting from the Oil Spill, or the expenditure of all Joint Trust Fund monies.

VIII. EXECUTION

This MOU may be executed in counterparts. A copy with all original executed signature pages affixed shall constitute the original MOU. The date of execution shall be the date of the final Trustee's signature.

Edward Madigan
Secretary of Agriculture

Date: September 21 1992

Manuel Lujan Jr.
Secretary of the Interior

Date: SEP 10 1992

John A. Krauss
Administrator, National Oceanic
Atmospheric Administration,
Department of Commerce

Date: SEP 25 1992

William C. Ull
Attorney General of Alaska

Date: 10-1-92

Paul A. Taylor
Commissioner, Alaska
Department of Conservation

Date: 10/1/92

William R. Taylor
Commissioner, Alaska
Department of Fish and
Game

Date: 10/1/92

EXXON VALDEZ OIL SPILL SETTLEMENT

TRUSTEE COUNCIL

OPERATING PROCEDURES

1. BASIC GOVERNING PROCEDURES:

The current edition of Roberts Rules of Order Revised will be used as the basic governing procedures of the Council. All provisions of these rules of order will apply to Council deliberations except when they are amended by unanimous agreement of the Council.

2. MEMBERSHIP:

The Council will consist of one member to be designated from each of the following agencies: the United States Departments of Interior, Agriculture and Commerce (National Oceanic and Atmospheric Administration) and the Alaska Departments of Fish and Game, Environmental Conservation, and Law. It is the intent of these procedures that the member designated by each agency shall sit at Council meetings. Each agency shall designate an alternate member to sit at Council meetings and exercise voting privileges on behalf of the agency's Council member in the event a vacancy in the position designated as Council member, illness, or other reason precludes a member from attending. Such designation shall be made in writing delivered to the Co-chairs.

3. QUORUM:

A quorum of two-thirds (2/3) of the total Council membership, i.e. four Council members, including two state members and two federal members, shall be required to convene a meeting and conduct business. Provided, that all decisions as described in section 5, shall be made by the unanimous agreement of the Trustee Council members or their properly designated alternates who have not abstained.

4. PRESIDING OFFICER:

The presiding officer of Council meetings shall alternate between two Co-chairs, one selected by the federal Council members and one selected by the state Council members. The Co-chairs, including the Co-chair presiding at a meeting, may participate in discussion and debate at Council meetings and shall vote on all questions coming before the Council.

5. ACTION/RULES OF VOTING:

All matters coming before the Council which require a vote of the Council to take an action, make a recommendation, approve or disapprove an item or otherwise render a decision shall require the unanimous approval of all of the Council members or their properly designated alternates who have not abstained pursuant to this paragraph. Council action shall be taken at a duly convened meeting, except as provided in Paragraph 11.

Abstaining from voting shall not be permitted by any Council member unless there is an affirmative vote of all members of the Council and either of the following conditions exists: (a) there is an apparent, or declared, conflict of financial interest on the part of a Council member or (b) voting by the member would constitute a violation of applicable federal or state law. In the event a Council member believes he or she must abstain from participating in a Council decision, the Council member may request that the decision be deferred until that member has an opportunity to designate an alternate who is eligible to vote.

6. MEETINGS:

Meetings of the Council shall be held at times and locations determined by the Council.

The Council Co-chair who will chair the next meeting shall prepare a proposed agenda and circulate it to the Council at least three weeks prior to the meeting. The final agenda for the meeting will be determined at the meeting by the Council. The agenda for each meeting will include a reasonable opportunity for public comment.

Notice of each meeting and the proposed agenda shall be given to the public prior to the meeting by publication of a notice and the proposed agenda in one or more newspapers of general circulation in at least the following cities: Anchorage, Chenega, Cordova, Fairbanks, Homer, Juneau, Kenai, Kodiak, Seward, and Valdez and

Whittier and by distribution of the notice and proposed agenda to one or more radio stations in each of these cities.

Meetings of the Council shall be open to the public, except for matters considered in executive session. Teleconferencing will be used to the extent feasible to allow public participation in the cities listed above.

7. EXECUTIVE SESSIONS:

Executive sessions shall be kept to a minimum and shall be used only for discussion of matters concerning confidential personnel issues, litigation or legal advice, confidential archaeological information, confidential fisheries information or such other matters included under AS 44.62.310(c) or other applicable laws.

8. COUNCIL MINUTES:

Council minutes shall be maintained by the Co-chairs, at the direction of the Co-chair who chairs a particular meeting. All meetings of the Council shall be recorded electronically or by court reporter, and said recordings shall, along with the written, approved minutes, constitute the official record of the Council's actions.

9. MAILING LIST AND PUBLIC NOTIFICATION:

The Council shall maintain a basic mailing list including each member of the Council, each Council staff member and each member of the Public Advisory Group. In addition, the Co-chairs shall

develop a listing of other interested government agency officials, Native organizations, private and public interest groups, and individuals. This general mailing list shall be organized and used to facilitate participation in Council decisions and recommendations by those parties who are directly affected by Council decisions and actions.

10. WORK ASSIGNMENTS:

The Co-chairs, with the unanimous consent of the Council, shall determine appropriate means of accomplishing the work of the Council and shall employ its resources accordingly.

11. INTERIM EMERGENCY ACTION:

In the event of an emergency requiring Council action before a meeting can be held in accordance with the procedures described herein, the Co-chairs may poll the Council and take action by unanimous agreement. This shall be done jointly by the Co-chairs and may be accomplished by teleconference or other method of contacting each member.

12. JOINT TRUST FUND PROCEDURES:

A joint trust fund shall be established and administered by the Council. All settlement monies designated for the joint trust fund shall be deposited in the Court Registry Investment System (CRIS) and otherwise handled in compliance with applicable court orders.

13. RESOURCE RESTORATION COORDINATION GROUP:

There is established a Resource Restoration Coordination Group (RRCG). Each Council member shall designate one member of the RRCG. The duties of the group shall include:

- a. Restoration planning, including plan development and evaluation;
- b. Facilitation of public participation in planning and plan implementation;
- c. Oversight of scientific needs and scientific content of restoration, including peer review as needed;
- d. Through agency counsel, identification of legal requirements for project completion;
- e. Implementation, oversight, evaluation and monitoring of restoration activities;
- f. Oversight of Oil Spill Information Center (OSPIC), including, if appropriate, the transfer to an alternate facility;
- g. Maintenance of necessary administrative records;
- h. Budgetary assistance to the Council, including tracking internal and project costs and expenditures;
- i. Interaction and coordination with pertinent state and federal financial teams and agencies regarding fiscal matters; and
- j. Such other duties as are assigned by the Council.

The Council shall appoint an administrative director of the RRCG. The duties of the administrative director of the RRCG shall include:

- a. Coordination of budgetary and contractual matters with financial teams and the Council;
- b. Acting as liaison with the Council and the Public Advisory Committee;
- c. Supervision of administrative staff;
- d. Participation on the RRCG as non-voting chair;
- e. Interaction with the public and public officials; and
- f. Such other duties as are assigned by the Council.

14. AMENDMENT OF PROCEDURES:

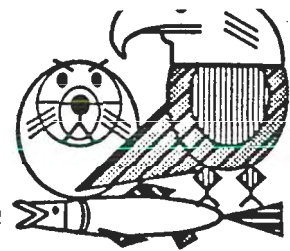
These operating procedures may be modified by unanimous agreement of the Council at any time.

Exxon Valdez Oil Spill Trustee Council

Restoration Office

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RESTORATION TEAM

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Pamela Bergmann Regional Environmental Assistant U.S. Department of Interior Office of Environmental Affairs 1689 C Street, Room 119 Anchorage, AK 99501-5126	(907)271-5011 (907)271-4102 - FAX
Mark Brodersen Restoration Chief Alaska Department of Environmental Conservation 410 Willoughby Avenue Juneau, AK 99801-1795	(907)465-5323 (907)465-5375 - FAX
Jerome Montague Director, Oil Spill Impact Assessment & Restoration Division Alaska Department of Fish and Game 1255 West 8th Street Juneau, AK 99802	(907)465-4125 (907)463-3768 - FAX
Byron Morris Chief, Office of Oil Spill Damage Assessment and Restoration U.S. Department of Commerce - NOAA National Marine Fisheries Service 11305 Glacier Highway Auke Bay, AK 99821	(907)789-6600 (907)789-6608 - FAX

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EXXON VALDEZ OIL SPILL SETTLEMENT

RESTORATION TEAM

OPERATING PROCEDURES

1. MEMBERSHIP:

The Restoration Team will consist of one member to be designated by each of the following agencies: the United States Departments of Interior, Agriculture and Commerce (National Oceanic and Atmospheric Administration) and the Alaska Departments of Fish and Game, Environmental Conservation, and Law. It is the intent of these procedures that the member designated by each agency shall attend Restoration Team meetings. Each member shall designate an alternate member to attend meetings and exercise voting privileges on behalf of the agency in the event a vacancy in the designated position, illness, or other reason precludes a member from attending. Such designation shall be made verbally or in writing to the Administrative Director.

2. QUORUM:

A quorum of five-sixths of the total Restoration Team membership shall be required to convene a meeting and conduct business. However, all Restoration Team members or their properly designated alternates must be provided a reasonable opportunity to vote on recommendations to the Trustee Council. Restoration Team members may attend meetings and vote on recommendations via teleconference.

3. PRESIDING OFFICER:

The presiding officer of Restoration Team meetings shall be the Administrative Director. If the Administrative Director is not available due to a vacancy, illness or other reasons preclude their attendance, the Restoration Team will appoint an acting Presiding Officer from the Restoration Team.

4. ACTION/RULES OF VOTING:

All matters coming before the Restoration Team requiring a recommendation to the Trustee Council must be approved by at least five of the six Restoration Team members. An Restoration Team member may abstain from voting if there is an apparent or declared conflict of interest. In the event that an Restoration Team member believes that they must abstain from participating in a recommendation, it is their responsibility to have a properly designated alternate available to vote on the recommendation at the meeting in which it is discussed. When reporting Restoration Team recommendations to the Trustee Council, dissenting views shall be included if requested by a Restoration Team member.

5. MEETINGS:

The Administrative Director shall prepare a proposed agenda and circulate it to the Restoration Team members prior to each meeting. The final agenda for the meeting will be determined at the meeting by the members.

6. MINUTES:

The Administrative Director shall be responsible for preparing minutes of all Restoration Team meetings. Minutes of Restoration Team meetings shall include all motions presented, all votes taken by agency regarding all motions and all non-working documents distributed during the meeting. Copies of the minutes of all Restoration Team meetings shall be made available following each meeting. One copy of the minutes shall be held in a central depository under control of the Administrative Director and be available for public viewing.

7. MAILING LIST AND PUBLIC NOTIFICATION:

The Restoration Team, thru the Administrative Director, shall maintain a basic mailing list including each member of the Trustee Council, each Restoration Team member and alternate member and each member of the Public Advisory Group. In addition, this list shall include interested government agency officials, Native organizations, private and public interest groups, and individuals. This general mailing list shall be organized and used to facilitate public participation.

8. WORK ASSIGNMENTS:

Each Working Group under the Restoration Team shall be chaired or co-chaired by member(s) of the Restoration Team unless approval is obtained by the Trustee Council to specify non Restoration Team members. The Restoration Team shall, at the discretion of the Trustee Council, assign each Working Group and its membership. Each Working Group and its respective membership must be approved by the Trustee Council at its next regularly scheduled meeting.

9. RESTORATION TEAM:

The specific duties of the group shall include:

- a. Restoration planning, including plan development and evaluation;
- b. Facilitation of public participation in planning and plan implementation;
- c. Oversight of scientific needs and scientific content of restoration, including peer review as needed;
- d. Identification of legal requirements for project completion through agency counsel;
- e. Implementation, oversight, evaluation and monitoring of restoration activities
- f. Budgetary assistance to the Trustee Council, including tracking internal and project costs and expenditures;
- g. Interaction and coordination with pertinent state and federal financial teams and agencies regarding fiscal matters;
- h. Preparation of written explanations or briefing papers to the Trustee Council covering each agenda item before their meetings;

- i. Review and approval of all documents by the Restoration Team shall be completed before distribution to the public or Trustee Council;
- j. Interaction with the public and public officials; and
- k. Such other duties as are assigned by the Trustee Council.

14. ADMINISTRATIVE DIRECTOR:

The Trustee Council shall appoint an Administrative Director who will report to and take direction from the Trustee Council.

- a. Coordination of budgetary and contractual matters with financial teams and the Trustee Council;
- b. Act as liaison with the Trustee Council and the Public Advisory Committee;
- c. Responsible for coordination with the Restoration Team;
- d. Supervision of administrative staff;
- e. Participation on the Restoration Team as a non-voting chair except in cases of tie votes;
- f. Interaction with the public and public officials;
- g. Oversight of a Public Resource Center including, if appropriate, the transfer to an alternate facility;
- h. Maintenance of necessary administrative records;
- i. Arrange and provide logistics, document and personnel support to the Restoration Team for meetings, etc.; and
- j. Such other duties as are assigned by the Trustee Council.

15. TRUSTEE COUNCIL MEETINGS:

The Administrative Director and the Restoration Team will collectively produce and send to the Trustee Council members proposed Trustee Council meeting agenda items and appropriate advance handout materials at the earliest possible date.

16. AMENDMENT OF PROCEDURES:

These operating procedures may be modified by unanimous agreement of the Trustee Council at any time.

III B

Final Work Group Operating Procedures

Exxon Valdez Oil Spill Restoration Team

These procedures are to be followed by Restoration Team Work Groups.

1. Work Group Membership

Work Group members are identified by Trustee agencies, recommended by the Restoration Team and approved by the Trustee Council. Work Group members should designate alternates (with approval of the Restoration Team member) to attend meetings for them when they cannot attend.

2. Work Group Chairs

The Chair is a member of the Restoration Team (except for the Restoration Planning Work Group), is recommended by the Restoration Team and approved by the Trustee Council. The Chair should oversee all Work Group meetings. However, if they cannot attend a scheduled meeting, they may designate an alternate Chair to conduct the meeting in their absence.

3. Work Group Meetings

The Work Group Chair sets the date and time of the meetings in consultation with the Work Group members. An agenda should be sent by the Chair to all Work Group members prior to the meeting. The agenda must contain the time and location of the meeting and a list of the principal topics of discussion. If a scheduled meeting must be canceled, it is the responsibility of the Chair to sufficiently notify all Work Group members, especially those who must travel, to avoid inconvenience and unnecessary costs. The Chair is responsible for reserving a meeting room with the Administrative Director's staff if the meeting is in the Restoration Office in Anchorage.

4. Work Group Decisions

Decisions of Work Groups are to be made by general consensus. Any questions or conflicts that cannot be resolved by the Work Group should be brought to the attention of the Restoration Team, by the Work Group Chair, for resolution.

5. Meeting Summaries

The Chair is responsible for producing a summary of action items, to whom they were assigned and their due date after the Work Group meeting. The summary must identify the Work Group name, date and location of the meeting, and the persons in attendance.

Within one week, the summary should be sent to the members of the Work Group, the members of the Restoration Team, and the Administrative Director.

6. Matters To Go Before the Restoration Team

Any materials that are to go before the Restoration Team for discussion or action must be sent by the chair to the Administrative Director and each member of the Restoration Team prior to the meeting to allow for adequate review.

7. Budget and Reporting Requirements

Based upon guidance from the Restoration Team, the Chair shall compile an annual plan of the Work Group for submission through the Restoration Team to the Trustee Council for approval. The Plan is to include a list of Work Group tasks, a list of members, time allocated per member, and a budget which will be completed by each agency for their component following the form prescribed in the Financial Operating Procedures. The Plan should identify the specific tasks to be accomplished, how the work will be completed and a schedule for their completion.

Exxon Valdez Oil Spill

Public Advisory Group

September 1992

Member	Residence	Principal Interest
*Rupert E. Andrews	Juneau, AK	Sport Hunting & Fishing
*Pamela Brodie	Anchorage, AK	Environmental
*James L. Cloud	Anchorage, AK	Public-at-Large
*James Diehl	Girdwood, AK	Recreation Users
*Richard I. Eliason	Sitka, AK	Public-at-Large
*Donna Fischer	Valdez, AK	Local Government
*John S. French	Fairbanks, AK	Science/Academic
*V. Paul Gavora	Fairbanks, AK	Public-at-Large
*James G. King	Juneau, AK	Conservation
*Richard A. Knecht	Kodiak, AK	Subsistence
*Vern C. McCorkle	Anchorage, AK	Public-at-Large
*Gerald McCune	Cordova, AK	Commercial Fishing
*John C. McMullen	Cordova, AK	Aquaculture
*E. Bradford Phillips	Anchorage, AK	Commercial Tourism
*John L. Sturgeon	Anchorage, AK	Forest Products
*Charles Totemoff	Chenega Bay, AK	Native Landowners
*Llewellyn W. Williams Jr.	Ketchikan, AK	Public-at-Large
<u>Ex-Officio Members</u>		
*Cliff Davidson	Kodiak, AK	Alaska State House
*Jalmar M. Kertulla	Palmer, AK	Alaska State Senate
<u>Designated Federal Officer</u>		
*Douglas L. Mutter	Anchorage, AK	Department of the Interior

Exxon Valdez Oil Spill

Public Advisory Group and Alternates

July 1993

Member	Mailing Address	Work Telephone Home Telephone FAX	Principal Interest
Rupert E. Andrews	9416 Long Run Drive Juneau, AK 99801	hm (907) 789-7422	Sport Hunting & Fishing
alternate: None			
Pamela Brodie	Sierra Club 241 E. 5th Ave., Suite 205 Anchorage, AK 99501	wk (907) 276-4048 fx (907) 258-6807	Environmental
alternate: Eric Myers			
	6710 Potter Heights Anchorage, AK 99516	hm (907) 345-3366	
James L. Cloud	P.O. Box 201014 Anchorage, AK 99520-1014	wk (907) 265-2816 fx (907) 265-2141	Public-at-Large
alternate: will delegate a current PAG member			
James Diehl	Knik Canoers and Kayakers Box 868 Girdwood, AK 99587	wk (907) 783-2708	Recreation Users
alternate: Sarah Cronk			
	P.O. Box 927, Davos Road Girdwood, AK 99587-0927	hm (907) 783-2835	
Richard I. Eliason	P.O. Box 143 Sitka, AK 99813	wk (907) 747-6276 hm (907) 747-3322 fx (907) 747-5807	Public-at-Large
alternate: will delegate to Jim Cloud or Vern McCorkle			

Exxon Valdez Oil Spill

Public Advisory Group and Alternates

July 1993

Member	Mailing Address	Work Telephone Home Telephone FAX	Principal Interest
Donna Fischer	City of Valdez P.O. Box 395 Valdez, AK 99686	wk (907) 835-4437 fx (907) 835-2992	Local Government
alternate: Dave Beck	P.O. Box 3416 Valdez, AK 99686	wk (907) 835-3789 fx (907) 835-3792	
John French	Fishery Industrial Technology Center University of Alaska Fairbanks 900 Trident Way Kodiak, AK 99615	wk (907) 486-1505 fx (907) 486-1540	Science/Academic
alternate: Brenda Norcross	Institute of Marine Science School of Fisheries and Ocean Sciences 200 O'Neil Building Fairbanks, AK 99775-1090	wk (907) 474-7990 fx (907) 474-7204	
V. Paul Gavora	P.O. Box 70021 Fairbanks, AK 99707	wk (907) 452-6422 fx (907) 451-8265	Public-at-Large
alternate: Donald McCumby	154 View Avenue Fairbanks, AK 99712	hm (907) 457-5617	
James G. King	1700 Branta Road Juneau, AK 99801	hm (907) 789-7540	Conservation
alternate: George Matz	14345 Cody Circle Anchorage, AK 99516	hm (907) 345-3139	

Exxon Valdez Oil Spill

Public Advisory Group and Alternates

July 1993

Member	Mailing Address	Work Telephone Home Telephone FAX	Principal Interest
Richard A. Knecht	Kodiak Area Native Association 402 Center Avenue Kodiak, AK 99615	wk (907) 486-1992 fx (907) 486-2763	Subsistence
alternate: Dolly Reft	3011 Spruce Cape Road Kodiak, AK 99615	hm (907) 486-8564	
Vern C. McCorkle	8811 Arlene Street Anchorage, AK 99502	wk (907) 276-4373 hm (907) 243-3627 fx (907) 279-2900	Public-at-Large
alternate: will delegate to a current PAG member			
Gerald McCune	P.O. Box 372 Cordova, AK 99574	wk (907) 424-3447 fx (907) 424-3430 fx (206) 321-6474	Commercial Fishing
alternate: Mary McBurney	P.O. Box 464 Cordova, AK 99574	wk (907) 424-3447 hm (907) 424-3557 fx (907) 424-3430	
John C. McMullen	Prince William Sound Aquaculture Corp. P.O. Box 1110 Cordova, AK 99574	wk (907) 424-7511 fx (907) 424-7514	Aquaculture
alternate: Dan Warren	821 N Street, #101B Anchorage, AK 99501	wk (907) 274-6066 fx (907) 274-1959	

Exxon Valdez Oil Spill
Public Advisory Group and Alternates
 July 1993

Member	Mailing Address	Work Telephone Home Telephone FAX	Principal Interest
E. Bradford Phillips	Phillips Cruises & Tours P.O. Box 100034 Anchorage, AK 99510-0034	wk (907) 276-8023 fx (907) 276-5315	Commercial Tourism
alternate: Bill Elander	1600 A Street, Suite 200 Anchorage, AK 99501-5162	wk (907) 276-4118 fx (907) 278-5559	
John L. Sturgeon	Koncor Forest Products 3501 Denali, Suite 202 Anchorage, AK 99503	wk (907) 562-3335 hm (907) 345-2299 fx (907) 562-0599	Forest Products
alternate: Kimberley Benton	621 West 90th Avenue Anchorage, AK 99515	wk (907) 522-2163 fx (907) 349-9394	
Charles Totemoff	Chenega Corp. P.O. Box 60 Chenega Bay, AK 99574-0060	wk (907) 573-5118 fx (907) 573-5135 fx (907) 279-6862	Native Landowners
alternate: Gail Evanoff	Chenega Corp. P.O. Box 60 Chenega Bay, AK 99574-0060	wk (907) 573-5118 fx (907) 573-5135	
Llewellyn W. Williams Jr.	755 Grant Street Ketchikan, AK 99901	wk (907) 225-3157 fx (907) 225-1096 hm/fx (907) 225-5431	Public-at-Large
alternate: Sharon Gagnon	7001 Tree Top Circle Anchorage, AK 99516	hm (907) 346-2592 fx (907) 346-3625	

Exxon Valdez Oil Spill

Public Advisory Group and Alternates

July 1993

Member	Mailing Address	Work Telephone Home Telephone FAX	Principal Interest
<u>Ex-Officio Members</u>			
Cliff Davidson	112 Millbay Road Kodiak, AK 99615	wk (907) 486-8250 wk (907) 465-2487 fx (907) 561-7060	Alaska State House
Drue Pearce	3111 C Street, Suite 535 Anchorage, AK 99503	wk (907) 258-8185 wk (907) 465-4993 fx (907) 258-0226	Alaska State Senate
<u>Designated Federal Officer</u>			
Douglas L. Mutter	1689 C Street, Room 119 Anchorage, AK 99501-5126	wk (907) 271-5011 hm (907) 345-7726 fx (907) 271-4102	Department of the Interior
alternate: Pamela Bergmann	1689 C Street, Room 119 Anchorage, AK 99501-5126	wk (907) 271-5011 fx (907) 271-4102	Department of the Interior

Replace Tab III.B

CHARTER
EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP

1. Official Designation: Exxon Valdez Oil Spill Public Advisory Group.
2. Objectives and Scope: In accordance with and pursuant to Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America, through the Department of Justice, and the State of Alaska, through the Attorney General, on August 27, 1991, and approved by the United States District Court for the District of Alaska in settlement of United States of America v. State of Alaska, Civil Action No. A91-081 CV, hereinafter referred to as the MOA, the Public Advisory Group shall advise the Trustees (State of Alaska Department of Law, State of Alaska Department of Fish and Game, State of Alaska Department of Environmental Conservation, U.S. Department of Agriculture, the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce, and the U.S. Department of the Interior) through the Trustee Council with respect to the following matters:
 - a. All decisions relating to injury assessment, restoration activities, or other use of natural resource damage recoveries obtained by the Governments, including all decisions regarding:
 - a. Planning, evaluation, and allocation of available funds;
 - b. Planning, evaluation, and conduct of injury assessments;
 - c. Planning, evaluation, and conduct of restoration activities;
 - d. Coordination of a, b, and c.
3. Period of Time Necessary for the Group's Activities: By order of the District Court for the District of Alaska, the Public Advisory Group is to advise the Trustees, appointed to administer the fund established in settlement of United States v. Exxon Corporation, Civil Action No. A91-082, and State of Alaska v. Exxon Corporation, Civil Action No. A91-083, both in the United States District Court for the District of Alaska, in all matters described in Paragraph V.A.1 of the MOA referenced above. Final payment into the fund is scheduled for September 1, 2001. It is expected that the need for the Public Advisory Group will continue until approximately January 1, 2002. Extension of the Group beyond such date is subject to the unanimous written consent of the designated trustees.

4. Official to Whom the Public Advisory Group Reports: The Public Advisory Group shall report to the Exxon Valdez Settlement Trustee Council through the Chair of the Public Advisory Group at Trustee Council meetings. Other members of the Group may report with the Chair, as appropriate. The Trustee Council's regular agenda shall include a period during which the Public Advisory Group representative(s) may report on its activities, ask questions of the Trustee Council, and be available for questioning by the Trustee Council. The U.S. Department of the Interior is the designated Federal agency to which the Public Advisory Group reports to ensure compliance with the Federal Advisory Committee Act, including the responsibility of ensuring the necessary support for the Public Advisory Group. The designated Federal officer is the Alaska Office of Environmental Affairs' Assistant, or the Environmental Assistant's designee.
5. Administrative Support: Administrative support for the Public Advisory Group shall be provided by the Trustee Council's Restoration Team Administrative Director. The Trustee Council shall prepare an annual budget for the Public Advisory Group. The budget shall provide the Public Advisory Group such funds as the Trustee Council deems appropriate for administrative support for the Public Advisory Group, from the joint fund established in the registry of the United States District Court for the District of Alaska in settlement of United States v. Exxon Corporation and State of Alaska v. Exxon Corporation.
6. Public Advisory Group Membership, Selection, and Service: The Public Advisory Group shall consist of 17 members, including a Chair and Vice-Chair.
 - a. Qualifications for Service - Members shall be appointed to represent the following interests: aquaculture; commercial fishing; commercial tourism; conservation; environmental; forest products; local government; Native landowner; recreation users; science/academic; sport hunting and fishing; subsistence; public-at-large (5).

Representatives shall be chosen based on their demonstrated knowledge of the region, peoples, or principal economic and social activities of the area affected by the Exxon Valdez oil spill, or by demonstrated expertise in public lands and resource management as it relates to restoration, as applicable.

- b. **Nomination and Selection - Nominations for membership may be submitted by any source. From these nominations the Trustee Council will recommend membership to the Trustees, and following selection by the Trustees, the Secretary of the Interior appoints those selected by the Trustees.**
 - c. **Minimum Term - Each member may serve two years from the date of appointment. Members are eligible for renomination and reappointment at the close of their terms. The Trustees may remove a member or officer of the Public Advisory Group for reasons of malfeasance, incompetence, or failure to attend to membership responsibilities.**
 - d. **Officers - The Public Advisory Group shall have a Chair and a Vice-Chair selected from the membership and approved by the Trustee Council in consultation with the members of the Public Advisory Group.**
 - e. **Alternates to Members - Nominations to designate an alternate will be submitted to the Trustee Council by each Public Advisory Group member. From these nominations, the Trustee Council may select a designated alternate for each member or the Trustee Council may solicit additional nominations. The Trustee Council will forward its recommendations to the Trustees. Following approval by the Trustees, the Secretary of the Interior will officially appoint those alternates approved by the Trustees. When appointed, alternates may substitute for the official Public Advisory Group member at a particular meeting and will have all the responsibilities of the member they represent.**
7. **Expenses: Travel, per diem and administrative support shall be borne by the Trustee Council using funds from the joint fund established in settlement of United States v. Exxon Corporation and State of Alaska v. Exxon Corporation. While away from home or regular place of business in performance of business of the Public Advisory Group, members shall receive travel expenses, including per diem in lieu of subsistence, at the applicable Federal Government rate. The estimated annual operating cost for the Group is \$106,000 including an estimated .5 staff years.**

8. **Public Advisory Group Meetings and Records:** The Public Advisory Group shall meet no less than four times per year.
- a. All Public Advisory Group meetings will be open to the public. Any member of the public is permitted to file a written statement with the Public Advisory Group and any member of the public may speak at a Public Advisory Group meeting.
 - b. Detailed minutes of all meetings, including the time, date and place of the meeting, names of the Public Advisory Group members and other staff of the Trustee Council present, names of the public who presented oral or written statements, an estimate of the number of other public present, an accurate description of each matter discussed and each matter resolved, if any, by the Public Advisory Group, shall be prepared and made available to the public through the Administrative Director. The Chair shall certify to the accuracy of all minutes of the Public Advisory Group.
 - c. Meetings of the Public Advisory Group shall be held at a reasonable time and in a place reasonably accessible to the public. Notice of meetings shall be published in accordance with AS 44.62.310(e), AS 44.62.175 and 41 CFR 101-6.1015(b).
 - d. All accounts and records of the activities and transactions of the Public Advisory Group shall be kept and maintained by the Staff of the Administrative Director and, subject to the provisions of 5 U.S.C. subsection 552, such accounts and records shall be available for public inspection at the offices of the Administrative Director.
 - e. All rules and procedures governing the proceedings of the Public Advisory Group must be approved by the Trustee Council.
9. **Administrative Authority:** The Public Advisory Group functions are advisory only, and its officers shall have no administrative authority by virtue of their membership, except to recommend the Public Advisory Group budget needs to the Administrative Director. The Trustee Council, through the Administrative Director, shall procure all needed space, supplies, equipment, and support for the Public Advisory Group. Any office space of the Public Advisory Group shall be located with the Office of the Administrative Director.

- 10. Termination Date: The Federal Advisory Committee Act, 5 U.S.C. App., requires that the Public Advisory Group shall terminate two years from the date of filing of this Charter unless the Group is renewed before that date in accordance with the requirements of that Act.

- 11. Authority: This Public Advisory Group is established as mandated by Paragraph V.A.4 of the MOA and shall be located in Alaska. Additional authority for its creation is found in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. subsection 9601 et seq.



 Secretary of the Interior

Date Signed: APR 22 1993

Date Filed: APR 22 1993

EXXON VALDEZ OIL SPILL

Public Advisory Group

Background & Guidelines

December 1992

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NOTE: The ** before a paragraph indicates procedures that are at the discretion of the Public Advisory Group.

I. Introduction

A. Purpose

The purpose of this manual is to provide background information and guidelines for the administration of the Exxon Valdez Oil Spill Public Advisory Group (also known as the PAG).

B. Authority

The Public Advisory Group is established as required by Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree (MOA) between the United States of America and the State of Alaska August 27, 1991 and entered and approved by the United States District Court for the District of Alaska on August 28, 1991, in resolution of United States of America v. State of Alaska, Civil Action No. A91-081 CV. Additional authority is found in the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended. The Federal Advisory Committee Act of 1972, as amended (5 U.S.C. App.), and the rules implementing the act (41 CFR 101-6) (see Appendix) establishes the overall procedures for the establishment and use of advisory committees. A charter (see Appendix) has been unanimously approved by the Trustee Council and signed by the Secretary of the Interior and filed with the appropriate Federal agencies. The Public Advisory Group is chartered for a two-year period. Renewal of the charter shall be by the same process, and should be initiated six months prior to the termination date.

C. Background

The Oil Spill

The March 29, 1989, grounding of the T/V *Exxon Valdez* on Bligh Reef in Alaska's Prince William Sound caused the largest oil spill in U.S. history. Approximately 11 million gallons of North Slope crude oil moved through the southwestern portion of the Prince William Sound and along the coast of the western Gulf of Alaska (the eastern coast of the Kenai and Alaska peninsulas), contaminating portions of the Kodiak Archipelago and lower Cook Inlet (see map in Appendix). Numerous islands and beaches were oiled, some nearly 600 miles from Bligh Reef. An unprecedented effort to clean-up the oil and rescue birds and wildlife and protect resources from the oil was undertaken by the State and Federal governments, Exxon Company USA, and the public. The spill injured fish, birds, mammals, and a variety of other forms of marine life, habitats, resources, and the services these resources provide. Clean-up activities continued through the summers of 1989, 1990, 1991, and were completed in 1992. Immediately after the spill, as clean-up efforts were underway, a series of Natural Resources Damage Assessment studies were initiated by the natural resources Trustees and the Environmental Protection Agency to determine the extent of injury to resources and services in the area affected by the oil spill.

The Settlement

On October 8, 1991, an agreement was approved by the U. S. District Court that settled the claims of the United States and the State of Alaska against Exxon Corporation and Exxon Shipping Company for various criminal violations and for recovery of civil damages resulting from the oil spill. The appeal period ended December 9, 1991. The settlement imposed criminal fines and restitution of \$150 million and the Exxon companies agreed to pay \$900 million the United States and State of Alaska Governments in the civil settlement over a ten year period. The State and Federal governments serve as equal co-trustees in managing civil settlement funds. The Trustees must unanimously agree to all decisions relating to the use of trust funds. It was further agreed that: "The Governments shall jointly use all natural resource damage recoveries for purposes of restoring, replacing, enhancing, rehabilitating or acquiring the equivalent of natural resources injured as a result of the Oil Spill and the reduced or lost services provided by such resources..."

The Restoration Organization

The *Exxon Valdez* Trustees include the Alaska Attorney General, Alaska Department of Law; Commissioner, Alaska Department of Environmental Conservation; Commissioner, Alaska Department of Fish and Game; Secretary, U.S. Department of the Interior; Secretary, U.S. Department of Agriculture; and the Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce. The Trustees have designated a Trustee Council, located in Alaska, to direct restoration activities. The Trustee Council is made up of the three State Trustees and the Special Assistant to the Secretary of the Interior, Regional Forester of the U. S. Department of Agriculture, and Regional Director of the National Marine Fisheries Service, U. S. Department of Commerce. The Trustee Council has appointed an Interim Administrative Director and a Restoration Team to handle day-to-day management and administrative functions for implementation of the restoration program. Various working groups have been formed from agency staff to work on components of the restoration program, such as the restoration plan, finance, public participation, and habitat protection and evaluation. The Public Advisory Group will provide the Trustee Council its recommendations and advice as well as help to obtain additional public input into the restoration program.

The Restoration Plan

A conceptual Restoration Framework was developed in April 1992 for public review, and a supplement concerning habitat protection was issued in July 1992. A draft and final Restoration Plan and accompanying environmental impact statement (EIS) will be prepared over the next year. These documents will detail the options and alternatives for best achieving restoration of resources and services, based upon scientific and agency recommendations, public comments, and the judgement of the Trustees. The Restoration Plan will present a strategy for guiding restoration projects over the next ten years. It will include monitoring projects to gauge the effectiveness of various restoration efforts, as well as acquisition plans for replacement of lost resources and services.

Annual Work Plans

The Restoration Plan will be implemented through annual Work Plans. These Work Plans will detail the projects to be funded during forthcoming Federal fiscal years (October 1 through September 30), as well as the administrative support requirements for the restoration program.

Sources of Information

Copies of publications, documents, reports, and data may be obtained from various sources. The Oil Spill Public Information Center at 645 G Street, Anchorage (907/278-8012), contains copies of most relevant materials to use as references, including previous annual work plans, the Restoration Framework, the Restoration Plan and Environmental Impact Statement (when available), various damage assessment study reports, maps, and other information.

II. Membership

A. Member Composition

The Public Advisory Group shall consist of 17 voting members appointed to represent the following principal interests: aquaculture, commercial fishing, commercial tourism, conservation, environmental, forest products, local government, Native landowner, recreation users, science/academic, sport hunting and fishing, subsistence, and five public-at-large members. One member each from the Alaska State House of Representatives and the Alaska State Senate, selected by the Speaker of the House and the President of the Senate, respectively, shall be *ex officio* members. Other *ex officio* members may be appointed at the discretion of the Trustee Council.

B. Eligibility

Public Advisory Group members shall be chosen based on their demonstrated knowledge of the region, peoples, or principal economic and social activities of the area affected by the *Exxon Valdez* oil spill, or by demonstrated expertise in public lands and resource management as it relates to restoration, as applicable.

C. Nomination and Appointment

Nominations for membership may be submitted from any source. From these nominations, the Trustee Council will, by unanimous agreement, recommend membership to the Trustees. Following selection by the Trustees, the Secretary of the Interior appoints those selected by the Trustees. Nominees must submit a resume or background information and respond to a conflict of interest request in order to be considered.

D. Term and Removal

Each member of the Public Advisory Group may serve a two-year term from the date of appointment. The first term begins October 23, 1992. Members are eligible for renomination and reappointment at the close of their terms. Appointments to fill the unexpired term of a vacancy will be for the term of that vacancy. All appointments will end at the termination of the Public Advisory Group on January 1, 2002, unless it is extended or terminated before that date. The Trustees may remove a member or officer of the Public Advisory Group for reasons of malfeasance, incompetence, or failure to attend to membership responsibilities.

E. Officers

The Public Advisory Group shall have a chairperson and a vice-chairperson, who shall be elected annually from the voting membership by a majority vote of the membership, and approved by the Trustee Council in consultation with members of the Public Advisory Group. Officers shall serve a one-year term. The chairperson and vice-chairperson are eligible for re-election and reappointment to successive one-year terms.

III. Duties

A. Restoration Advice

The Public Advisory Group shall advise the Trustee Council on all decisions relating to injury assessment restoration activities, or other use of natural resource damage recoveries, including:

- planning, evaluation, and allocation of available funds;
- planning, evaluation, and conduct of injury assessments;
- planning, evaluation, and conduct of restoration activities; and
- coordination of the above items.

B. Program Operations

The Public Advisory Group shall advise the Trustee Council and its Restoration Team on the operation of the restoration program and related activities, including the process for obtaining public input.

IV. Operations

A. Designated Federal Officer

The Designated Federal Officer is a requirement of the Federal Advisory Committee Act (FACA). The Designated Federal Officer shall be the U.S. Department of the Interior, Office of Environmental Affairs - Alaska, Regional Environmental Assistant (or his/her designee). For the Public Advisory Group and its subcommittees, the Designated Federal Officer shall:

- approve or call the meeting
- approve the agenda
- attend the meeting
- adjourn the meeting when such adjournment is in the public interest
- chair the meeting when so directed by the Trustee Council
- review official PAG public announcements and/or news releases prior to their issuance

B. Quorum

- ** A quorum of the Public Advisory Group shall be twelve (12) voting members. A quorum (along with the attendance of the Designated Federal Officer) is required to convene a meeting and conduct business. Participation in meetings by teleconference is accepted as attendance.

C. Presiding Officer

The chairperson shall be the presiding officer and conduct all meetings. If the chairperson is unavailable, the vice-chairperson shall preside. If both the chair and vice-chair persons are unavailable, the Designated Federal Officer shall conduct business as a non-voting facilitator.

D. Rules of Order

- ** The current edition of Robert's Rules of Order Revised will be used as the basic governing procedures of the Public Advisory Group. All provisions of these rules of order will apply to Public Advisory Group deliberations except when they are amended by Public Advisory Group action according to the procedures set forth therein.

E. Action/Rules of Voting

- ** Matters before the Public Advisory Group requiring a vote to make a recommendation to the Trustee Council shall have a majority approval of the voting members present (which must constitute a quorum). The Designated Federal Officer and any *ex officio* members shall not vote on matters before the Public Advisory Group. When recommendations are approved with less than unanimous consent, a minority report(s) indicating the range of opinion on the issue will be submitted, along with the majority recommendation, to the Trustee Council.

F. Subcommittees

The Public Advisory Group may create *ad hoc* subcommittees to review in depth subject matter brought before the Public Advisory Group. Under Federal law, the Designated Federal Officer must approve the agenda and be present at all subcommittee meetings.

G. Public Information

- ** The official spokesperson for the Public Advisory Group is the chairperson, or in his/her absence, the vice-chairperson. All inquiries regarding the official position of the Public Advisory Group shall be referred to these officers.

H. Records

All accounts and records of the activities and transactions of the Public Advisory Group shall be kept and maintained by the staff of the Administrative Director and, subject to the provisions of 5 U.S.C 552, such accounts and records shall be available for public inspection at the offices of the Administrative Director.

I. Amendment of Procedures

The Public Advisory Group may adopt appropriate procedures for operating and decision making consistent with applicable Federal and State law and the Public Advisory Group charter--such procedures require the approval of the Trustee Council. The Public Advisory Group may suggest amendments to their charter to the Trustee Council, who must approve such amendments by unanimous consent. Charter amendments must be submitted by the Trustee Council to the Secretary of the Interior for signature.

V. Meetings

A. Frequency

The Public Advisory Group is required by its charter to meet not less than four times a year.

B. Agenda

The agenda for each meeting will be issued to Public Advisory Group members at least 15 days prior to the scheduled meeting. The agenda will include (see format in Appendix):

- the exact name of the group
- the time, date, place, and purpose of the meeting
- the agenda, denoting action items
- a time for public comment

Background materials for items to be discussed at the meeting shall be enclosed with the agenda or issued to Public Advisory Group members 15 days prior to the meeting at which they are to be discussed.

C. Notices

In accordance with the Federal Advisory Committee Act, 15 days advance notice of meetings of the Public Advisory Group shall be published in the Federal Register. The notice shall include:

- the exact name of the group: Exxon Valdez Oil Spill Public Advisory Group
- the time, date, place, and purpose of the meetings
- a summary of the agenda
- whether the meeting is open to the public

Notice of an upcoming meeting shall also be published in statewide and regional newspapers of general circulation within the oil spill area, as noted below, and a press release issued for use by print and electronic media.

--Anchorage Daily News

--Cordova Times

--Fairbanks News Miner

--Homer News

--Juneau Empire

--Kodiak Daily Mirror

--Peninsula Clarion

--Seward Phoenix Log

--Valdez Vanguard

--Valdez Pioneer

D. Minutes

Detailed minutes of each Public Advisory Group meeting shall be kept by the Administrative Director (see format in Appendix). The minutes must include:

--time, date, place of meeting

--a list of Public Advisory Group members and staff present

--a list of agency employees present

--members of the public who presented oral and/or written comments

--an estimate of the number of other members of the public present

--an accurate description of each matter discussed, and the resolution, if any, made by the Public Advisory Group on such matters

--copies of each report or other document received, issued, or approved by the Public Advisory Group

--a certification of the minutes by the chairperson of the Public Advisory Group

E. Public Participation

By law, Public Advisory Group meetings are open to the public. Meetings shall be held at a reasonable time and in a place accessible to the public. Any member of the public shall have to opportunity to speak at meetings or submit written comments to the Public Advisory Group. (Federal Advisory Committee Act (5 U.S.C., App.), Alaska Open Meeting Act (AS 44.62), and the Federal Disability Act (P.L. 101-336))

F. Executive Sessions

No closed meetings of the Public Advisory Group are permitted.

VI. Reports

A. Trustee Council

The Public Advisory Group shall report to the Trustee Council through the chairperson, or the vice chairperson in the absence of the chairperson, at Trustee Council meetings. Other members of the Public Advisory Group may report with the chairperson, as appropriate. The Trustee Council's regular agenda shall include a period during which the chairperson of the Public Advisory Group may report on its activities, ask questions of the Trustee Council members, and be available for questioning by the Trustee Council.

B. Annual Report

No later than November 1 of each year, the Public Advisory Group shall issue an annual report, through the Trustee Council to the Secretary of the Interior, for inclusion in the President's annual report on advisory committees to the Congress. The report shall include (see Appendix):

--the name of the group

--the date of and the authority for its creation

--its termination date

--its functions

--reference to the reports it has submitted

--a statement as to whether it is an *ad hoc* or continuing committee

---the dates of its meetings

--the names and occupations of its current members

--the total estimated annual cost of the committee

VII. Support

A. Administrative Director

The Public Advisory Group functions are advisory only and its officers shall have no administrative authority by virtue of their membership, except to recommend budget and support needs to the Administrative Director or the Designated Federal Officer. The Trustee Council, through the Administrative Director, shall procure and provide all needed meeting space, supplies, copying, mailing, equipment, and support for the Public Advisory Group. An annual budget to support the Public Advisory Group shall be prepared as part of the Trustee Council regular budget process.

B. Travel and Expenses

Public Advisory Group members are voluntary and do not receive compensation for time and materials used in order to participate on the Public Advisory Group. Actual travel and lodging (to a maximum allowable amount) plus travel-related expenses (eg. taxi cab) and per diem for meals and incidental expenses, are reimbursable (except for *ex officio* members) in the same manner as persons employed intermittently in Federal service. Members must have pre-approved (by the Designated Federal Officer) travel authorizations for any travel related to Public Advisory Group business. Travel expenses and per diem will be reimbursed based on standard Federal government travel regulations and rates. Members should indicate to vendors that they are travelling on government business and request that government rates be applied (show the Travel Authorization form). Forms for reimbursement (receipts are required) are in the Appendix and should be filed with the Designated Federal Officer within 5 days of completion of the trip.

The information on the following pages summarizes the rules for travel and expenses. Any questions and pre-approvals should be directed to the Designated Federal Officer, or as otherwise noted in the following procedures.

C. Non-PAG Events

- ** The Public Advisory Group may recommend that a member attend and report on a Trustee Council sponsored or sanctioned workshop, meeting, or other event within the State of Alaska, and be reimbursed for travel and expenses. Prior approval of the PAG chairperson and the Designated Federal Officer is required. This does not preclude Public Advisory Group members from attending such functions at their own expense.

TRAVEL INFORMATION

This travel/reimbursement information is for the Exxon Valdez Oil Spill Public Advisory Group. Reimbursements will be made in accordance with Federal travel regulations (FPMR 101-7). All travel must be approved in advance by the Designated Federal Officer using the form: Travel Authorization (DI-1020) (see Appendix). A copy of this form will be sent to Public Advisory Group members and the authorized travel agent prior to the date of travel.

Airline Tickets: Travel economy class from the home town by the most direct route. First class tickets will not be reimbursed unless first class is the only means available. Public Advisory Group members should make their own travel arrangements by calling the authorized travel agent (LIFECO) at 800/770-2639. **Tickets must be purchased through this agent or they will not be reimbursed.** Request the government rate. Save the ticket stub/coupon.

Car Rental: Prior approval must be obtained for car rentals, if this is to be a reimbursable expense. Car rental is not encouraged since it is less expensive to use a taxi cab or shuttle bus. Save receipts.

Mileage: Authorized mileage for use of personal vehicles will be reimbursed at the rate of 25 cents per mile, but cannot exceed the cost of an airline ticket or other common carrier to the same destination.

Hotels: Members should make their own hotel reservations. Accommodations are usually available at government rates, if your request them--show your Travel Authorization form. Save receipts.

Per Diem: The per diem rate (for lodging and meals and incidental expenses (M&IE)) varies by location and is subject to periodic change (see the following excerpt from the Civilian Personnel Per Diem Bulletin).

Reimbursement Process: Travel Vouchers (Standard Form 1012, in Appendix) requesting reimbursement of travel expenses will be prepared for Public Advisory Group members. Members will need to furnish (use the Travel Itinerary form in the Appendix):

--date and time travel commences and ends

--method(s) of travel

--for airline travel, the passenger coupon receipt remaining after travel has been completed

--receipts for lodgings and other reimbursable expenses over \$15.00

From the information and receipts furnished, the voucher will be completed and sent to the member for signature. An addressed envelope will be provided for returning the voucher for further processing. Any questions should be directed to Cathy Miller at 907/786-3467 or Regina Martinez at 907/271-2324. They can also be reached toll-free at 800/478-1456.

CIVILIAN PERSONNEL PER DIEM BULLETIN NUMBER 163

EFFECTIVE AUGUST 1, 1992

ISSUED BY:

Per Diem, Travel and Transportation Allowance Committee
 Department of Defense
 Hoffman Building 1, Room 836
 2461 Eisenhower Avenue, Alexandria, Va 22331-1300

The following non-foreign locality rates are not set by the Department of State. They are being listed for convenience. Executive Order 12561, dated July 1, 1986, delegates to the Secretary of Defense the authority of the President in 5 U.S. Code 5702 (a) to set maximum per diem rates and actual expense reimbursement ceilings for Federal civilian personnel traveling on official business in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and possessions of the United States. When appropriate and in accordance with regulations issued by competent authority, lesser rates and ceilings may be prescribed.

LOCALITY	MAX. LODGING AMOUNT (A) +	M&IE RATE (B) =	MAX. PD RATE (C)	EFF. DATE	LOCALITY	MAX. LODGING AMOUNT (A) +	M&IE RATE (B) =	MAX. PD RATE (C)	EFF. DATE
ALASKA					ALASKA (Cont'd)				
Adak 5/	\$ 10	\$ 34	\$ 44	10-1-91	Kodiak	\$ 71	\$ 61	\$132	1-1-92
Anaktuvuk Pass	83	57	140	12-1-90	Kotzebue	125	72	197	1-1-92
Anchorage					Kuparuk Oilfield	75	52	127	12-1-90
(5/15 - 9/15)	174	71	245	5-1-92	Metlakatla	79	44	123	7-1-91
(9/16 - 5/14)	85	62	147	5-1-92	Murphy Dome				
Aniak	73	36	109	7-1-91	(5/15 - 9/15)	100	66	166	5-1-92
Atkasuk	129	86	215	12-1-90	(9/16 - 5/14)	66	63	129	5-1-92
Barrow	86	73	159	6-1-91	Nelson Lagoon	102	39	141	6-1-91
Bethel					Noatak	125	72	197	1-1-92
(5/1 - 9/30)	93	83	176	2-1-92	Nome				
(10/1 - 4/30)	80	81	161	2-1-92	(5/15 - 9/15)	87	72	159	5-1-92
Bettles	65	45	110	12-1-90	(9/16 - 5/14)	76	71	147	5-1-92
Cantwell	62	46	108	6-1-91	Noorvik	125	72	197	1-1-92
Cold Bay	71	54	125	12-1-90	Petersburg	72	64	136	5-1-92
Coldfoot	75	47	122	12-1-90	Point Hope	99	61	160	12-1-90
Cordova	83	77	160	2-1-92	Point Lay	106	73	179	12-1-90
Craig	67	35	102	7-1-91	Prudhoe Bay-Deadhorse	64	57	121	12-1-90
Dillingham	76	38	114	12-1-90	St. George	100	39	139	6-1-91
Dutch Harbor-Unalaska	113	67	180	5-1-92	St. Mary's	60	40	100	12-1-90
Eielson AFB					St. Paul Island	81	34	115	12-1-90
(5/15 - 9/15)	100	66	166	5-1-92	Sand Point	75	36	111	7-1-91
(9/16 - 5/14)	66	63	129	5-1-92	Seward				
Elmendorf AFB					(5/1 - 9/30)	107	53	160	1-1-92
(5/15 - 9/15)	174	71	245	5-1-92	(10/1 - 4/30)	61	48	109	1-1-92
(9/16 - 5/14)	85	62	147	5-1-92	Shungnak	125	72	197	1-1-92
Emmonak	60	40	100	6-1-91	Sitka-Mt. Edgecombe	72	69	141	1-1-92
Fairbanks					Skagway				
(5/15 - 9/15)	100	66	166	5-1-92	(5/14 - 10/14)	77	61	138	1-1-92
(9/16 - 5/14)	66	63	129	5-1-92	(10/15 - 5/13)	62	59	121	1-1-92
False Pass	80	37	117	6-1-91	Spruce Cape	71	61	132	1-1-92
Ft. Richardson					Tanana				
(5/15 - 9/15)	174	71	245	5-1-92	(5/15 - 9/15)	87	72	159	5-1-92
(9/16 - 5/14)	85	62	147	5-1-92	(9/16 - 5/14)	76	71	147	5-1-92
Ft. Wainwright					Tok	66	55	121	1-1-92
(5/15 - 9/15)	100	66	166	5-1-92	Umiat	97	63	160	12-1-90
(9/16 - 5/14)	66	63	129	5-1-92	Unakaleet	58	47	105	12-1-90
Homer					Valdez				
(5/1 - 9/30)	71	60	131	1-1-92	(5/1 - 9/1)	98	53	151	1-1-92
(10/1 - 4/30)	57	58	115	1-1-92	(9/2 - 4/30)	84	51	135	1-1-92
Juneau					Wainwright	90	75	165	12-1-90
(5/1 - 10/1)	88	74	162	1-1-92	Walker Lake	82	54	136	12-1-90
(10/2 - 4/30)	75	73	148	1-1-92	Wrangell				
Katmai National Park	89	59	148	12-1-90	(5/14 - 10/14)	77	61	138	1-1-92
Kenai-Soldotna					(10/15 - 5/13)	62	59	121	1-1-92
(4/2 - 9/30)	94	68	162	1-1-92	Yakutat	70	40	110	12-1-90
(10/1 - 4/1)	69	66	135	1-1-92	Other 3/, 4/	63	47	110	7-1-91
Ketchikan					AMERICAN SAMOA	85	47	132	12-1-91
(5/14 - 10/14)	77	61	138	1-1-92	GUAM	112	75	187	5-1-92
(10/15 - 5/13)	62	59	121	1-1-92	HAWAII				
King Salmon 3/	75	59	134	12-1-90	Hawaii, island of				
Klawock	75	36	111	7-1-91	Hilo	65	61	126	6-1-92
					Other	80	61	141	6-1-92
					Kauai Island of	90	55	154	6-1-92

RULES FOR COMPUTING PER DIEM

INTRODUCTION

Per diem is an allowance paid to an employee in *travel status*. It is intended to cover the additional expenses of subsistence that an employee incurs as a result of, because of or incident to travel in the performance of official business away from the official station or the residence from which the employee commutes to and from work daily.

Travel status

Begins at the time the employee leaves the official station, residence or some other point authorized in the travel order and

Ends when they return thereto at the conclusion of the trip.

Travel time away from the home or office *must be* greater than:

- 10 hours or
- the employee's workday hours plus 2 (§ 301-7.5(b) and (c)).

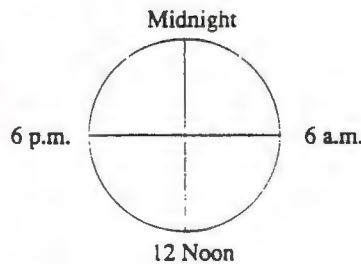
"*Workday*" means the period of time between the beginning and the end of the principal work activities for that day. (5 CFR § 551.411.)

Subsistence Expenses includes the cost of meals and lodging and other incidental expenses related to obtaining subsistence, such as tips.

No per diem is allowed within the limits of the official station or within the vicinity of the residence and many agencies have defined a mileage radius or commuting area within which no per diem is allowed for travel within a calendar day.

OVERNIGHT TRAVEL INVOLVING LODGING

The calendar day --midnight to midnight is the basis for computing per diem.



Per diem

Starts at the *beginning* of the quarter in which the employee leaves their home or office on official travel away from the official station or residence and

Ends at the *end* of the quarter in which the traveler returns to the office or residence at the conclusion of the trip.

Employees should explain the official necessity for departing or returning within the last or first 30 minutes of a quarter day.

The Day Travel Begins

Employees are *entitled to* one-fourth of the M&IE for the quarter in which they depart *plus* all remaining quarters that day *until midnight*.

Per diem is the actual and necessary *cost of lodging* not to exceed the maximum amounts provided for in the **Federal Travel Regulations** for the location(s) where temporary duty is performed or the location where lodging is obtained en route to, from or between temporary duty points, *plus* the appropriate *M&IE* for the location computed on a quarter-day basis, e.g. one-fourth of the M&IE rate for each quarter day or fraction thereof.

Day Travel Ends

Only M&IE (no lodging costs) is allowed.

One fourth of the M&IE rate for the preceding calendar day is allowed *for each quarter* from midnight to the end of the quarter in which travel ends.

TRAVEL OF LESS THAN A DAY OR TRAVEL WITHOUT LODGING

Travel Within A Calendar Day

Only M&IE (no lodging costs) is allowed.

Per diem is calculated on a quarter-day basis exactly the same as for overnight travel.

Per diem allowed is the M&IE rate applicable to the location where temporary duty is performed or, where more than one location is involved with different M&IE rates, the location with the highest M&IE rate is controlling.

One-fourth (1/4) of the M&IE daily rate is allowed for each quarter

En Route Travel Overnight Without Lodging

Only M&IE (no lodging costs) is allowed.

En route travel to or between temporary duty locations.

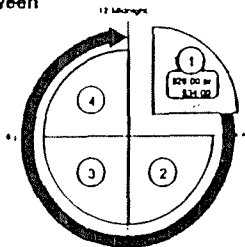
Per diem allowed is based on the destination M&IE rate.

"*Destination rate*" is the location where the employee will *next* obtain lodging.

En route travel from a temporary duty location is based on the M&IE rate for the location where lodging was *last* obtained.

If an employee *leaves* between midnight and 6:00 a.m.:

The employee is entitled to 4 quarters of the M&IE rate for the temporary duty (TDY) location plus the actual and necessary cost of lodging*. The M&IE rate will be that for either the TDY location or a location where lodging is obtained en route to or between TDY points.

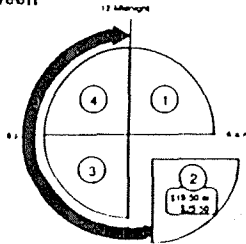


Per Diem Computation

4 quarters = 4/4 or 1.0 per diem day
 For CONUS
 $1.00 \times \$26.00 = \26.00
 or
 $1.00 \times \$34.00 = \34.00 + Lodging*
 Outside CONUS
 $1.00 \times \text{Locality M\&IE Rate}^{**} + \text{Lodging}^*$

If an employee *leaves* between 6:00 a.m. and 12 noon:

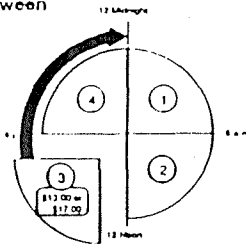
The employee is entitled to 3 quarters of the M&IE rate plus the cost of lodging*.



3 quarters = 3/4 or .75 per diem day
 For CONUS
 $.75 \times \$26.00 = \19.50
 or
 $.75 \times \$34.00 = \25.50 + Lodging*
 Outside CONUS
 $.75 \times \text{Locality M\&IE Rate}^{**} + \text{Lodging}^*$

If the employee *leaves* between 12 noon and 6:00 p.m.:

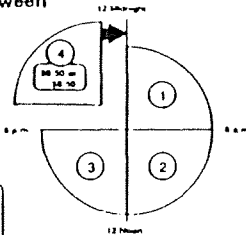
The employee is entitled to 2 quarters or one-half of the M&IE rate plus the cost of lodging*.



2 quarters = 2/4 or .50 per diem day
 For CONUS
 $.50 \times \$26.00 = \13.00
 or
 $.50 \times \$34.00 = \17.00 + Lodging*
 Outside CONUS
 $.50 \times \text{Locality M\&IE Rate}^{**} + \text{Lodging}^*$

If the employee *leaves* between 6:00 p.m. and midnight:

The employee is entitled to 1 quarter of the M&IE rate plus the cost of lodging*.



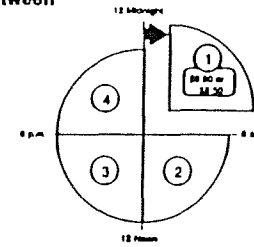
1 quarter = 1/4 or .25 per diem day
 For CONUS
 $.25 \times \$26.00 = \6.50
 or
 $.25 \times \$34.00 = \8.50 + Lodging*
 Outside CONUS
 $.25 \times \text{Locality M\&IE Rate}^{**} + \text{Lodging}^*$

*The actual and necessary cost of lodging not to exceed the maximum amounts provided for in the Federal Travel Regulations for location(s) where temporary duty is performed or the location where lodging is obtained en route between temporary duty points.

**The M&IE Rate for Locations Outside CONUS varies by location. These rates are prescribed under FTR §§ 301-7.3(b) and (c).

If an employee *returns* between midnight and 6:00 a.m.:

The employee is entitled to 1 quarter of the M&IE rate applicable for the previous calendar day or the location where lodging was last obtained in conjunction with temporary duty (TDY) travel. This M&IE rate will be that for either the TDY location or a location(s) en route to the official station or residence.

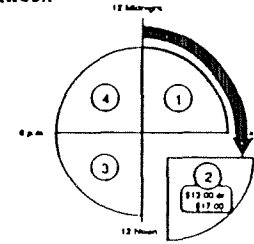


Per Diem Computation

1 quarter = 1/4 or .25 per diem day
 For CONUS
 $.25 \times \$26.00 = \6.50
 or
 $.25 \times \$34.00 = \8.50
 Outside CONUS
 $.25 \times \text{Locality M\&IE Rate}^{**}$

If an employee *returns* between 6:00 a.m. and 12 noon:

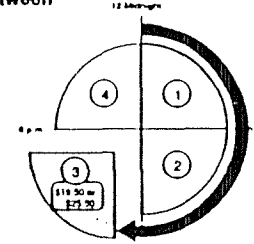
The employee is entitled to 2 quarters or one-half of the M&IE rate for the previous calendar day or the location where lodging was last obtained either at the TDY location or a location en route from the TDY site.



2 quarters = 2/4 or .50 per diem day
 For CONUS
 $.50 \times \$26.00 = \13.00
 or
 $.50 \times \$34.00 = \17.00
 Outside CONUS
 $.50 \times \text{Locality M\&IE Rate}^{**}$

If an employee *returns* between 12 noon and 6:00 p.m.:

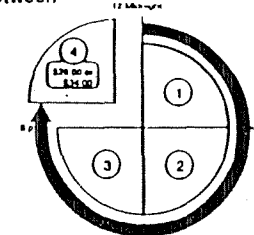
The employee is entitled to 3 quarters of the M&IE rate for the previous calendar day or the location where lodging was last obtained.



3 quarters = 3/4 or .75 per diem day
 For CONUS
 $.75 \times \$26.00 = \19.50
 or
 $.75 \times \$34.00 = \25.50
 Outside CONUS
 $.75 \times \text{Locality M\&IE Rate}^{**}$

If an employee *returns* between 6:00 p.m. and midnight:

The employee is entitled to 4 quarters of the M&IE rate for the previous calendar day or the location where lodging was last obtained.



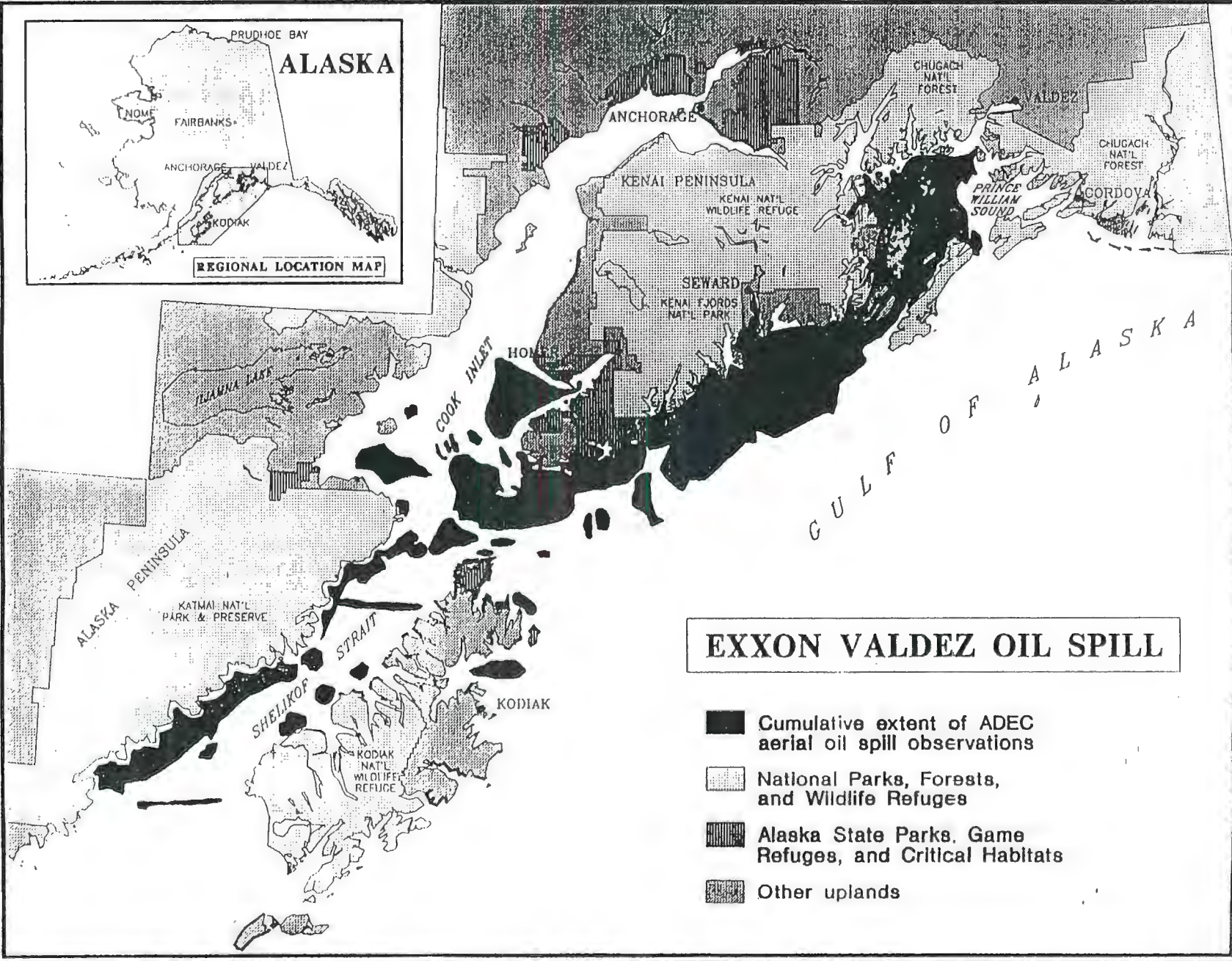
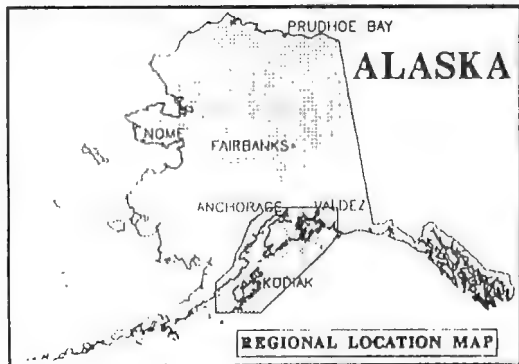
4 quarters = 4/4 or 1.0 per diem day
 For CONUS
 $1.00 \times \$26.00 = \26.00
 or
 $1.00 \times \$34.00 = \34.00
 Outside CONUS
 $1.00 \times \text{Locality M\&IE Rate}^{**}$

**The M&IE Rate for Locations Outside CONUS varies by location. These rates are prescribed under FTR §§ 301-7.3(b) and (c).





X. Appendices

- A. Map of the Oil Spill Area
- B. Forms and Formats
- C. Charter
- D. Basic Information for Members
- E. Federal Advisory Committee Act

A. Map of the Oil Spill Area



EXXON VALDEZ OIL SPILL

-  Cumulative extent of ADEC aerial oil spill observations
-  National Parks, Forests, and Wildlife Refuges
-  Alaska State Parks, Game Refuges, and Critical Habitats
-  Other uplands

B. Forms and Formats

- A. Format for Federal Register notice
- B. Format for news release
- C. Format for newspaper announcement
- D. Format for meeting agenda
- E. Format for meeting summary
- F. Form for meeting sign-in
- G. Form for recording votes
- H. Format for Resolutions
- I. Checklist for meeting facilities
- J. Form for Travel Itinerary and Reimbursable Expenses
- K. Sample form for travel requests (Travel Authorization)
- L. Form and instructions for expense reimbursement (Travel Voucher)
- M. Form for annual Review of Federal Advisory Committee
- N. Form for Annual Advisory Committee Membership List

DRAFT

DEPARTMENT OF THE INTERIOR

OFFICE OF THE SECRETARY

AGENCY: Department of the Interior, Office of the Secretary

ACTION: Notice of Meeting

SUMMARY: The Department of the Interior, Office of the Secretary is announcing a public meeting of the Exxon Valdez Oil Spill Public Advisory Group to be held on October 29, 1992, at 9:00 a.m., in the first floor conference room, 645 "G" Street, Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT: Douglas Mutter, Department of the Interior, Office of Environmental Affairs, 1689 "C" Street, Suite 119, Anchorage, Alaska, (907) 271-5011.

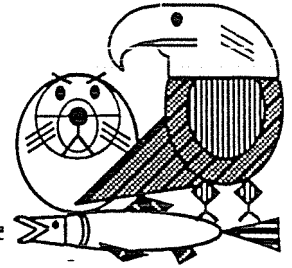
SUPPLEMENTARY INFORMATION: The Public Advisory Group was created by Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America and the State of Alaska on August 27, 1991 and approved by the United States District Court for the District of Alaska in settlement of United States of America v. State of Alaska, Civil Action No. A91-081 CV. This initial meeting will include organizational issues and background reports on: (1) Oil Spill Restoration; (2) 1993 Proposed Work Plan; (3) Habitat Protection Status; (4) Restoration Plan; (5) Environmental Impact Statement; (6) Oil Spill Symposium; and (7) Restoration Funds.

Dated: October _____, 1992

Signature and title

Exxon Valdez Oil Spill Trustee Council

645 G Street, Anchorage, Alaska 99501
Phone: (907) 278-8012 Fax: (907) 276-7178



NEWS RELEASE

Date: September 1, 1992
Subject: Public Meeting 9/14/92 on *Exxon Valdez* Restoration
Contact: L.J. Evans or Carrie Holba at 278-8008

EXXON VALDEZ TRUSTEE COUNCIL MEETING

The next meeting of the *Exxon Valdez* Restoration Trustee Council will take place on Monday, September 14, beginning at 10 am at the Oil Spill Public Information Center, 645 G Street in Anchorage. A teleconference and public comment session is scheduled from 5:00 - 7:00 p.m. The public is welcome to attend.

The agenda will include the transition from response to restoration, habitat protection process, selection of Public Advisory Group members and 1993 Draft Work Plan.

Materials to be discussed at the meeting will be available for public review in the Oil Spill Public Information Center, 14 Alaskan libraries and the Alaska Legislative Information Offices in the following communities: Chenega Bay, Cordova, Fairbanks, Juneau, Homer, Kodiak, Seward, Kenai, Tatitlek, Valdez and Whittier. For specific location of the materials or a copy of the agenda, contact Carrie Holba or L.J. Evans at 278-8008.

Access to the public comment period by teleconference will be available in the following communities:

Chenega Bay Volunteer Teleconference Center
Chenega Bay/Cordova Volunteer Teleconference Center
Cordova City Hall

Fairbanks Legislative Information Office
119 N. Cushman St, Suite 101

- MORE -

Juneau - Butrovich Room, 2nd Floor
State Capitol Building

Homer Teleconference Center
126 W Pioneer, #4, Homer

Kodiak Legislative Information Office
112 Mill Bay Road, Kodiak Plaza Building, Kodiak

Seward Volunteer Teleconference Center
Seward Public Library

Kenai Peninsula Legislative Information Office
3482 Kalifornsky Beach Road, Suite A, Soldotna

Tatitlek - Village Council Offices

Valdez Legislative Information Office
Room 13, State Court and Office Building, 121 Hazelet, Valdez

Whittier - Begich Towers, Kittiwake Room

The Trustee Council consists of: Michael Barton, Regional Forester, U.S. Forest Service, Alaska Region; Charles E. Cole, Alaska Attorney General; Curtis McVee, Special Assistant to the Secretary for Alaska, U.S. Department of Interior; Steve Pennoyer, Alaska Regional Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration; Carl Rosier, Commissioner of the Alaska Department of Fish and Game; and John A. Sandor, Commissioner of the Alaska Department of Environmental Conservation.

For more information, please contact L.J. Evans or Carrie Holba in Anchorage at 278-8008, or by calling the following toll-free numbers: 1-800-478-7745 (within Alaska), or 1-800-283-7745 (outside Alaska).

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EXXON VALDEZ TRUSTEE COUNCIL MEETING
5:00-7:00 PM, MONDAY, SEPTEMBER 14
Valdez Legislative Information Office
Room 13, State Court and Office Building, 121 Meals, Valdez

The next meeting of the Exxon Valdez Restoration Trustee Council will take place on Monday, September 14, beginning at 10 a.m. at the Oil Spill Public Information Center, 645 G. Street in Anchorage. The public is welcome to attend.

- A teleconference and public comment session is scheduled from 5:00 pm to 7:00 pm.
- The agenda will include the transition from response to restoration, habitat protection process, and 1993 Draft Work Plan.
- Access by teleconference will be available at the Legislative Information Offices or Volunteer Teleconference Centers of Chenega Bay, Cordova, Fairbanks, Homer, Juneau, Kodiak, Seward, Soldotna, Tatitlek, Valdez and Whittier.
- An agenda will be available about one week prior to the meetings. Contact the Oil Spill Public Information Center, 645 G St, Anchorage, AK 99501, or call Carrie Holba or L.J. Evans at 278-8008 or toll free at 1-800-478-7745 (within Alaska)

Meeting Announcement

A. MEETING:

B. DATE/TIME:

C. LOCATION:

D. PURPOSE:

1.

2.

E. AGENDA

<u>Time</u>	<u>Topic</u>	<u>Person</u>
9:00	Call to order/roll call	
9:05	Introductions	
9:15	Approve last meeting's minutes	
9:20	Approve meeting agenda	
.		
.		
.		
4:00	Public comment	
5:00	Adjourn	

F. ATTACHMENTS:

1.

2.

Meeting Summary

A. MEETING:

B. DATE/TIME:

C. LOCATION:

D. MEMBERS IN ATTENDANCE:

Name

Principal Interest

E. NOT REPRESENTED:

Name

Principal Interest

F. OTHER PARTICIPANTS:

Name

Organization

G. SUMMARY:

H. ACTION ITEMS:

I. NEXT MEETING:

J. ATTACHMENTS:

K. CERTIFICATION:

PAG Chairperson

Date

Exxon Valdez Oil Spill

Public Advisory Group Voting Record

Date: _____

Issue:

Name	YES	NO	ABSTAIN	ABSENT
Rupert Andrews				
Pamela Brodie				
James Cloud				
James Diehl				
Richard Eliason				
Donna Fischer				
John French				
Paul V. Gavora				
James King				
Richard Knecht				
Vern C. McCorkle				
Gerald McCune				
John McMullen				
Brad Phillips				
John Sturgeon				
Charles Totemoff				
Llewellyn W. Williams Jr.				

EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP
Recommendation to the Trustee Council.

RESOLUTION NO. 1

WHEREAS, the Trustee Council established the Exxon Valdez Oil Spill Public Advisory Group through the Charter filed by the Secretary of the Interior on October 26, 1992; and

WHEREAS, the Public Advisory Group finds it necessary and beneficial to establish operational procedures as set forth in the Exxon Valdez Oil Spill Public Advisory Group Background and Guidelines; and

WHEREAS, the Charter states that "All rules and procedures governing the proceedings of the Public Advisory Group must be approved by the Trustee Council";

NOW, THEREFORE BE IT RESOLVED BY THE PUBLIC ADVISORY GROUP to advise that the Trustee Council approve the above named procedures (attached) for use by the Public Advisory Group.

ADOPTED the 2nd day of December, 1992, by majority vote.

ATTEST:

Chairperson

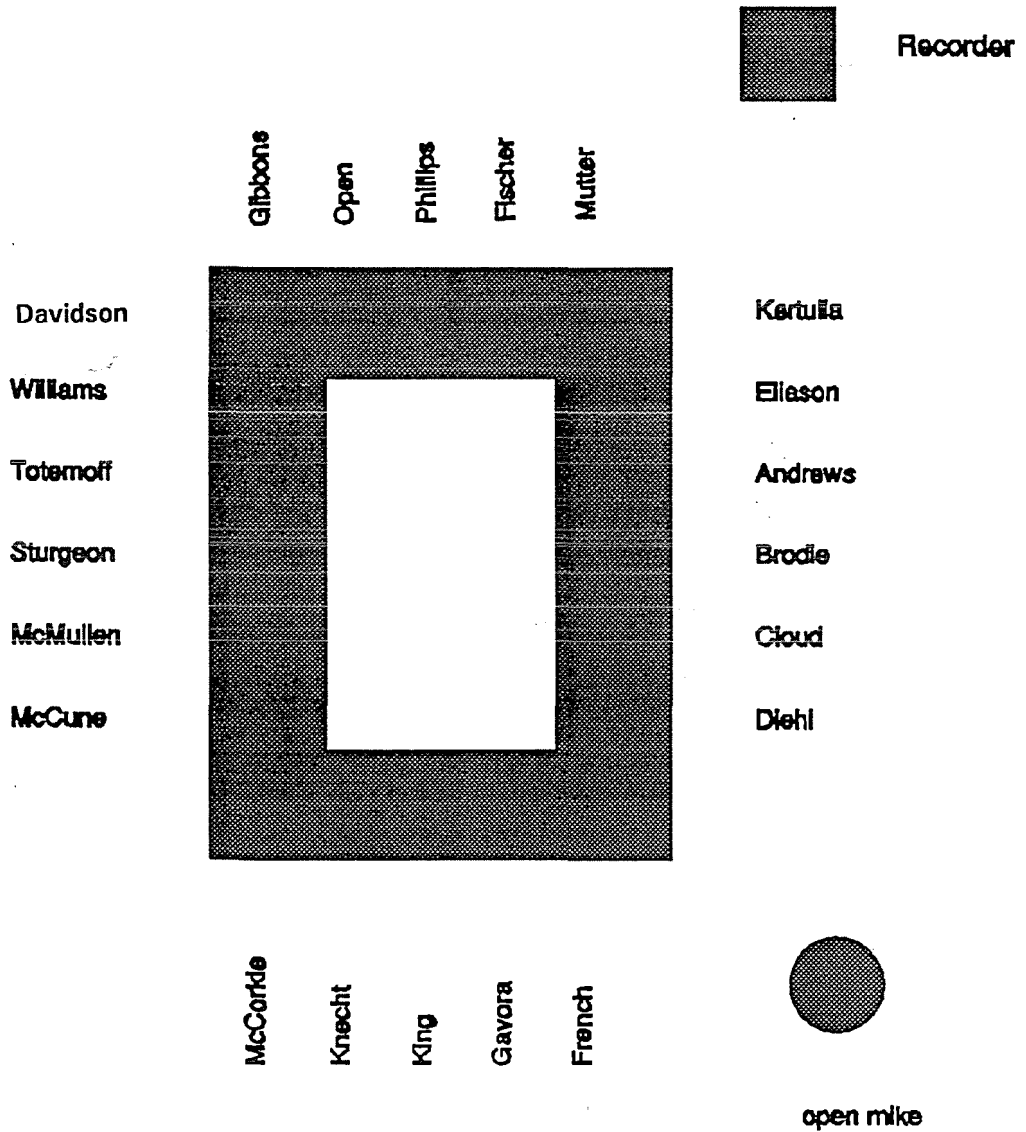
Exxon Valdez Oil Spill

Public Advisory Group

Meeting requirements

1. Sound system
 - a. microphone for each seat (or per 2-3 seats) at the table
 - b. 2-4 speakers around room
 - c. microphone for guest speaker
 - d. ability to connect to conference calls
 - e. equipment to take dictation of meeting highlights
2. Refreshments
 - a. hot coffee (regular & decaff) and hot tea and sugar/creamer and cups for 50
 - b. ice water and cups
 - c. DONATION: doughnuts/sweet rolls (3 dozen)
3. Materials
 - a. 20 extra copies of the agenda
 - b. 10 extra copies of the meeting handouts
4. Audio/visual (optional)
 - a. television and VCR near outlet
 - b. white board or flip-chart
5. Staff support (CACI)
 - a. technician to operate/trouble-shoot the sound system
 - b. recorder to take summary dictation of meeting and produce minutes (draft and final)
 - c. clerical to set up room, see to refreshments, handle duplication, etc.
6. Room arrangement
 - a. hollow square to seat 22 with microphones
 - b. seating for 40+ around walls of room
 - c. table at entrance with copies of materials and sign-in sheet
 - d. recorder table/chair near head of table and outlet

SEATING ARRANGEMENT



TRAVEL ITINERARY

Travelers Name: _____

Dates of Travel: _____

Destination: _____

Travel Authorization No.: 70101- - _____

	Date	Points of Departure and Arrival	Time	Mode of Travel ¹	If POV Show Miles Traveled
Depart					
Arrive					
Depart					
Arrive					
Depart					
Arrive					
Depart					
Arrive					
Depart					
Arrive					
Depart					
Arrive					
Depart					
Arrive					
Depart					
Arrive					
Depart					
Arrive					

¹ If on a commercial flight, show the airline and flight number; if on charter or government aircraft then indicate that.

TRAVEL AUTHORIZATION

1. No. _____

2. _____
(DATE)

3. _____
(BUREAU OR OFFICE)

4. NAME _____ 5. OFFICIAL STATION _____

6. TITLE _____ 7. ACCOUNTING OFFICE _____

You are authorized to travel as indicated below and to incur necessary expenses in accordance with applicable laws and regulations.

PLACES OF TRAVEL

8. FROM:

9. TO:

10. PURPOSE AND REMARKS:

11. PER DIEM ALLOWANCE:

12. PERIOD OF TRAVEL: Beginning on or about _____ Ending on or about _____

MODE OF TRAVEL

13. Common carrier
14. Extra fare
15. Government-owned conveyance
16. Privately owned at a mileage rate of _____ cents, subject to:
(a) Administratively determined to be to the advantage of the Government
(b) A showing of advantage to the Government
(c) Not to exceed cost by common carrier, including consideration of Per Diem allowance

MISCELLANEOUS

17. Transportation immediate family
18. Other (specify) _____
19. Shipment household goods and personal effects

ESTIMATED COST
20. Transportation _____ \$
21. Per Diem _____
22. Other _____
23. TOTAL _____ \$
24. CHARGED TO:

25. _____
(FISCAL OFFICER'S SIGNATURE)

26. _____
(REQUESTER'S SIGNATURE)

27. _____
(TITLE)

28. _____
(AUTHORIZING OFFICER'S SIGNATURE)

29. _____
(TITLE)

Instructions for Travel Voucher Preparation

Complete the following: (must be legible in ink or typewritten)

3. The number from your Travel Authorization form (item #1)
- 5.a Your name
- 5.b Your social security number
- 5.c The mailing address where you want your reimbursement check sent
- 5.d Your work (or home) telephone number
- 5.e City and state of your residence
- 5.f City and state of your residence
- 6.a Date (month-day-year) travel began
- 6.b Date (month-day-year) travel ended
- 7.a The number from your Travel Authorization form (item #1)
- 7.b The date of your Travel Authorization form (item #2)
13. If you wish, you may sign and date the Travel Voucher now. It will then be completed by Department of the Interior personnel and submitted for payment. If you wish to wait for the completed form before signing, you may do so and it will be mailed to you for signature and return to us for processing. It takes 2-3 weeks from the time the completed, signed form is submitted until a reimbursement check is received by the traveler.

You do not need to complete the reverse side since you are using a daily per diem rate for meals and incidental expenses. We will complete the reverse side with the information you provide (see below).

Attach, on a separate sheet of paper, the date and time you left your residence and how. For example, "left home 10-29-92 at 6:00 a.m. via private vehicle--10 miles round trip to airport". List any parking fees, if applicable. List the date and time you arrived at the destination. List taxi fare, if applicable, to the meeting place. Describe the reverse process for your return.

ATTACH YOUR AIRLINE TICKET STUB OR LAST COUPON FROM THE TICKET

ATTACH THE RECEIPT FOR YOUR LODGING

ATTACH RECEIPTS FOR TAXI, PARKING, RELATED TRANSPORTATION

Send the form and all receipts to: U.S. Fish and Wildlife Service
Attn. Cathy Miller
1011 East Tudor Road
Anchorage, Alaska 99503

TRAVEL VOUCHER <i>(Read the Privacy Act Statement on the back)</i>		1. DEPARTMENT OR ESTABLISHMENT, BUREAU DIVISION OR OFFICE		2. TYPE OF TRAVEL <input type="checkbox"/> TEMPORARY DUTY <input type="checkbox"/> PERMANENT CHANGE OF STATION		3. VOUCHER NO.		
						4. SCHEDULE NO.		
TRAVELER (PAYEE)	5. a. NAME (Last, first, middle initial)			b. SOCIAL SECURITY NO.		6. PERIOD OF TRAVEL a. FROM b. TO		
	c. MAILING ADDRESS (Include ZIP Code)			d. OFFICE TELEPHONE NO.		7. TRAVEL AUTHORIZATION a. NUMBER(S) b. DATE(S)		
	e. PRESENT DUTY STATION		f. RESIDENCE (City and State)			10. CHECK NO.		
						11. PAID BY		
8. TRAVEL ADVANCE				9. CASH PAYMENT RECEIPT				
a. Outstanding				a. DATE RECEIVED	b. AMOUNT RECEIVED			
b. Amount to be applied						\$		
c. Amount due Government (Attached: <input type="checkbox"/> Check <input type="checkbox"/> Cash)				c. PAYEE'S SIGNATURE				
D. Balance outstanding								
12. GOVERNMENT TRANSPORTATION REQUESTS, OR TRANSPORTATION TICKETS, IF PURCHASED WITH CASH <i>(List by number below and attach passenger coupon; if cash is used show claim on reverse side.)</i>		I hereby assign to the United States any right I may have against any parties in connection with reimbursable transportation charges described below, purchased under cash payment procedures (FPMR 101-7) ▶ <i>Traveler's Initials</i>						
		AGENT'S VALUATION OF TICKET <i>(a)</i>	ISSUING CARRIER <i>(Initials)</i> <i>(b)</i>	MODE, CLASS OF SERVICE AND ACCOMMODATIONS <i>(c)</i>	DATE ISSUED <i>(d)</i>	POINTS OF TRAVEL		
					FROM <i>(e)</i>	TO <i>(f)</i>		
13. I certify that this voucher is true and correct to the best of my knowledge and belief, and that payment or credit has not been received by me. When applicable, per diem claimed is based on the average cost of lodging incurred during the period covered by this voucher.								
TRAVELER SIGN HERE ▶				DATE	AMOUNT CLAIMED ▶		\$	
NOTE: Falsification of an item in an expense account works a forfeiture of claim (28 U.S.C. 2514) and may result in a fine of not more than \$10,000 or imprisonment for not more than 5 years or both (18 U.S.C. 287; i.d. 1001).								
14. This voucher is approved. Long distance telephone calls, if any, are certified as necessary in the interest of the Government. (NOTE: If long distance telephone calls are included, the approving official must have been authorized in writing by the head of the department or agency to so certify (31 U.S.C. 680a).)					17. FOR FINANCE OFFICE USE ONLY COMPUTATION			\$
					a. DIFFERENCES, IF ANY (Explain and show amount)			
APPROVING OFFICIAL SIGN HERE ▶					DATE			
15. LAST PRECEDING VOUCHER PAID UNDER SAME TRAVEL AUTHORIZATION					b. TOTAL VERIFIED CORRECT FOR CHARGE TO APPROPRIATION			
a. VOUCHER NO.		b. D.O. SYMBOL		c. MONTH & YEAR	Certifier's initials:			\$
16. THIS VOUCHER IS CERTIFIED CORRECT AND PROPER FOR PAYMENT					c. APPLIED TO TRAVEL ADVANCE (Appropriation symbol):			\$
					AUTHORIZED CERTIFYING OFFICIAL SIGN HERE ▶			
18. ACCOUNTING CLASSIFICATION								

ANNUAL REPORT	REVIEW OF FEDERAL ADVISORY COMMITTEE	INTERAGENCY REPORTS CONTROL NO. 0304-GSA-XX
----------------------	---	---

INSTRUCTIONS: Complete one form for EACH committee existing any time during the fiscal year (10-01 to 9-30). Cite ALL dates in numerals (Month, day, year). If additional space is necessary, use Section F, "Remarks" on the reverse.

1. DEPARTMENT OR AGENCY	2. FISCAL YEAR
-------------------------	----------------

3. COMMITTEE OR SUBCOMMITTEE (Full name as chartered)

SECTION A - COMMITTEE STATUS

4. IS THIS COMMITTEE NEW DURING FISCAL YEAR? <input type="checkbox"/> YES <input type="checkbox"/> NO	5. CURRENT CHARTER DATE DATE	6. EXPECTED RENEWAL DATE	7. EXPECTED TERMINATION DATE
9A. HAS THIS COMMITTEE BEEN TERMINATED DURING FISCAL YEAR? (If "YES", complete items 8B and 8C) <input type="checkbox"/> YES <input type="checkbox"/> NO	8B. SPECIFIC TERMINATION AUTHORITY (if by law, cite U.S.C.)		8C. ACTUAL TERMINATION DATE

NOTE: If box 9B or 9C is checked, complete items 10A and 10B and provide a brief explanation in "Remarks".

8. AGENCY RECOMMENDATION FOR COMMITTEE FOR NEXT FISCAL YEAR <input type="checkbox"/> A. CONTINUE <input type="checkbox"/> B. MERGE <input type="checkbox"/> C. TERMINATE	10A. IS LEGISLATION REQUIRED TO MERGE OR TERMINATE? <input type="checkbox"/> YES <input type="checkbox"/> NO	10B. IS SUCH LEGISLATION PENDING OR ENACTED? <input type="checkbox"/> YES <input type="checkbox"/> NO
---	---	--

SECTION B - COMMITTEE AUTHORITY AND TYPE

11. ESTABLISHMENT AUTHORITY (Check ONLY one)

A. SPECIFICALLY DIRECTED BY LAW B. AUTHORIZED BY LAW C. AGENCY AUTHORITY D. PRESIDENTIAL DIRECTIVE

12. SPECIFIC ESTABLISHMENT AUTHORITY (if by law, cite U.S.C.)	13. EFFECTIVE DATE OF AUTHORITY	14. COMMITTEE TYPE (Check EITHER A or B, and C, if appropriate) <input type="checkbox"/> A. AD HOC <input type="checkbox"/> B. CONTINUING <input type="checkbox"/> C. PRESIDENTIAL
---	---------------------------------	---

15. DESCRIPTION OF COMMITTEE (Check ONLY one)

A. NATIONAL POLICY/ISSUE ADVISORY B. NON-SCIENTIFIC PROGRAM ADVISORY C. SCIENTIFIC/TECHNICAL PROGRAM ADVISORY D. GRANT REVIEW E. REGULATORY NEGOTIATION F. OTHER (Specify)

SECTION C - COMMITTEE ACTIVITY DURING FISCAL YEAR

16A. TOTAL NUMBER OF REPORTS	16B. LIST REPORT TITLES AND DATES (Month, day)		
17. NUMBER OF MEETINGS			
A. OPEN	B. CLOSED	C. PARTIALLY CLOSED	D. TOTAL (A + B + C)
			E. DATES OF ALL MEETINGS (Month, day)
F. DATES OF OTHER ACTIVITIES (Describe in "Remarks")			

SECTION D - COMMITTEE COST

NOTE: Express costs in whole dollars. (DO NOT use decimals, K, M, N/A, or leave blank, indicate "0", if applicable).

18. DESCRIPTION	CURRENT FISCAL YEAR (Actual)	NEXT FISCAL YEAR (Estimate)
A. PERSONNEL PAYMENTS	(1) NON-FEDERAL MEMBERS	\$
	(2) FEDERAL MEMBERS (Prorated salary)	
	(3) FEDERAL STAFF (Prorated salary)	
	(4) NONMEMBER CONSULTANTS	
B. TRAVEL AND PER DIEM	(1) NON-FEDERAL MEMBERS	
	(2) FEDERAL MEMBERS	
	(3) FEDERAL STAFF	
	(4) NONMEMBER CONSULTANTS	
C. OTHER (rents, user charges, graphics, printing, mailing, etc.)		
D. TOTAL	\$	\$
19. FEDERAL STAFF SUPPORT YEARS		
EXPRESS IN FULL-TIME EQUIVALENT (FTE) YEARS USING DECIMAL TO THE NEAREST TENTH (e.g. 0.00). (FIGURE SHOULD CORRESPOND TO DOLLAR COST IN ITEM 18A(3), ABOVE.)		

SECTION E - COMMITTEE ACCOMPLISHMENTS AND JUSTIFICATION

(Complete this section ONLY for committees where items 4 "NO", SA "NO", and SA "Continue" are checked)

DESCRIBE HOW THE COMMITTEE ACCOMPLISHES ITS PURPOSE BY SHOWING THE EFFECT OF COMMITTEE REPORTS, ADVICE, OR RECOMMENDATIONS ON AGENCY OPERATIONS. BE AS SPECIFIC AS POSSIBLE AND INCLUDE WORKLOAD INDICATORS AS APPROPRIATE.

200. DESCRIBE THE BALANCE OF MEMBERSHIP IN TERMS OF POINTS OF VIEW REPRESENTED AND FUNCTIONS PERFORMED.

200. DESCRIBE THE FREQUENCY OF MEETINGS AND THE RELEVANCE TO CONTINUING THE COMMITTEE.

200. EXPLAIN WHY THE ADVICE OR INFORMATION CANNOT BE OBTAINED FROM OTHER SOURCES.

202. IF APPLICABLE, EXPLAIN WHY IT WAS NECESSARY TO CLOSE AND/OR PARTIALLY CLOSE COMMITTEE MEETINGS.

SECTION F - REMARKS

21. REMARKS

C. Charter

SEE TAB IV.B

D. Basic Information for Members

SEE TAB IV.D

E. Federal Advisory Committee Act

- A. Federal Advisory Committee Act (5 U.S.C., Appendix)
- B. Federal Register Volume 52, Number 231 (41 CFR 101-6)
- C. Federal Register Volume 54, Number 192 (41 CFR 101-6)
- D. Highlights of 41 CFR 101-6

SEE TAB IV.D

Basic Information for Members
Department of the Interior Advisory Committees

BASIC INFORMATION FOR MEMBERS OF
DEPARTMENT OF THE INTERIOR ADVISORY COMMITTEES

I. ADVISORY COMMITTEE

An advisory committee is any:

- (1) committee, board, commission, council, conference, panel, task force, or
- (2) other similar group, or
- (3) any subcommittee, or
- (4) other subgroup,

which is established for the purpose of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government. The function of an advisory committee is solely that of giving advice unless otherwise provided by law.

Advisory committees may be established in one of four ways:

- (1) by law where the Congress specifically directs the President or an agency to establish it; or
- (2) by law where the Congress authorizes it but does not direct the President or an agency to establish it. The responsible agency head will follow the procedures set forth in 41 C.F.R. §101-6.1007 when establishing the committee; or
- (3) by the President by Executive Order; or
- (4) by an agency under general agency authority set forth in 5 U.S.C. or under other general agency authorizing law. The agency head will follow the procedures set forth in 41 C.F.R. §101-6.1007 when establishing the committee.

II. COMMITTEE MEMBER

A committee member is "an individual who serves by appointment on an advisory committee and has the full right and obligation to participate in the activities of the committee, including voting on committee recommendations." 41 CFR §101-6.1003.

A. CONFLICT OF INTEREST REQUIREMENTS

In determining whether Federal conflict-of-interest laws apply to members of advisory committees, the Office of Government Ethics distinguishes between:

1. those advisers who are selected as committee members because of their individual qualifications and are thus deemed to be special government employees, and
2. those who were selected as representatives of nongovernmental groups or organizations (or in some cases, as independent contractors).

Special government employees are subject to the conflict-of-interest laws and financial filing requirements. The most significant of these laws for advisory committee members is Section 208 of Title 18, United States Code, which makes it a criminal offense to participate "personally and substantially" as a government employee "through decision, . . . recommendation, the rendering of advice, investigation, or otherwise, in . . . [any] particular matter in which, to his knowledge, he, his spouse, minor child, general partner, organization in which he is serving as officer, director, trustee, general partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest." The statute specifies that an individual who violates this section shall be imprisoned or fined or both. In addition, the individual may be assessed a civil penalty of not more than \$50,000 for each violation. However, the Secretary may waive the application of this provision to advisory committee members who are special government employees if the Secretary "certifies in writing that the need for the individual's services outweighs the potential for a conflict of interest created by the financial interest involved." 18 U.S.C. §208(b)(3).

B. COMPENSATION

1. Compensation is rarely payable for service on advisory committees. However, under 5 U.S.C. § 5703 and other statutes, authority does exist for paying travel expenses of members of the public serving as advisory committee members.
2. Federal Government employees serving as members of advisory committees will not receive any additional compensation for such committee service over and above their regular compensation as employees. They are also eligible for payment of travel expenses under appropriate authority.

III. DESIGNATED FEDERAL OFFICER

The agency head shall designate a Federal officer or a full-time/permanent part-time employee to be the Designated Federal Officer for each advisory committee and its subcommittees. The Designated Federal Officer:

1. Must approve or call the meeting of the advisory committee before a meeting may take place;
2. Must approve the agenda;
3. Must attend the meetings;
4. Shall adjourn the meetings when such adjournment is in the public interest; and
5. Chairs the meeting when so directed by the agency head.

IV. ADVISORY COMMITTEE MEETINGS

A. Charter

No advisory committee shall meet or take any action until an advisory committee charter is filed with (1) the General Services Administration and the Library of Congress, in the case of a Presidential advisory committee, or (2) for other advisory committees, the Library of Congress, the standing committees of the Senate and the House of Representatives having legislative jurisdiction of the Department, and the General Services Administration.

B. Notice

In accordance with 41 CFR §101-6.1015(b), the Department shall publish at least 15 calendar days prior to an advisory committee meeting a notice in the Federal Register, which includes:

1. The exact name of the advisory committee as chartered;
2. The time, date, place, and purpose of the meeting;
3. A summary of the agenda; and
4. A statement whether all or part of the meeting is open to the public or closed, and if closed, the reasons why, citing the specific exemptions of the Government in the Sunshine Act (5 U.S.C. 552b) as the basis for closure.

IN EXCEPTIONAL CIRCUMSTANCES, the agency may give less than 15 days notice, provided that the reasons for doing so are included in the committee meeting notice published in the Federal Register.

C. Public Participation

Each advisory committee meeting is to be open to the public unless all or part of the meeting is closed in accordance with the Government in the Sunshine Act (5 U.S.C. §552b). See E., below. The agency head shall ensure that:

1. Each advisory committee meeting is held at a reasonable time and in a place reasonably accessible to the public;
2. The meeting room size is sufficient to accommodate advisory committee members, committee or agency staff and interested members of the public;

Internal Bureau requirements may establish a longer notice period. See for example, 43 C.F.R. § 1734.4-2(a).

Normally, the Office of the Federal Register requires four days to process Federal Register documents. Therefore, meeting notices must be received at least 19 days prior to the meeting.

3. Any member of the public is permitted to file a written statement with the advisory committee.

D. Minutes

The agency head shall ensure that detailed minutes of each advisory committee meeting are kept. The minutes must include:

1. Time, date and place;
2. A list of the following persons who were present:
 - a. Advisory committee members and staff;
 - b. Agency employees; and
 - c. Members of the public who presented oral or written statements;
3. An estimated number of other members of the public present;
4. An accurate description of each matter discussed and the resolution, if any, made by the committee on such matter; and
5. Copies of each report or other document received, issued or approved by the committee.

The chairperson of each advisory committee shall certify to the accuracy of all minutes of advisory committee meetings.

E. Closed Advisory Committee Meetings

1. Procedures

- a. Assistant Secretaries are authorized to make written determinations under section 10(d) of the Federal Advisory Committee Act (FACA) as to whether to close to the public all or a portion of the meeting. This authority may be redelegated to heads of bureaus and other Departmental Offices. See 205 DM 15.1.

- b. A request to close all or part of an advisory committee meeting must cite the specific provisions of the Government in the Sunshine Act (5 U.S.C. §552b) that would justify the closure. The request will provide the official responsible for the decision sufficient time to review the matter in order to make a determination prior to publication of the meeting notice required by 41 C.F.R. §101-6.1015(b).
- c. If the responsible official agrees that the request is consistent with the provisions in the Government in the Sunshine Act and the FACA, the official will issue a written determination that all or part of the meeting will be closed. The written determination must contain the reasons for the determination, including which provision(s) of the Government in the Sunshine Act permits the closure.
- d. The Office of the Solicitor must review and approve all requests for closed meetings prior to final determination.
- e. Advisory committee members should assume that all advisory committee meetings are open to the public unless advised specifically to the contrary by the Department.

Date prepared: January 25, 1990.

APPENDIX 2

FEDERAL ADVISORY COMMITTEE ACT

Pub.L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended Pub.L. 94-409, § 5(c), Sept. 13, 1976, 90 Stat. 1247; 1977 Reorg. Plan No. 1, § 5F, 42 F.R. 56101, 91 Stat. 1634; Pub.L. 96-523, § 2, Dec. 12, 1980, 94 Stat. 3040; Pub.L. 97-375, Title II, § 201(c), Dec. 21, 1982, 96 Stat. 1822.

Sec.

1. Short title.
2. Findings and purpose.
3. Definitions.
4. Applicability; restrictions.
5. Responsibilities of Congressional committees; review; guidelines.
6. Responsibilities of the President; report to Congress; annual report to Congress; exclusion.
7. Responsibilities of the Director, Office of Management and Budget; Committee Management Secretariat; establishment; review; recommendations to President and Congress; agency cooperation; performance guidelines; uniform pay guidelines; travel expenses; expense recommendations.

Sec.

8. Responsibilities of agency heads; Advisory Committee Management Officer; designation.
9. Establishment and purpose of advisory committees; publication in Federal Register; charter; filing; contents; copy.
10. Advisory committee procedures; meetings; notice; publication in Federal Register; regulations; minutes; certification; annual report; Federal officer or employee; attendance.
11. Availability of transcripts; "agency proceeding".
12. Fiscal and administrative provisions; record-keeping; audit; agency support services.
13. Responsibilities of Library of Congress; reports and background papers; depository.
14. Termination of advisory committees; renewal; continuation.
15. Effective date.

Law Review Commentaries

Advisers and secrets: The role of agency confidentiality in the Federal Advisory Committee Act. James T. O'Reilly, 13 N.Ky.L.Rev. 27 (1986).

§ 1. Short title

This Act may be cited as the "Federal Advisory Committee Act".

Cross References

Pacific Salmon Commission, this Act not applicable to consultations by Commissioners and Panel members, see section 3632(h) of Title 16, Conservation.

for the Humanities be made available to the public by subgroup, but does not require that such disclosure occur until after the particular subgroup work has been completed. 1980 (Counsel-Inf. Op.) 4B Op.O.L.C. 743.

Notes of Decisions

1. Disclosure of membership

This Act requires that the names of members of the Humanities Panel of the National Endowment

§ 2. Findings and purpose

(a) The Congress finds that there are numerous committees, boards, commissions, councils, and similar groups which have been established to advise officers and agencies in the executive branch of the Federal Government and that they are frequently a useful and beneficial means of furnishing expert advice, ideas, and diverse opinions to the Federal Government.

(b) The Congress further finds and declares that—

(1) the need for many existing advisory committees has not been adequately reviewed;

(2) new advisory committees should be established only when they are determined to be essential and their number should be kept to the minimum necessary;

(3) advisory committees should be terminated when they are no longer carrying out the purposes for which they were established;

(4) standards and uniform procedures should govern the establishment, operation, administration, and duration of advisory committees;

(5) the Congress and the public should be kept informed with respect to the number, purpose, membership, activities, and cost of advisory committees; and

(6) the function of advisory committees should be advisory only, and that all matters under their consideration should be determined, in accordance with law, by the official, agency, or officer involved.

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 11686

Ex.Ord. No. 11686, Oct. 7, 1972, 37 F.R. 21421, set out as a note under this section, which related to committee management, was superseded by Ex.Ord. No. 11769, Feb. 21, 1974, 39 F.R. 7125, set out as a note under this section.

EXECUTIVE ORDER NO. 11769

Ex.Ord. No. 11769, Feb. 21, 1974, 39 F.R. 7125, formerly set out as a note under this section, which related to committee management, was revo-
 ked by Ex.Ord. No. 12024, Dec. 1, 1977, 42 F.R. 61445, set out as a note under this section.

EXECUTIVE ORDER NO. 12024

Dec. 1, 1977, 42 F.R. 61445

TRANSFER OF CERTAIN ADVISORY COMMITTEE FUNCTIONS

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App. I) [this Appendix], Section 301 of Title 3 of the United States Code (section 301 of Title 3, The President), Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c) [section 581c of Title 31, Money and Finance], and Section 7 of Reorganization Plan No. 1 of 1977 (42 FR 56101 (October 21, 1977)) [set out in Appendix II of this title], and as President of the United States of America, in accord with the transfer of advisory committee functions from the Office of Management and Budget to the General Services Administration provided by Reorganization Plan No. 1 of 1977 [set out in Appendix II of this title], it is hereby ordered as follows:

Section 1. The transfer, provided by Section 5F of Reorganization Plan No. 1 of 1977 (42 FR 56101) [set out in Appendix II of this title], of certain functions under the Federal Advisory Committee Act, as amended (5 U.S.C.App. I) [this Appendix], from the Office of Management and Budget and its Director to the Administrator of General Services is hereby effective.

Sec. 2. There is hereby delegated to the Administrator of General Services all the functions

vested in the President by the Federal Advisory Committee Act, as amended, except that, the annual report to the Congress required by Section 6(c) of that Act (section 6(c) of this Appendix) shall be prepared by the Administrator for the President's consideration and transmittal to the Congress.

Sec. 3. The Director of the Office of Management and Budget shall take all actions necessary or appropriate to effectuate the transfer of functions provided in this Order, including the transfer of funds, personnel and positions, assets, liabilities, contracts, property, records, and other items related to the functions transferred.

Sec. 4. Executive Order No. 11769 of February 21, 1974 is hereby revoked.

Sec. 5. Any rules, regulations, orders, directives, circulars, or other actions taken pursuant to the functions transferred or reassigned as provided in this Order from the Office of Management and Budget to the Administrator of General Services, shall remain in effect as if issued by the Administrator until amended, modified, or revoked.

Sec. 6. This Order shall be effective November 20, 1977.

JIMMY CARTER

§ 3. Definitions

For the purpose of this Act—

(1) The term "Administrator" means the Administrator of General Services.

(2) The term "advisory committee" means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof (hereafter in this paragraph referred to as "committee"), which is—

(A) established by statute or reorganization plan, or

(B) established or utilized by the President, or

(C) established or utilized by one or more agencies.

in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government, except that such term

excludes (i) the Advisory Commission on Intergovernmental Relations, (ii) the Commission on Government Procurement, and (iii) any committee which is composed wholly of full-time officers or employees of the Federal Government.

(3) The term "agency" has the same meaning as in section 551(1) of Title 5.

(4) The term "Presidential advisory committee" means an advisory committee which advises the President.

(As amended 1977 Reorg. Plan No. 1, § 5F, eff. Nov. 20, 1977, 42 F.R. 56101, 91 Stat. 1634.)

Historical and Statutory Notes

Commission on Government Procurement. The Commission on Government Procurement, referred to in par. (2)(ii), terminated Apr. 30, 1973, pursuant to Pub.L. 91-129, set out as a note under section 251 of Title 41, Public Contracts.

Transfer of Functions. "Administrator" means Administrator of General Services" was substituted for "'Director' means Director of the Office of Management and Budget" in par. (1), pursuant to Reorg. Plan No. 1 of 1977, § 5F, 42 F.R. 56101, 91 Stat. 1634, set out in Appendix 1 of this title, which transferred all functions of the Office of Management and Budget and its Director relating to the Committee Management Secretariat, which is responsible pursuant to section 7(a) of this Act for all matters relating to advisory committees, to the Administrator of General Services, effective Nov. 20, 1977, as provided by section 1 of Ex.Ord. No. 12024, Dec. 1, 1977, 42 F.R. 61445, set out under section 2 of this Act in this Appendix.

within meaning of this Appendix. *Nader v Baroody*, D.C.D.C.1975, 396 F.Supp. 1231.

In enacting this Appendix, Congress was concerned with formally organized advisory committees which President or an executive department or official directed to make recommendations on identified governmental policy for which specific advice was sought. *Id.*

2. Advisory committee

Federal Advisory Committee Act did not apply to Justice Department's solicitation of views of ABA's Standing Committee on the Federal Judiciary on prospective judicial nominees: committee was not "advisory committee" within meaning of Act, as it was not "utilized" within meaning of statute by President or Department of Justice in connection with those evaluations. *Public Citizen v. U.S. Dept. of Justice*, Dist.Col.1989, 109 S.Ct. 2558, 105 L.Ed.2d 377.

Group of experts assembled by private scientific organization pursuant to its contract with Food and Drug Administration (FDA) to provide counsel on food safety and quality issues was not an "advisory committee" subject to requirements of Federal Advisory Committee Act: panel was established and utilized by organization, not by FDA, and organization was private contractor that did not have quasi-public status. *Food Chemical News v. Young*, C.A.D.C.1990, 900 F.2d 328.

Determination that the American Association of State Highway and Transportation Officials is an advisory committee within the meaning of Federal Advisory Committee Act, this Appendix, when it provides input to the Federal Highway Administration with respect to proposals to require that state highway construction plans provide for minimum safety standards did not impermissibly impair the organization's freedoms of speech and association under U.S.C.A. Const. Amend. 1. *Center for Auto Safety v. Cox*, 1978, 580 F.2d 689, 188 U.S.App.D.C. 426.

Panel of scientist-executives convened by the Secretary of the Department of Energy to study safety of a government-owned nuclear reactor in operation in state of Washington in light of nuclear disaster at a similar power station in the Soviet Union was not an "advisory committee" within meaning of the Federal Advisory Committee Act, and thus, panel's labors would be permitted to go forward as contemplated without attendance of nonprofit environmental protection organization, where panel members had not been asked to comment upon nuclear power generally or manner of its regulation, but merely to examine whether government ought to allow a single reactor to continue in operation, and panel members would work independently and report alone. *Natural Resources Defense Council, Inc. v. Herrington*, D.D.C.1986, 637 F.Supp. 116.

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1. Purpose

Purpose of Federal Advisory Committee Act is to control advisory committee process and to open to public scrutiny manner in which government agencies obtain advice from private individuals and groups. *Washington Legal Foundation v. American Bar Ass'n Standing Committee on Federal Judiciary*, D.D.C.1986, 648 F.Supp. 1353.

This Appendix was intended to apply to committees created by agencies and to those not originally created by agencies but subsequently used by them as advisory committees. *Center for Auto Safety v. Tiemann*, D.C.D.C.1976, 414 F.Supp. 215, remanded on other grounds 580 F.2d 689, 188 U.S.App.D.C. 426.

Purpose of this Appendix is to eliminate useless advisory committees, strengthen independence of remaining advisory committees, and prevent advisory groups from becoming self-serving. *Consumers Union of U.S., Inc. v. Department of Health, Ed. and Welfare*, D.C.D.C.1976, 409 F.Supp. 473, affirmed 551 F.2d 466, 179 U.S.App. D.C. 280.

This Appendix was not intended to apply to all amorphous, ad hoc group meetings; only groups having some sort of established structure and defined purpose constitute "advisory committees"

§ 3

Note 2

The Commission on the Bicentennial of United States Constitution, created by Congress in 1983 to facilitate the celebration of the 200th anniversary of the Constitution is not an "advisory committee" within the meaning of the Federal Advisory Committee Act, which requires that advisory committees hold open meetings and give reasonable advance notice of meetings, where the Committee did not render advice to the federal government, but made recommendations to state, local and private entities, and was empowered to undertake itself the federal projects which it was to plan. *Public Citizen v. Commission on the Bicentennial of U.S. Constitution*, D.C.D.C.1985, 622 F.Supp. 753.

National Industries for the Severely Handicapped did not constitute an "advisory committee" as contemplated by the Federal Advisory Committee Act [Federal Advisory Committee Act, § 1 et seq., 5 U.S.C.A.App. II] since its advisory capacity to the Committee for Purchase From the Blind and Other Severely Handicapped was secondary to its operational activities. *HLI Lordship Industries, Inc. v. Committee for Purchase from the Blind & Other Severely Handicapped*, D.C.Va.1985, 615 F.Supp. 970.

Task forces cochaired by members of Executive Committee of Private Sector Survey established by the President to give advice on cost-effective management of federal programs were not subject to this Appendix, as they merely provided information and recommendations for consideration to the Committee, notwithstanding that they were intimately involved in gathering of information about federal programs and formulation of possible recommendations for consideration of the Committee. *National Anti-Hunger Coalition v. Executive Committee of President's Private Sector Survey on Cost Control*, D.C.D.C.1983, 557 F.Supp. 524, affirmed 711 F.2d 1071, 229 U.S. App.D.C. 143.

Although Nuclear Regulatory Commission's Advisory Committee on Reactor Safeguards is an "advisory committee" subject to provisions of this appendix the Commission's Atomic Safety and Licensing Board is not an "advisory committee." *Hunt v. Nuclear Regulatory Commission*, D.C. Okl.1979, 468 F.Supp. 817, affirmed 611 F.2d 332, certiorari denied 100 S.Ct. 1084, 445 U.S. 906, 63 L.Ed.2d 322.

Organization consisting of representatives of state highway and transportation departments and officials of United States Department of Transportation was "utilized" by Federal Highway Administration when adopting regulations relating to certification acceptance of state safety standards pursuant to the Federal Highway Act, section 101 et seq. of Title 23, so that discussions between the Federal Highway Administration and the organization were covered by this Appendix. *Center for Auto Safety v. Tiemann*, D.C.1976, 414 F.Supp. 215, remanded on other grounds 580 F.2d 689, 188 U.S.App.D.C. 426.

Fact that Food and Drug Administration may have lacked statutory authority to require cosmetics industry to test ingredients in products would not preclude Administration from appointing appropriate advisory committee on such subject, which committee would be subject to this Appendix. *Consumers Union of U.S., Inc. v. Department of Health, Ed. and Welfare*, D.C.D.C.1976,

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409 F.Supp. 473, affirmed 551 F.2d 466, 179 U.S.App.D.C. 280.

Where organization representing cosmetics industry presented industry-sponsored proposal to Food and Drug Administration, seeking its advice and comments regarding voluntary cosmetics testing program, and Administration was unable either to develop or require cosmetics testing program, such presentation by organization did not give rise to "advisory" relationship within meaning of this Appendix. *Id.*

"Established," within provision of this section defining advisory committee as one established by statute, does not include committees which merely can be said to owe their existence to legislation. *Lombardo v. Handler*, D.C.D.C.1975, 397 F.Supp. 792, affirmed 546 F.2d 1043, 178 U.S. App.D.C. 277, certiorari denied 97 S.Ct. 2639, 431 U.S. 932, 531 L.Ed.2d 248.

Bi-weekly White House meetings with selected groups, including major business organizations and private sector groups, do not create "advisory committees" within meaning of this Appendix, such meetings are unstructured, informal and not conducted for purpose of obtaining advice on specific subjects indicated in advance. *Nader v. Baroody*, D.C.D.C.1975, 396 F.Supp. 1231.

The Native Hawaiians Study Commission was created to advise the Congress and not the President or federal agencies, and unless so utilized by the President or an agency, is not subject to the Federal Advisory Committee Act. 1982 (Counsel-Inf.Op.) 6 O.L.C. 39.

3. Standing to sue

Neither private citizen nor United States Senator, either as consumers or by virtue of Senator's position as such, had standing to complain that National Petroleum Council and its subgroups were unlawfully functioning as advisory committees because they were not fairly balanced in membership and were improperly influenced by petroleum industry special interests, contrary to requirements of this appendix and Federal Energy Administration Act, section 761 et seq. of Title 15. *Metcalf v. National Petroleum Council*, 1977, 553 F.2d 176, 180 U.S.App.D.C. 31.

Consumer representative, who asked to attend certain bi-weekly meetings with selected groups held at White House and who was denied admission, had standing to seek declaration that such meetings created "advisory committees" within meaning of this Appendix. *Nader v. Baroody*, D.C.D.C.1975, 396 F.Supp. 1231.

4. Agency

National Academy of Sciences is not an "agency" within this appendix, requiring certain publicity of committee meetings, and its committee on motor vehicle emissions is not an "advisory committee" either as a committee established by statute or one established or utilized by the Environmental Protection Agency. *Lombardo v. Handler*, D.C.D.C.1975, 397 F.Supp. 792, affirmed 546 F.2d 1043, 178 U.S.App.D.C. 277, certiorari denied 97 S.Ct. 2639, 431 U.S. 932, 53 L.Ed.2d 248.

5. Exemptions

In order to be exempt from requirements of the Federal Advisory Committee Act, this Appendix,

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as a state or local committee, a group must show that it is a state or local committee and that it was established to advise or make recommendations to state or local agencies. *Center for Auto Safety v. Cox*, 1978, 580 F.2d 689, 188 U.S.App.D.C. 426.

Exemption from requirements of this Appendix where committee is composed wholly of full-time officers or employees of the federal government did not apply to committee of state and federal employees. *Center for Auto Safety v. Tiemann*,

D.C.D.C.1976, 414 F.Supp. 215, remanded on other grounds 580 F.2d 689, 188 U.S.App.D.C. 426.

The Congress did not intend the Federal Advisory Committee Act to apply to a body created jointly by the United States and another nation, such as the U.S.-Japan Consultative Group on Economic relations. 1979 (Counsel-Inf. Op.) 3 Op.O.L.C. 321.

§ 4. Applicability; restrictions

(a) The provisions of this Act or of any rule, order, or regulation promulgated under this Act shall apply to each advisory committee except to the extent that any Act of Congress establishing any such advisory committee specifically provides otherwise.

(b) Nothing in this Act shall be construed to apply to any advisory committee established or utilized by—

- (1) the Central Intelligence Agency; or
- (2) the Federal Reserve System.

(c) Nothing in this Act shall be construed to apply to any local civic group whose primary function is that of rendering a public service with respect to a Federal program, or any State or local committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials or agencies.

§ 5. Responsibilities of Congressional committees; review; guidelines

(a) In the exercise of its legislative review function, each standing committee of the Senate and the House of Representatives shall make a continuing review of the activities of each advisory committee under its jurisdiction to determine whether such advisory committee should be abolished or merged with any other advisory committee, whether the responsibilities of such advisory committee should be revised, and whether such advisory committee performs a necessary function not already being performed. Each such standing committee shall take appropriate action to obtain the enactment of legislation necessary to carry out the purpose of this subsection.

(b) In considering legislation establishing, or authorizing the establishment of any advisory committee, each standing committee of the Senate and of the House of Representatives shall determine, and report such determination to the Senate or to the House of Representatives, as the case may be, whether the functions of the proposed advisory committee are being or could be performed by one or more agencies or by an advisory committee already in existence, or by enlarging the mandate of an existing advisory committee. Any such legislation shall—

- (1) contain a clearly defined purpose for the advisory committee;
- (2) require the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee;
- (3) contain appropriate provisions to assure that the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the advisory committee's independent judgment;
- (4) contain provisions dealing with authorization of appropriations, the date for submission of reports (if any), the duration of the advisory committee, and the publication of reports and other materials, to the extent that the standing committee determines the provisions of section 10 of this Act to be inadequate; and

(5) contain provisions which will assure that the advisory committee will have adequate staff (either supplied by an agency or employed by it), will be provided adequate quarters, and will have funds available to meet its other necessary expenses.

(c) To the extent they are applicable, the guidelines set out in subsection (b) of this section shall be followed by the President, agency heads, or other Federal officials in creating an advisory committee.

Code of Federal Regulations

Committee management regulations—

Consumer Products Safety Commission, see 16 CFR 1018.1.

Department of Agriculture, see 7 CFR 25.1.

Department of Education, see 34 CFR 11.1.

Department of Health and Human Services, see 45 CFR 11.1.

Federal Emergency Management Agency, see 44 CFR 12.1.

Marine Mammal Commission, see 50 CFR 510.1.

Nuclear Regulatory Commission, see 10 CFR 7.1.

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1. Standing to sue

Nonprofit public interest law center, which claimed that violation of Federal Advisory Committee Act section requiring membership of advisory committees to be fairly balanced in terms of points of view represented, by the American Bar Association Standing Committee on Federal Judiciary, contributed to exclusion of center from judicial review process, pleaded sufficient injury to confer standing to bring suit seeking to enforce balanced membership requirement under Act, where center claimed that Committee consulted on regular basis with liberal public interest groups to exclusion of conservative public interest organizations and that center had been "directly affected" by lack of balance on Committee. *Washington Legal Foundation v. American Bar Ass'n Standing Committee on Federal Judiciary*, D.D.C. 1986, 648 F.Supp. 1353.

In action for declaratory and injunctive relief alleging that National Petroleum Council and its subgroups were unlawfully functioning as advisory committees because they were not fairly balanced in membership and were improperly influenced by certain petroleum industry special interests contrary to requirements of this section and Federal Energy Administration Act provision, section 776 of Title 15, plaintiffs' allegations of injury to themselves as consumers: anticipated higher costs for petroleum products; potential environmental damage and threats to health and safety; and anticipated denial of benefits from development of alternative sources of energy, did not confer standing to sue upon plaintiffs, particularly in light of fact that there was no nexus between plaintiffs' alleged injuries and defendants' challenged action. *Metcalf v. National Petroleum Council*, D.C.D.C. 1976, 407 F.Supp. 257, affirmed 553 F.2d 176.

In action by United States Senator alleging that National Petroleum Council and its subgroups were unlawfully functioning as advisory committees because they were not fully balanced in membership and were improperly influenced by certain

petroleum industry special interests. Senator did not have standing to sue on theory that defendants' actions had affected effectiveness of his votes for this Appendix and Federal Energy Administration Act, section 761 et seq. of Title 15, and had hindered him in carrying out his legislative duties through his inability to get unbiased advice and accurate information from Department of Interior and Federal Energy Administration because of Council's input into that process, particularly in view of fact that Senator showed no nexus between his alleged injuries and defendants' challenged action. *Id.*

2. Orders

Where dispute as to whether particular organization was covered by the Federal Advisory Committee Act, this Appendix, arose out of the consultation by a federal agency with the organization over certain proposed regulations, and where there was no allegation or proof that all contacts between the agency and the organization constituted a utilization of the organization as advisory committee, order that any future meeting between the representatives of the federal government and the organization be subject to the Federal Advisory Committee Act was overbroad; the order should apply only to consultation for advice or recommendations on proposed regulations. *Center for Auto Safety v. Cox*, 1978, 380 F.2d 689, 188 U.S.App.D.C. 426.

3. Balanced point of view

Executive Committee of the President's Private Sector Survey on Cost Control did not violate balanced viewpoint requirement of this Appendix on basis that virtually every member of the executive committee was an executive of a major corporation and that no public-interest representatives or beneficiaries of federal feeding programs had been appointed where Survey was designed to apply private sector expertise to attain cost-effective management in the federal government, since Survey's members represented fair balance of viewpoints given the functions to be performed. *National Anti-Hunger Coalition v. Executive Committee of President's Private Sector Survey on Cost Control*, 1983, 711 F.2d 1071, 229 U.S.App. D.C. 143.

National Advisory Committee on Microbiological Criteria for Foods met balanced membership requirements of Federal Advisory Committee Act; though public interest groups complained of absence of consumer representation, Committee was charged with highly technical mandate requiring extensive scientific background and expertise in processing and distribution practices. *Public Citizen v. National Advisory Committee on Microbiological Criteria for Foods*, D.D.C.1988, 708 F.Supp. 359.

The Executive Committee of the Private Sector Survey created by the President to give detailed advice on cost-effective management of the federal government and its agencies did not violate the balanced viewpoint requirement of this Appendix because most committee members were executives of major corporations, with two being academics

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and one from the labor community, and this Appendix did not require representation of public interest advocates or beneficiaries of federal food assistance programs. *National Anti-Hunger Coalition v. Executive Committee of President's Private Sector Survey on Cost Control*, D.C.D.C. 1983, 537 F.Supp. 524, affirmed 711 F.2d 1071, 229 U.S.App.D.C. 143.

Failure of the defendant commission to appoint more than one individual in outspoken opposition to ratification of the Equal Rights Amendment (ERA) to the United States Constitution when setting up the state committee to coordinate lobbying activities for the amendment in state legislature was not such as to establish a violation of this Appendix in that this Appendix did not, by its terms or otherwise, require balancing of points of view on the Equal Rights Amendment issue in the state coordinating committee. *Hall v. Siegel*, D.C.Ill.1977, 467 F.Supp. 730.

All interests need not be represented or represented equally to meet applicable balance of membership requirements, but required standard must be judged on case-by-case determination, depending on authority creating particular committee. 1981, 60 Comp.Gen. 386.

4. Task forces

Task forces established to assist Executive Committee of the President's Private Sector Survey on Cost Control in the study of domestic feeding programs for low-income persons were not subject to this Appendix where it appeared that task force reports and recommendations would be exhaustively reviewed and revised by Executive Committee. *National Anti-Hunger Coalition v. Executive Committee of President's Private Sector Survey on Cost Control*, 1983, 711 F.2d 1071, 229 U.S.App.D.C. 143.

§ 6. Responsibilities of the President; report to Congress; annual report to Congress; exclusion

(a) The President may delegate responsibility for evaluating and taking action, where appropriate, with respect to all public recommendations made to him by Presidential advisory committees.

(b) Within one year after a Presidential advisory committee has submitted a public report to the President, the President or his delegate shall make a report to the Congress stating either his proposals for action or his reasons for inaction, with respect to the recommendations contained in the public report.

(c) The President shall, not later than December 31 of each year, make an annual report to the Congress on the activities, status, and changes in the composition of advisory committees in existence during the preceding fiscal year. The report shall contain the name of every advisory committee, the date of and authority for its creation, its termination date or the date it is to make a report, its functions, a reference to the reports it has submitted, a statement of whether it is an ad hoc or continuing body, the dates of its meetings, the names and occupations of its current members, and the total estimated annual cost to the United States to fund, service, supply, and maintain such committee. Such report shall include a list of those advisory committees abolished by the President, and in the case of advisory committees established by statute, a list of those advisory committees which the President recommends be abolished together with his reasons therefor. The President shall exclude from this report any information which, in his judgment, should be withheld for reasons of national security, and he shall include in such report a statement that such information is excluded.

(As amended Pub.L. 97-375, Title II, § 201(c), Dec. 21, 1982, 96 Stat. 1822.)

Historical and Statutory Notes

1982 Amendment. Subsec. (c). Pub.L. 97-375, § 201(c), substituted provision that the President shall, not later than Dec. 31 of each year, make an annual report to Congress on the activities, status, and changes in the composition of advisory committees in existence during the preceding fiscal year, for provision the President, not later than March 31 of each calendar year after 1972, make an annual report to Congress on the activities, status, and changes in the composition of advisory committees in existence during the preceding calendar year.

Effective Date of 1982 Amendment. Section 201(c) of Pub.L. 97-375 provided in part that the

amendment by that section to subsec. (c) of this section is effective July 1, 1983.

Notes of Decisions

Requests for documents 1

1. Requests for documents

Federal Advisory Committee Act does not impose upon President or upon the Office of Administration special responsibility to guide document requests. *Federal Advisory Committee Act*, §§ 6, 6(b), c), 10, 10(b), 5 U.S.C.A.App. 2.—*National Sec. Archive v. Archivist of the U.S.*, C.A.D.C. 1990, 909 F.2d 541.

§ 7. Responsibilities of the Administrator of General Services: Committee Management Secretariat, establishment; review; recommendations to President and Congress; agency cooperation; performance guidelines; uniform pay guidelines; travel expenses; expense recommendations

(a) The Administrator shall establish and maintain within the General Services Administration a Committee Management Secretariat, which shall be responsible for all matters relating to advisory committees.

(b) The Administrator shall, immediately after October 6, 1972, institute a comprehensive review of the activities and responsibilities of each advisory committee to determine—

- (1) whether such committee is carrying out its purpose;
- (2) whether, consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised;
- (3) whether it should be merged with other advisory committees; or
- (4) whether it should be abolished.

The Administrator may from time to time request such information as he deems necessary to carry out his functions under this subsection. Upon the completion of the Administrator's review he shall make recommendations to the President and to either the agency head or the Congress with respect to action he believes should be taken. Thereafter, the Administrator shall carry out a similar review annually. Agency heads shall cooperate with the Administrator in making the reviews required by this subsection.

(c) The Administrator shall prescribe administrative guidelines and management controls applicable to advisory committees, and, to the maximum extent feasible, provide advice, assistance, and guidance to advisory committees to improve their performance. In carrying out his functions under this subsection, the Administrator shall consider the recommendations of each agency head with respect to means of improving the performance of advisory committees whose duties are related to such agency.

(d)(1) The Administrator after study and consultation with the Director of the Office of Personnel Management, shall establish guidelines with respect to uniform fair rates of pay for comparable services of members, staffs, and consultants of advisory committees in a manner which gives appropriate recognition to the responsibilities and qualifications required and other relevant factors. Such regulations shall provide that—

(A) no member of any advisory committee or of the staff of any advisory committee shall receive compensation at a rate in excess of the rate specified for GS-18 of the General Schedule under section 5332 of title 5, United States Code;

(B) such members, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service; and

(C) such members—

(i) who are blind or deaf or who otherwise qualify as handicapped individuals (within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 794)), and

(ii) who do not otherwise qualify for assistance under section 3102 of Title 5, by reason of being an employee of an agency (within the meaning of section 3102(a)(1) of such Title 5),

may be provided services pursuant to section 3102 of such Title 5 while in performance of their advisory committee duties.

(2) Nothing in this subsection shall prevent—

(A) an individual who (without regard to his service with an advisory committee) is a full-time employee of the United States, or

(B) an individual who immediately before his service with an advisory committee was such an employee.

from receiving compensation at the rate at which he otherwise would be compensated (or was compensated) as a full-time employee of the United States.

(e) The Administrator shall include in budget recommendations a summary of the amounts he deems necessary for the expenses of advisory committees, including the expenses for publication of reports where appropriate.

(As amended 1977 Reorg. Plan No. 1, § 5F, eff. Nov. 20, 1977, 42 F.R. 56101, 91 Stat. 1634; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 36067, 92 Stat. 3783; Pub.L. 96-523, § 2, Dec. 12, 1980, 94 Stat. 3040.)

Historical and Statutory Notes

References in Text. Section 501 of the Rehabilitation Act of 1973, referred to in subsec. (d)(1)(c)(i), is classified to section 791 of Title 29, Labor, rather than to section 794 of Title 29 as shown in text.

1980 Amendment. Subsec. (d)(1). Pub.L. 96-523 added subpar. (C).

Effective Date of 1980 Amendment. Amendment by Pub.L. 96-523 effective sixty days after Dec. 12, 1980, see section 3 of Pub.L. 96-523, set out as a note under section 3102 of this title.

Transfer of Functions. "Administrator", meaning Administrator of General Services, was substituted for "Director", meaning Director of the Office of Management and Budget, in text, "General Services Administration" for "Office of Management and Budget" in subsec. (a), and "Administrator's" for "Director's" in subsec. (b), pursuant to Reorg. Plan No. 1 of 1977, § 5F, 42 F.R. 56101, 91 Stat. 1634, set out in Appendix 1 of this title, which transferred all functions of the Office of Management and Budget and its Director relating to the Committee Management Secretariat, which is responsible pursuant to subsec. (a) of this section for all matters relating to advisory committees, to the Administrator of

General Services, effective Nov. 20, 1977, as provided by section 1 of Ex.Ord. No. 12024, Dec. 1, 1977, 42 F.R. 61445, set out under section 2 of this Act in this Appendix.

"Director of the Office of Personnel Management" was substituted for "Civil Service Commission" in subsec. (d) pursuant to Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of this title, which transferred all functions vested by statute in the United States Civil Service Commission to the Director of the Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1-102 of Ex.Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of this title.

All functions of the Office of Management and Budget and the Director thereof relating to the Committee Management Secretariat were transferred to the Administrator of General Services by Reorg. Plan No. 1 of 1977, § 5F, 42 F.R. 56101, 91 Stat. 1634, set out in this Appendix, effective on or before Apr. 1, 1978, at such time as specified by the President.

Legislative History. For legislative history and purpose of Pub.L. 96-523, see 1980 U.S. Code Cong. and Adm. News, p. 6530.

§ 8. Responsibilities of agency heads: Advisory Committee Management Officer, designation

(a) Each agency head shall establish uniform administrative guidelines and management controls for advisory committees established by that agency, which shall be consistent with directives of the Administrator under section 7 and section 10. Each agency shall maintain systematic information on the nature, functions, and operations of each advisory committee within its jurisdiction.

(b) The head of each agency which has an advisory committee shall designate an Advisory Committee Management Officer who shall—

- (1) exercise control and supervision over the establishment, procedures, and accomplishments of advisory committees established by that agency;
- (2) assemble and maintain the reports, records, and other papers of any such committee during its existence; and
- (3) carry out, on behalf of that agency, the provisions of section 552 of title 5, United States Code, with respect to such reports, records, and other papers.

(As amended 1977 Reorg. Plan No. 1, § 5F, eff. Nov. 20, 1977, 42 F.R. 56101, 91 Stat. 1634.)

Historical and Statutory Notes

Transfer of Functions. "Administrator", meaning Administrator of General Services, was substituted for "Director", meaning Director of the Office of Management and Budget, in subsec. (a), pursuant to Reorg. Plan No. 1 of 1977, § 5F, 42 F.R. 56101, 91 Stat. 1634, set out in Appendix 1 of this title, which transferred all functions of

the Office of Management and Budget and its Director relating to the Committee Management Secretariat, which is responsible pursuant to section 7(a) of this Act for all matters relating to advisory committees, to the Administrator of General Services, effective Nov. 20, 1977, as provided by section 1 of Ex.Ord. No. 12024, Dec. 1, 1977, 42 F.R. 61445, set out under section 2 of this Act in this Appendix.

§ 9. Establishment and purpose of advisory committees; publication in Federal Register; charter; filing, contents, copy

(a) No advisory committee shall be established unless such establishment is—

- (1) specifically authorized by statute or by the President; or
- (2) determined as a matter of formal record, by the head of the agency involved after consultation with the Administrator with timely notice published in the Federal Register, to be in the public interest in connection with the performance of duties imposed on that agency by law.

(b) Unless otherwise specifically provided by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions. Determinations of action to be taken and policy to be expressed with respect to matters upon which an advisory committee reports or makes recommendations shall be made solely by the President or an officer of the Federal Government.

(c) No advisory committee shall meet or take any action until an advisory committee charter has been filed with (1) the Administrator, in the case of Presidential advisory committees, or (2) with the head of the agency to whom any advisory committee reports and with the standing committees of the Senate and of the House of Representatives having legislative jurisdiction of such agency. Such charter shall contain the following information:

- (A) the committee's official designation;
- (B) the committee's objectives and the scope of its activity;
- (C) the period of time necessary for the committee to carry out its purposes;
- (D) the agency or official to whom the committee reports;
- (E) the agency responsible for providing the necessary support for the committee;
- (F) a description of the duties for which the committee is responsible, and, if such duties are not solely advisory, a specification of the authority for such functions;
- (G) the estimated annual operating costs in dollars and man-years for such committee;
- (H) the estimated number and frequency of committee meetings;
- (I) the committee's termination date, if less than two years from the date of the committee's establishment; and
- (J) the date the charter is filed.

A copy of any such charter shall also be furnished to the Library of Congress. (As amended 1977 Reorg. Plan No. 1, § 5F, eff. Nov. 20, 1977, 42 F.R. 56101, 91 Stat. 1634.)

Historical and Statutory Notes

Transfer of Functions. "Administrator", meaning Administrator of General Services, was substituted for "Director", meaning Director of the Office of Management and Budget, in subsecs. (a) and (c), pursuant to Reorg. Plan No. 1 of 1977, § 5F, 42 F.R. 56101, 91 Stat. 1634, set out in Appendix 1 of this title, which transferred all functions of the Office of Management and Budget and its Director relating to the Committee Management Secretariat, which is responsible pursuant to section 7(a) of this Act for all matters relating to advisory committees, to the Administrator of General Services, effective Nov. 20, 1977, as provided by section 1 of Ex.Ord. No. 12024, Dec. 1, 1977, 42 F.R. 61445, set out under section 2 of this Act in this Appendix.

Notes of Decisions

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 Purpose 1

1. Purpose

Purpose of this Appendix is to control the advisory committee process and to open to public scrutiny the manner in which government agencies obtain advice from private individuals. *Food Chemical News, Inc. v. Davis*, D.C.D.C. 1974, 378 F.Supp. 1048.

2. Compliance, necessity of

Where a federal agency utilizes an advisory committee for the purpose of obtaining advice, the agency must charter and establish the committee in compliance with all the terms of this Appendix; and failure to comply with such requirements cannot be employed as a subterfuge for avoiding the public access requirements of this Appendix. *Food Chemical News, Inc. v. Davis*, D.C.D.C. 1974, 378 F.Supp. 1048.

If Energy Policy Task Force's Plan drafting role gives it more than solely advisory functions, its charter should so state, citing authority given for those functions. 1981, 60 Comp.Gen. 386.

3. Members of committee

Presence of retired Supreme Court justice and active circuit judge on Presidential Commission to

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investigate organized crime did not violate constitutional separation-of-powers doctrine; service of judges was voluntary; judicial membership on advisory commission did not prevent it from carry-

ing out its duties, and participation by judges did not disrupt operation of courts. Matter of President's Com'n on Organized Crime Subpoena of Scarfo, C.A.3 (N.J.) 1986, 783 F.2d 370.

§ 10. Advisory committee procedures; meetings; notice; publication in Federal Register; regulations; minutes; certification; annual report; Federal officer or employee; attendance

(a)(1) Each advisory committee meeting shall be open to the public.

(2) Except when the President determines otherwise for reasons of national security, timely notice of each such meeting shall be published in the Federal Register, and the Administrator shall prescribe regulations to provide for other types of public notice to insure that all interested persons are notified of such meeting prior thereto.

(3) Interested persons shall be permitted to attend, appear before, or file statements with any advisory committee, subject to such reasonable rules or regulations as the Administrator may prescribe.

(b) Subject to section 552 of title 5, United States Code, the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by each advisory committee shall be available for public inspection and copying at a single location in the offices of the advisory committee or the agency to which the advisory committee reports until the advisory committee ceases to exist.

(c) Detailed minutes of each meeting of each advisory committee shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the advisory committee. The accuracy of all minutes shall be certified to by the chairman of the advisory committee.

(d) Subsections (a)(1) and (a)(3) of this section shall not apply to any portion of an advisory committee meeting where the President, or the head of the agency to which the advisory committee reports, determines that such portion of such meeting may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code. Any such determination shall be in writing and shall contain the reasons for such determination. If such a determination is made, the advisory committee shall issue a report at least annually setting forth a summary of its activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of title 5, United States Code.

(e) There shall be designated an officer or employee of the Federal Government to chair or attend each meeting of each advisory committee. The officer or employee so designated is authorized, whenever he determines it to be in the public interest, to adjourn any such meeting. No advisory committee shall conduct any meeting in the absence of that officer or employee.

(f) Advisory committees shall not hold any meetings except at the call of, or with the advance approval of, a designated officer or employee of the Federal Government, and in the case of advisory committees (other than Presidential advisory committees), with an agenda approved by such officer or employee.

(As amended Pub.L. 94-409, § 5(c), Sept. 13, 1976, 90 Stat. 1247; 1977 Reorg. Plan No. 1, § 5F, eff. Nov. 20, 1977, 42 F.R. 56101, 91 Stat. 1634.)

Historical and Statutory Notes

1976 Amendment. Pub.L. 94-409 added "portion of an" following "to any" and substituted provisions relating to determinations for closing to the public such portion of the meeting in accordance with section 552b(c) of Title 5, for provisions relating to determinations of matters listed in section 552(b) of Title 5.

Effective Date of 1976 Amendment. Amendment by Pub.L. 94-409 effective 180 days after Sept. 13, 1976, see section 6 of Pub.L. 94-409, set out as a note under section 552b of this title.

Transfer of Functions. "Administrator", meaning Administrator of General Services, was substituted for "Director", meaning Director of the Office of Management and Budget, in subsec. (a)(2) and (3), pursuant to Reorg. Plan No. 1 of 1977, § 5F, 42 F.R. 56101, 91 Stat. 1634, set out in Appendix 1 of this title, which transferred all functions of the Office of Management and Budget and its Director relating to the Committee Management Secretariat, which is responsible pursuant to section 7(a) of this Act for all matters relating to advisory committees, to the Administrator of General Services, effective Nov. 20, 1977.

as provided by section 1 of Ex.Ord. No. 12024, Dec. 1, 1977, 42 F.R. 61445, set out under section 2 of this Act in this Appendix.

Legislative History. For legislative history and purpose of Pub.L. 94-409, see 1976 U.S. Code Cong. and Adm. News, p. 2183.

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1. Construction with other laws

Freedom of Information Act provisions, section 552 of this title, dealing with intra-agency and interagency memoranda are applicable, under this section to advisory committee meetings. *Aviation Consumer Action Project v. Washburn*, 1976, 533 F.2d 101, 175 U.S.App.D.C. 273.

Subsection (d) of this section, providing that a meeting may be closed when it is determined by agency head that such meeting will involve matters listed in Freedom of Information Act, section 552 of this title, did not apply so as to permit exclusion of public from all meetings of advisory committees serving cost of living council. *Nader v. Dunlop*, D.C.D.C.1973, 370 F.Supp. 177.

2. Purpose

Two separate "informal" meetings with consumer and distilled spirits industry representatives relative to drafting proposed regulations of the Bureau of Alcohol, Tobacco and Firearms of the Treasury Department on ingredient labeling of distilled spirits were meetings of "advisory committees" utilized by the Bureau Director to obtain advice within the meaning of this Appendix, and said meetings were therefore open to the public. *Food Chemical News, Inc. v. Davis*, D.C.D.C. 1974, 378 F.Supp. 1048.

Subsection (d) of this section, providing that a meeting may be closed when it is determined by agency head that such meeting will involve matters listed in section 552 of this title, was not intended to include all deliberative conversations of committee meetings. *Nader v. Dunlop*, D.C.D.C. 1973, 370 F.Supp. 177.

3. Meetings within section

The Food and Drug Administration had "established" an expert panel which it directed a private contractor to assemble to assist the FDA in identifying and categorizing important issues that would influence FDA's responsibilities for food safety and quality, for purposes of determining applicability of Federal Advisory Committee Act requirements to the expert panel, although the original contract solicitation did not require a panel and task order requiring assembly of panel

was issued in response to contractor's technical proposal in bid suggesting such a panel. *Food Chemical News v. Young*, D.C.D.C.1989, 709 F.Supp. 5.

Where meeting between Food and Drug Administration and organization representing cosmetics industry was for purpose of presenting organization's voluntary ingredient testing program, and no matters of Administration policy or regulation were at issue, parties were not bound by provisions of this Appendix, and thus neither public access to such meetings, nor chartering of such organization, would be required. *Consumers Union of U.S., Inc. v. Department of Health, Ed. and Welfare*, D.C.D.C.1976, 409 F.Supp. 473, affirmed: 551 F.2d 466, 179 U.S.App.D.C. 280.

At a minimum a relatively detailed analysis of bases for closing various portions of meetings of advisory committees serving cost of living council must be provided. *Nader v. Dunlop*, D.C.D.C. 1973, 370 F.Supp. 177.

Where Defense Advisory Committee on Women in the Services was group of outsiders called on because of their expertise to offer views and comments unavailable within agency, meeting of such committee did not involve "inter-agency" nor "intra-agency" affairs and meeting was required to be open. *Gates v. Schlesinger*, D.C.D.C.1973, 366 F.Supp. 797.

3a. Discretion of agency

Under this section, advisory committees both meet and render advice to governmental agencies involved at the pleasure of those agencies and if it pleases agency in question to refrain from convening committee or soliciting its advice, agency is entirely at liberty to do so. *Dabney v. Reagan*, D.C.N.Y.1982, 559 F.Supp. 861.

3b. Convening of meetings

Fact that solar energy and energy conservation bank's advisory committees' charters provided that they would ordinarily convene in full session four times a year did not abrogate express subsec. (f) of this section that advisory committees "shall not hold any meeting except at the call of, or with the advance approval of," the designated federal employee. *Dabney v. Reagan*, D.C.N.Y.1982, 559 F.Supp. 861.

4. Public participation

While plaintiffs were entitled to have meeting of Defense Advisory Committee on Women in the Services conducted so as to be open to public, there was no right of public participation in advisory committee. *Gates v. Schlesinger*, D.C.D.C. 1973, 366 F.Supp. 797.

5. Exchange of information

Executive committee's review of staff recommendations concerning cost control under food stamp program were deliberative and not a mere sham and did not violate this section where task force recommendations were distributed to members of executive committee for study in advance of public hearing and at the hearing comments were specifically brought to attention of full membership even though belatedly filed and in other instances the committee rejected recommendations contained in the staff reports. *National Anti-Hunger Coalition v. Executive Committee of Pres-*

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ident's Private Sector Survey on Cost Control, D.C.D.C.1983, 566 F.Supp. 1515.

For purposes of this Appendix, exchange of information does not make advisory committee "part of" its government agency. *Gates v. Schlesinger* D.C.D.C.1973, 366 F.Supp. 797.

6. Burden of proof

This section does not contain same express provision as Freedom of Information Act, section 552 of this title, which places burden of proof on agency to sustain its action, but underlying policy considerations are identical and burden of proof should be comparable. *Nader v. Dunlop*, D.C.D.C.1973, 370 F.Supp. 177.

7. Injunction

Where pleadings were limited to actions of Travel Advisory Board in holding closed meeting and did not refer to any other advisory committees in the Department of Commerce, and where all evidence was directed towards the TAB, injunction which purported to require timely advance public notice of each meeting of the TAB or any other advisory committee in the Department was overbroad. *Aviation Consumer Action Project v. Washburn*, 1976, 535 F.2d 101, 175 U.S.App.D.C. 273.

Injury to nonprofit environmental protection organization if panel of scientist-executives convened by the Secretary of the Department of Energy to study safety of government-owned nuclear reactor in Washington were determined to in fact be subject to requirements of the Federal Advisory Committee Act was neither substantial nor irreparable, whereas injury to the Secretary and the remainder of the country caused by delay would be substantial and irreparable, and thus, organization was not entitled to preliminary injunction enjoining activities of panel until organization's representative should be allowed to attend, where any recommendations by panel would soon be available by request under the Freedom of Information Act. *Natural Resources Defense Council, Inc. v. Herrington*, D.D.C.1986, 637 F.Supp. 116.

Exemption relating to interagency or intra-agency memorandum or letters did not apply so as to permit meeting of Defense Advisory Committee on Women in the Services to be closed, and court would issue preliminary injunction requiring such meeting to be open to the public. *Gates v. Schlesinger*, D.C.D.C.1973, 366 F.Supp. 797.

8. Public access

Public interest research institute's misdirected application to Office of Administration for Tower Commission report, which investigated the sale of arms to Iran and transfer of resulting proceeds to the Contras in Nicaragua, was not sufficient under the Freedom of Information Act or the Federal Advisory Committee Act, since the request should have been made to the Commission itself while it existed, since Office had no authority or responsibility over the Commission's records; institute was unable to compel disclosure of those documents. *National Sec. Archive v. Executive Office of The President*, D.D.C.1988, 688 F.Supp. 29.

The press has a statutory right under this Appendix as well as a privilege under U.S.C.A.

Const. Amend. 1 to report on the manner in which government affairs are conducted. *Food Chemical News, Inc. v. Davis*, D.C.D.C.1974, 378 F.Supp. 1048.

The privacy exemption of the open meeting requirement in section 552 of Title 5, Government Organization and employees, made applicable to advisory committees may permit closing of some portions of meetings of subgroups of the Humanities Panel at which individual grant applications are discussed. 1980 (Counsel-Inf.Op.) 4B Op.O.L.C. 743.

Legislation that would grant the President's Commission on the Accident at Three Mile Island the power to issue subpoenas is sufficient also to allow the closing of its meetings under certain circumstances under the exemption contained in section 552(b)(10) of this title relating to the "agency's issuance of a subpoena. 1979 (Counsel-Inf. Op.) 3 Op.O.L.C. 208.

9. Interagency or intra-agency memoranda

Evidence that there had been more than 20 meetings of the Travel Advisory Board and that on only three occasions had portions of the meeting been closed to the public demonstrated that the Board was not abusing exemption provided to it under subsec. (d) of this section from requirement of holding open meetings when interagency and intra-agency memoranda were being discussed. *Aviation Consumer Action Project v. Washburn*, 1976, 535 F.2d 101, 175 U.S.App.D.C. 273.

Provisions of this section dealing with open meetings do not apply to any advisory committee meeting which the head of an agency determines is concerned with interagency or intra-agency memoranda. *Id.*

Even after interagency or intra-agency memorandum has been disclosed to member of an advisory committee, the memorandum may still be considered an inter-agency or intra-agency memorandum so that fact that such disclosure is made to a member of an advisory committee does not preclude advisory committee from holding a closed meeting in accordance with the exemption provided for in subsec. (d) of this section and section 552 of this title. *Id.*

10. Regulations

Where regulations which were challenged had been revised through procedure in which the revised regulations were published in draft form and public comment was invited and where the new regulations were temporary, court would not overturn original regulations despite failure of Federal Highway Administration to comply with requirements of this Appendix in adopting the initial regulations. *Center for Auto Safety v. Tiemann*, D.C.D.C.1976, 414 F.Supp. 215, remanded on other grounds 580 F.2d 689, 188 U.S.App.D.C. 426.

11. Standing to sue

Persons active in opposing enactment of Equal Rights Amendment to United States Constitution were without standing to bring suit against National Commission on the Observance of International Women's Year, 1975, to enjoin it from supporting enactment of the Equal Rights Amendment, engaging in lobbying activities, and

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other pursuits. *Mulqueeny v. National Commission on the Observance of Intern. Women's Year*, 1975, C.A.III.1977, 549 F.2d 1115.

Corporation in business of manufacturing and supplying military decorations and insignia to government had standing to assert violations of the Federal Advisory Committee Act in challenging action of Committee for Purchase From the Blind and Other Severely Handicapped to take particular medals and medal sets out of competitive bidding and place them on list as commodities suitable for procurement by government for qualified nonprofit agencies for the blind or other severely handicapped since corporation had injury in fact based on Committee's decision, injury could be remedied if court invalidated decision, and corporation's interest fell within zone of interest of the Act. *HLL Lordship Industries, Inc. v. Committee for Purchase from the Blind & Other Severely Handicapped*, D.C.Va.1985, 615 F.Supp. 970.

Individual recipients of federal food assistance benefits and an antihunger coalition were granted standing to challenge membership on the Presi-

dent's Executive Committee of the Private Sector Survey as lacking the balanced representation required by this Appendix as well as to question Committee's compliance with procedural requirements of this Appendix. *National Anti-Hunger Coalition v. Executive Committee of President's Private Sector Survey on Cost Control*, D.C.D.C. 1983, 557 F.Supp. 524, affirmed 711 F.2d 1071, 229 U.S.App.D.C. 143.

Nonprofit corporation whose activities centered broadly upon transportation safety issues and whose functions included monitoring activities of Federal Highway Administration had standing to challenge alleged failure of the Federal Highway Administration to comply with rule-making provisions of sections 551 et seq. and 701 et seq. of this title when providing for alternative procedure for approving state highway safety plans and failure of the Federal Highway Administration to open meetings with a particular organization to the public pursuant to this Appendix. *Center for Auto Safety v. Tiemann*, D.C.D.C.1976, 414 F.Supp. 215, remanded on other grounds 580 F.2d 689, 188 U.S.App.D.C. 426.

§ 11. Availability of transcripts; "agency proceeding"

(a) Except where prohibited by contractual agreements entered into prior to the effective date of this Act, agencies and advisory committees shall make available to any person, at actual cost of duplication, copies of transcripts of agency proceedings or advisory committee meetings.

(b) As used in this section "agency proceeding" means any proceeding as defined in section 551(12) of title 5, United States Code.

Historical and Statutory Notes

References in Text. Effective date of this Act, referred to in subsec. (a), as meaning effective upon expiration of ninety days following enactment of Pub.L. 92-463 on Oct. 6, 1972, see section 15 of Pub.L. 92-463.

sue for the information. *Center for Auto Safety v. Tiemann*, D.C.D.C.1976, 414 F.Supp. 215, remanded on other grounds 580 F.2d 689, 188 U.S.App.D.C. 426.

Notes of Decisions

1. Standing to sue

Any person whose request for information under this appendix had been denied has standing to

§ 12. Fiscal and administrative provisions; recordkeeping; audit; agency support services

(a) Each agency shall keep records as will fully disclose the disposition of any funds which may be at the disposal of its advisory committees and the nature and extent of their activities. The General Services Administration, or such other agency as the President may designate, shall maintain financial records with respect to Presidential advisory committees. The Comptroller General of the United States, or any of his authorized representatives, shall have access, for the purpose of audit and examination, to any such records.

(b) Each agency shall be responsible for providing support services for each advisory committee established by or reporting to it unless the establishing authority provides otherwise. Where any such advisory committee reports to more than one agency, only one agency shall be responsible for support services at any one time. In the case of Presidential advisory committees, such services may be provided by the General Services Administration.

§ 13. Responsibilities of Library of Congress; reports and background papers; depository

Subject to section 552 of title 5, United States Code, the Administrator shall provide for the filing with the Library of Congress of at least eight copies of each

report made by every advisory committee and, where appropriate, background papers prepared by consultants. The Librarian of Congress shall establish a depository for such reports and papers where they shall be available to public inspection and use.

(As amended 1977 Reorg. Plan No. 1, § 5F, eff. Nov. 20, 1977, 42 F.R. 56101, 91 Stat. 1634.)

Historical and Statutory Notes

Transfer of Functions. "Administrator", meaning Administrator of General Services, was substituted for "director", meaning Director of the Office of Management and Budget, in text, pursuant to Reorg. Plan No. 1 of 1977, § 5F, 42 F.R. 56101, 91 Stat. 1634, set out in Appendix 1 of this title, which transferred all functions of the

Office of Management and Budget and its Director relating to the Committee Management Secretariat, which is responsible pursuant to section 7(a) of this Act for all matters relating to advisory committees, to the Administrator of General Services, effective Nov. 20, 1977, as provided by section 1 of Ex.Ord. No. 12024, Dec. 1, 1977, 42 F.R. 61445, set out under section 2 of this Act in this Appendix.

§ 14. Termination of advisory committees: renewal; continuation

(a)(1) Each advisory committee which is in existence on the effective date of this Act shall terminate not later than the expiration of the two-year period following such effective date unless—

(A) in the case of an advisory committee established by the President or an officer of the Federal Government, such advisory committee is renewed by the President or that officer by appropriate action prior to the expiration of such two-year period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(2) Each advisory committee established after such effective date shall terminate not later than the expiration of the two-year period beginning on the date of its establishment unless—

(A) in the case of an advisory committee established by the President or an officer of the Federal Government such advisory committee is renewed by the President or such officer by appropriate action prior to the end of such period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(b)(1) Upon the renewal of any advisory committee, such advisory committee shall file a charter in accordance with section 9(c).

(2) Any advisory committee established by an Act of Congress shall file a charter in accordance with such section upon the expiration of each successive two-year period following the date of enactment of the Act establishing such advisory committee.

(3) No advisory committee required under this subsection to file a charter shall take any action (other than preparation and filing of such charter) prior to the date on which such charter is filed.

(c) Any advisory committee which is renewed by the President or any officer of the Federal Government may be continued only for successive two-year periods by appropriate action taken by the President or such officer prior to the date on which such advisory committee would otherwise terminate.

Historical and Statutory Notes

References in Text. Effective date of this Act, referred to in subsec. (a)(1), as meaning effective

upon expiration of ninety days following enactment of Pub.L. 92-463 on Oct. 6, 1972, see section 15 of Pub.L. 92-463.

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 11827

Ex.Ord. No. 11827, Jan. 4, 1975, 40 F.R. 1217, as amended, formerly set out as a note under this section, which provided for the continuance of

certain federal advisory committees, was superseded by Ex.Ord. No. 11948, Dec. 20, 1976, 41 F.R. 55705, set out as a note under this section.

EXECUTIVE ORDER NO. 11948

Ex.Ord. No. 11948, Dec. 20, 1976, 41 F.R. 55705, as amended by Ex.Ord. No. 12007, Aug. 22, 1977, 42 F.R. 42839; Ex.Ord. No. 12029, Dec. 14, 1977, 42 F.R. 63631, formerly set out as a note under this section, which provided for the

continuance of certain federal advisory committees, was superseded by Ex.Ord. No. 12110, Dec. 28, 1978, 44 F.R. 1069, set out as a note under this section.

EXECUTIVE ORDER NO. 12007

Aug. 22, 1977, 42 F.R. 42839

TERMINATION OF CERTAIN PRESIDENTIAL ADVISORY COMMITTEES

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in order to terminate certain advisory committees in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), it is hereby ordered as follows:

Section 1. (a) The Citizens' Advisory Council on the Status of Women is terminated.

(b) Executive Order No. 11126 of November 1, 1963, as amended by Executive Order No. 11221 of May 6, 1965 [set out as a note under Section 2000e of Title 42, The Public Health and Welfare], is further amended as follows:

(1) Subsection (5) of Section 102 is revoked.

(2) Section 103, in order to delete a reference to the Council, is amended to read as follows:

"Annually the Committee shall transmit a report to the President concerning the status of women."

(3) Part II is revoked.

(4) The second sentence of Section 301, in order to delete references to the Council, is amended to read as follows:

"To the extent practical and to the extent permitted by law (1) all Executive agencies shall cooperate with the Committee and furnish it such information and assistance as may be necessary for the performance of its functions, and (2) the Secretary of Labor shall furnish staff, office space, office facilities and supplies, and other necessary assistance, facilities, and services for the Committee."

Sec. 2. (a) The Citizens' Advisory Committee on Environmental Quality is terminated.

(b) Part II of Executive Order No. 11472 of May 29, 1969, as amended by paragraphs (7) and (8) of section 4 of Executive Order No. 11514 of March 5, 1970 [set out as a note under section 4321 of Title 42, The Public Health and Welfare], is revoked.

Sec. 3. (a) The Advisory Council for Minority Enterprise is terminated.

(b) Section 2 of Executive Order No. 11625 of October 13, 1971 [set out as a note under section 631 of Title 15, Commerce and Trade], is revoked.

Sec. 4. (a) The Consumer Advisory Council is terminated.

(b) Executive Order No. 11583 of February 24, 1971 [set out as a note under section 887d of Title 20, Education], is amended as follows:

(1) The second sentence of subsection (b)(1) of section 2 is amended by deleting "(including the Consumer Advisory Council established in section 5 of this order)".

(2) Section 5 is revoked.

Sec. 5. (a) The President's Advisory Board on International Investment is terminated.

(b) Executive Order No. 11962 of January 19, 1977 [set out as a note under section 3107 of Title 22, Foreign Relations and Intercourse], is revoked.

Sec. 6. Subsections (a), (g), (i), and (j) of Section 1 of Executive Order No. 11948 of December 20, 1976 [set out as a note under this section], which extended the above advisory committees until December 31, 1978, is superseded.

JIMMY CARTER

EXECUTIVE ORDER NO. 12029

Dec. 14, 1977, 42 F.R. 63631

TERMINATION OF A PRESIDENTIAL ADVISORY COMMITTEE

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in order to terminate an advisory committee in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), it is hereby ordered as follows:

Section 1. (a) The Quetico-Superior Committee is terminated.

(b) Executive Order No. 11342, as amended, is revoked.

Sec. 2. Subsection (e) of Section 1 of Executive Order No. 11948 of December 20, 1976, which extended the above advisory committee until December 31, 1978, is superseded.

JIMMY CARTER

EXECUTIVE ORDER NO. 12110

Ex.Ord. No. 12110, Dec. 28, 1978, 44 F.R. 1069, formerly set out as a note under this section, which provided for the continuance of certain

federal advisory committees, was superseded by Ex.Ord. No. 12258, Dec. 31, 1980, 46 F.R. 1251, set out as a note under this section.

EXECUTIVE ORDER NO. 12258

Ex.Ord. No. 12258, Dec. 31, 1980, 46 F.R. 1251, as amended by Ex.Ord. No. 12271, Jan. 15, 1981, 46 F.R. 4677; Ex.Ord. No. 12299, Mar. 17, 1981, 46 F.R. 17751; Ex.Ord. No. 12305, May 5, 1981, 46 F.R. 25421; Ex.Ord. No. 12336, Dec. 21, 1981, 46 F.R. 62239, which provided for the continuance of certain federal advisory commit-

tees, was superseded by Ex.Ord. No. 12399, Dec. 31, 1982, 48 F.R. 379, set out as a note below.

[Executive Order No. 12299, which had been set out in the credit to this Executive Order, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.]

EXECUTIVE ORDER NO. 12305

May 5, 1981, 46 F.R. 25421

TERMINATION OF CERTAIN FEDERAL ADVISORY COMMITTEES

By the authority vested in me as President by the Constitution of the United States of America, and in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C.App. 1), the following Executive Orders, establishing advisory committees, are hereby revoked and the committees terminated:

(a) Executive Order No. 12059 of May 11, 1978, as amended, [set out as a note under section 44 of Title 28, Judiciary and Judicial Procedure], establishing the United States Circuit Judge Nominating Commission;

(b) Executive Order No. 11992 of May 24, 1977 [set out as a note preceding chapter 1 of Title 28], establishing the Committee on Selection of Federal Judicial Officers;

(c) Executive Order No. 12084 of September 27, 1978, as amended by Executive Order 12097 of November 8, 1978, [set out as a note under section 133 of Title 28], establishing the Judicial Nominating Commission for the District of Puerto Rico; and

(d) Executive Order No. 12064 of June 5, 1978, [set out as a note under section 7443 of Title 26, Internal Revenue Code], establishing the United States Tax Court Nominating Commission.

Subsections (g), (i), (j) and (k) of Section 1-101 of Executive Order No. 12258, [set out as a note under this section], extending these committees, are also revoked.

RONALD REAGAN

EXECUTIVE ORDER NO. 12379

Aug. 17, 1982, 47 F.R. 30699

TERMINATION OF BOARDS, COMMITTEES, AND COMMISSIONS

By the authority vested in me as President by the Constitution and statutes of the United States of America, and to terminate the establishing authorities for committees that are inactive or no longer necessary, it is hereby ordered as follows:

Section 1. Executive Order No. 12071, as amended [set out as a note under section 1001 of Title 29, Labor], establishing the President's Commission on Pension Policy is revoked.

Sec. 2. Executive Order No. 12042 [not classified to the code], creating a Board of Inquiry to Report on Labor Disputes Affecting the Bituminous Coal Industry in the United States, is revoked.

Sec. 3. Executive Order No. 12085 [not classified to the code], creating an Emergency Board to Investigate a Dispute Between the Norfolk and Western Railway Company and Certain of Its Employees, is revoked.

Sec. 4. Executive Order No. 12132 [not classified to the code], creating an Emergency Board to Investigate a Dispute Between the National Railway Labor Conference and Certain of Its Employees, is revoked.

Sec. 5. Executive Order No. 12095 [not classified to the code], creating an Emergency Board to Investigate a Dispute Between Wien Air Alaska, Inc., and Certain Individuals, is revoked.

Sec. 6. Executive Order No. 12159 [not classified to the code], creating an Emergency Board to Investigate Disputes Between the Chicago, Rock Island, Pacific Railroad and Peoria Terminal Company and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Ex-

press and Station Employees; and the United Transportation Union, is revoked.

Sec. 7. Executive Order No. 12182 [not classified to the code], creating an Emergency Board to Investigate a Dispute Between the Long Island Rail Road and Certain of Its Employees, is revoked.

Sec. 8. Executive Order No. 12207 [not classified to the code], creating an Emergency Board to Investigate a Dispute Between the Port Authority Trans-Hudson Corporation and Certain of Its Employees, is revoked.

Sec. 9. Executive Order No. 12262 [set out as a note under section 1001 of Title 29, Labor], establishing an Interagency Employee Benefit Council, is revoked.

Sec. 10. Executive Order No. 12275 [set out as a note under section 951 of Title 20, Education], establishing the Design Liaison Council, is revoked.

Sec. 11. Executive Order No. 11829, as amended [set out as a note under section 640d of Title 25, Indians], establishing the Hopi-Navajo Land Settlement Interagency Committee, is revoked.

Sec. 12. Executive Order No. 11022, as amended [set out as a note under section 3001 of Title 42, The Public Health and Welfare], establishing the President's Council on Aging, is revoked.

Sec. 13. Executive Order No. 12192 [set out as a note under section 2021 of Title 42], establishing the State Planning [Planning] Council on Radioactive Waste Management, is revoked.

Sec. 14. Executive Order No. 12075, as amended [set out as a note under section 1450 of Title 42], establishing the Interagency Coordinating Council, is revoked.

Sec. 15. Executive Order No. 11782 [set out as a note under section 2281 of Title 12, Banks and Banking], establishing the Federal Financing Bank Advisory Council, is revoked.

Sec. 16. Executive Order No. 12089, as amended [set out as a note under section 2401 of Title 15, Commerce and Trade], establishing the National Productivity Council, is revoked.

Sec. 17. Executive Order No. 11330, as amended [set out as a note preceding section 2711 of Title 42, The Public Health and Welfare], establishing the President's Council on Youth Opportunity, is revoked.

Sec. 18. Executive Order No. 11256 [not classified to the code], establishing the President's Committee on Food and Fiber and establishing the National Advisory Commission on Food and Fiber, is revoked.

Sec. 19. Executive Order No. 11654 [set out as a note under section 278f of Title 15, Commerce and Trade], continuing the Federal Fire Council, is revoked.

Sec. 20. Executive Order No. 12083, as amended [set out as a note under section 7101 of Title 42, The Public Health and Welfare], establishing the Energy Coordinating Committee, is revoked.

Sec. 21. Executive Order No. 12285, as amended and ratified [set out as a note under section 1701 of Title 50, War and National Defense], establishing the President's Commission on Hostage Compensation, is revoked.

Sec. 22. Executive Order No. 12202, as amended [set out as a note under section 5848 of Title 42, The Public Health and Welfare], establishing the Nuclear Safety Oversight Committee, is revoked.

Sec. 23. Executive Order No. 12194 [set out as a note under section 4321 of Title 42], establishing the Radiation Policy Council, is revoked.

Sec. 24. The veterans' Federal Coordinating Committee (Weekly Compilation of Presidential Documents, volume 14, number 41, page 1743) [not classified to the code] is terminated.

Sec. 25. The President's Council on Energy Efficiency (Weekly Compilation of Presidential Documents, volume 16, numbers 18 and 30, pages 790 and 1404) [not classified to the code] is terminated.

RONALD REAGAN

EXECUTIVE ORDER NO. 12399

Ex.Ord. No. 12399, Dec. 31, 1982, 48 F.R. 379, which related to the continuance of certain federal advisory committees, was superseded by Ex.

Ord.No. 12534, Sept. 30, 1985, 50 F.R. 40319, set out as a note under this section.

EXECUTIVE ORDER NO. 12489

Ex.Ord. No. 12489, Sept. 28, 1984, 49 F.R. 38927, which related to the continuance of certain federal advisory committees was superseded by

Ex.Ord. No. 12534, Sept. 30, 1985, 50 F.R. 40319, set out as a note under this section.

EXECUTIVE ORDER NO. 12534

Ex.Ord. No. 12534, Sept. 30, 1985, 50 F.R. 40319, which related to the continuance of certain federal advisory committees, was superseded by

Ex.Ord. No. 12610, Sept. 30, 1987, 52 F.R. 36901, set out as a note under this section.

EXECUTIVE ORDER NO. 12610

Ex. Ord. No. 12610, Sept. 30, 1987, 52 F.R. 36901, which provided for the continuance of certain Federal advisory committees, was super-

sed by Ex. Ord. No. 12692, Sept. 29, 1989, 54 F.R. 406-27, set out as a note under this section.

EXECUTIVE ORDER NO. 12692

Sept. 29, 1989, 54 F.R. 40627, as amended by Ex.Ord. No. 12704, Feb. 26, 1990, 55 F.R. 6969

CONTINUANCE OF CERTAIN FEDERAL ADVISORY COMMITTEES

By the authority vested in me as President by the Constitution and laws of the United States of America, and in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C.App.), it is hereby ordered as follows:

Section 1. Each advisory committee listed below is continued until September 30, 1991:

(a) Committee for the Preservation of the White House: Executive Order No. 11145, as amended (Department of the Interior) (set out as a note under section 110 of Title 3, the President).

(b) Federal Advisory Council on Occupational Safety and Health: Executive Order No. 12196, as

amended (Department of Labor) (set out as a note under section 7902 of this title).

(c) President's Commission on White House Fellowships: Executive Order No. 11183, as amended (Office of Personnel Management).

(d) President's Committee on the Arts and the Humanities: Executive Order No. 12367, as amended (National Endowment for the Arts).

(e) President's Committee on the International Labor Organization: Executive Order No. 12216 (Department of Labor) (set out as a note under section 271 of Title 22, Foreign Relations and Intercourse).

FEDERAL ADVISORY COMMITTEE ACT

§ 15

(f) President's Committee on Mental Retardation; Executive Order No. 11776 (Department of Health and Human Services) (set out as a note preceding section 6000 of Title 42, the Public Health and Welfare).

(g) President's Committee on the National Medal of Science; Executive Order No. 11287, as amended (National Science Foundation) (set out as a note under section 1881 of Title 42).

(h) President's Council on Physical Fitness and Sports; Executive Order No. 12345, as amended (Department of Health and Human Services) (set out as a note under section 300U-S of Title 42).

(i) President's Export Council; Executive Order No. 12131, as amended (Department of Commerce) (set out as a note under section 2401 of the Appendix to Title 50, War and National Defense).

(j) President's National Security Telecommunications Advisory Committee; Executive Order No. 12382, as amended (Department of Defense).

Sec. 2. Notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act [this Act] that are applicable to the committees listed in Section 1 of this order, except that of reporting annually to the Congress, shall be performed by the head of the department or agency designated after each committee, in accordance with guidelines and procedures established by the Administrator of General Services.

Sec. 3. The following Executive orders, which established committees that have terminated or whose work is completed, are revoked:

(a) Executive Order No. 12462, as amended by Executive Order No. 12533, establishing the President's Advisory Committee on Mediation and Conciliation.

(b) Executive Order No. 12592 (set out as a note under section 5382 of Title 5, Government Organization and Employees); establishing the President's Commission on Compensation of Career Federal Executives.

(c) Executive Order No. 12668, establishing the President's Commission on Federal Ethics Law Reform.

(d) Executive Order No. 12607, establishing the President's Commission on Privatization.

(e) Executive Order No. 12296, as amended by Executive Order No. 12309 (set out as a note under section 1023 of Title 15), establishing the President's Economic Policy Advisory Board.

(f) Executive Order No. 12528, as amended by Executive Order No. 12604, establishing the Presidential Board of Advisors on Private Sector Initiatives.

(g) Executive Order No. 12601, as amended by Executive Order No. 12603, establishing the Presidential Commission on the Human Immunodeficiency Virus Epidemic.

Sec. 4. Executive Order No. 12610 [formerly set out as a note under this section] is superseded.

Sec. 5. This order shall be effective September 30, 1989.

GEORGE BUSH

Notes of Decisions

Powers and duties	3
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1. Prospective effect

This Appendix Committee Act was intended to have both immediate effect through this section providing for termination of advisory committees and prospective effect through sections 5, 6 and 7 providing procedures which contemplate studied decision on whether particular advisory committee is necessary. *Carpenter v. Morton*, D.C.Nev. 1976, 424 F.Supp. 603.

2. Remedies available

Congress in enacting this Appendix was concerned about proliferation of advisory committees which had outlived their usefulness; to remedy situation, Congress chose to terminate all advisory committees. *Carpenter v. Morton*, D.C.Nev. 1976, 424 F.Supp. 603.

§ 15. Effective date

Except as provided in section 7(b), this Act shall become effective upon the expiration of ninety days following October 6, 1972.

3. Powers and duties

Congress contemplated that this Appendix would affect existing substantive law and that if it was later decided advisory committees were necessary, Congress would enact legislation to recharter them; Secretary of Interior had no obligation or authority to recharter advisory boards of which plaintiffs were members. *Carpenter v. Morton*, D.C.Nev. 1976, 424 F.Supp. 603.

4. Presumptions

The rebuttable presumption that, unless a statute creating an advisory committee deals expressly with its termination, the committee terminates 2 years after enactment of the Federal Advisory Committee Act or after the creation of the committee, whichever comes later, may be rebutted by a showing that the Congress, in creating a committee, assigned to it a specific ongoing function that is integral to a particular statutory scheme. 1979 (Counsel-Inf.Op.) 3 Op.O.L.C. 170.

**GENERAL SERVICES
ADMINISTRATION****41 CFR Part 101-6**

(FPMR Amendment A-40)

**Federal Advisory Committee
Management****AGENCY:** Office of Administration, GSA.**ACTION:** Final rule.

SUMMARY: This final rule provides administrative and interpretive guidelines and management controls for Federal agencies concerning the implementation of the Federal Advisory Committee Act, as amended (5 U.S.C., App.) (hereinafter "the Act"). In a previous issue of the *Federal Register*, GSA published an interim final rule on the management of Federal advisory committees and requested comments (48 FR 19324; April 28, 1983). Additional comments were requested through an advance notice of proposed rulemaking published in the *Federal Register* on February 13, 1987 (52 FR 4631). A new proposed rule, removing suggested limitations on the size of Federal advisory committees, eliminating requirements for the provision of updated committee membership data on a quarterly basis and restrictions on the compensation of committee members, and reflecting other actions to streamline compliance with the Act, was published in the *Federal Register* on May 19, 1987 (52 FR 18774), with a 90-day comment period ending on August 17. All comments received were considered in formulating this final rule which is intended to improve the management and use of Federal advisory committees in the Executive Branch of the Federal Government.

EFFECTIVE DATE: January 4, 1988.**ADDRESSES:** General Services Administration, Committee Management Secretariat (CTM), Washington, DC 20405.

Copies of all comments received are available for public inspection in Room 7030 of the General Services Building, 18th and F Streets NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: James L. Dean, Director, Committee Management Secretariat, Office of Management Services, Office of Administration, General Services Administration, Washington, DC 20405 (202) 523-1343.

SUPPLEMENTARY INFORMATION:**Background**

GSA's authority for administering the Act is contained in section 7 of the Act

and Executive Order 12024 (42 FR 61445, 3 CFR, 1977 Comp., p. 158). Under Executive Order 12024, the President delegated to the Administrator of General Services all of the functions vested in the President by the Act, as amended, except that the Annual Report to the Congress required by Section 6(c) shall be prepared by the Administrator for the President's consideration and transmittal to the Congress.

Discussion of Comments

As stated above, GSA issued a proposed rule on the management of Federal advisory committees in the *Federal Register* and invited comments. Nineteen commenters responded. Seven commenters had no substantive recommendations and were fully supportive of the proposed rule. Twelve others offered suggestions for improving numerous sections and the disposition of these recommendations is addressed as follows:

Clarify the Distinction Between Operational as Opposed to Advisory Committees

Two commenters suggested that further guidance in the final rule was necessary to assist agencies in interpreting what constitutes primarily an operational committee as opposed to one which performs only advisory functions, in order to determine coverage under the Act. Accordingly, GSA has added language to § 101-6.1004(g) in the final rule which more fully describes what, in general, constitutes operational functions.

While the legislative history of the Act contains the concept for the exclusion of operational committees, there is no precise legal definition of operational committee in either the Act or its legislative history. GSA believes that operational functions to be performed by an advisory committee must be so authorized by law, since the making or implementation of Government decisions is normally reserved to Federal officials as opposed to advisory committees. Additionally, sections 2(b)(6) and 9(b) of the Act provide that, unless specifically provided by statute or Presidential directive, advisory committees may not make determinations or express policy in matters under their consideration. Given the additional language in this final rule, GSA believes that it will be easier for agencies to identify committees which perform primarily operational functions.

Provide for Coverage Under the Act When Certain Groups Provide Consensus or Recurrent Advice

One commenter stated that the language in § 101-6.1004 (i) and (j) of the proposed rule was too tentative to specifically provide that acceptance of consensus advice or advice on a recurring basis from certain groups were determinants for coverage under the Act. GSA has accepted these suggestions and has strengthened the wording of these sections in the final rule.

Agencies are, in effect, cautioned that the Act would apply when an agency accepts the deliberations of a group as a source of *consensus* advice, when heretofore the agency had been obtaining the advice of attendees on an *individual* basis only. Also, when an agency *recurrently* uses a group at the group's request, as a source of advice on a preferential basis, exclusion of coverage under the Act may become questionable even if the group continues only to express its own views without further solicitations from Federal officials.

Strengthen the Provision for Excluding Coverage of So-Called Fact-Finding Subgroups

Several commenters were of the opinion that so-called fact-finding subgroups should continue to be excluded from coverage under the Act. However, it was their general consensus that § 101-6.1004(k) of the proposed rule was less than clear in including both the members of an advisory committee and any of its subcommittee members in this exclusion. One commenter felt strongly that this exclusion should apply to all members of an advisory committee and its subcommittees, whether or not the subcommittee members are members of the parent committee. GSA agrees with this recommendation since it parallels the language and intent expressed in § 101-6.1007(b) (3) and (4) which clarify certain requirements applicable to subcommittees. GSA has reworded the definition of "Advisory Committee" in § 101.6.1003 of the final rule to follow more precisely the language in section 3(2) of the Act, and has been more consistent in the use of the term "subcommittee" in § 101-6.1004(k) and § 101-6.1007(b)(3) of the final rule.

Another commenter felt that the language in § 101-6.1004(k) was not strong enough to preclude fact-finding subgroups from preparing what ultimately becomes the advice and recommendations of the chartered

simply gathering information and analyzing facts for the committee. GSA has modified the language in this provision to clarify that the results of such fact-finding activities are to be subject to the deliberation of a chartered advisory committee, or a subcommittee, when subsequently conducting a meeting under the Act.

Provide Additional Guidance on the Requirements Applicable to Subcommittees

One commenter requested that the final rule provide additional guidance on the applicability of various requirements of the Act to subcommittees. Since the definition of "advisory committee" in section 3(2) of the Act specifically includes "any subcommittee or other subgroup thereof", GSA believes all requirements of advisory committees in the Act also apply to subcommittees. Furthermore, the Act itself contains no provisions for subcommittees which differ from those applicable to a full or parent committee. Absent more specific language in the Act, additional guidance by GSA which might serve to differentiate any requirements of subcommittees from those of advisory committees would be inconsistent with the Act.

Exclude From Coverage Under the Act Groups Convened by Agencies on an Ad Hoc Basis

One commenter recommended that the final rule contain an exclusion from coverage under the Act for so-called *ad hoc* groups lacking formal organization, structure, or continuing existence; convened by an agency to obtain views on particular matters of immediate concern. GSA is of the opinion that such an exclusion is not appropriate since the Act itself neither defines nor specifically excludes such groups. In fact, section 6(c) of the Act, providing for the President's annual report to the Congress, requires a statement for each advisory committee, "of whether it is an *ad hoc* or continuing body". Accordingly, GSA has not accepted the recommendation to exclude *ad hoc* groups since GSA believes that the language of section 6(c) of the Act evidences the intent of the Congress that a group is not to be excluded from coverage merely because it is convened on an *ad hoc*, or temporary basis.

Provide That Agencies May Exercise Policy Decisions in Issuing Exclusions for One-Time Meetings

In a comment directed toward GSA's position stated in the discussion of prior comments in the proposed rule (see 52 FR 18774, SUPPLEMENTARY

INFORMATION:), a commenter suggested that the final rule should not preclude agencies from issuing an exclusion for one-time meetings. This commenter felt that GSA's opinion, that such an exclusion in the rule was not appropriate in view of the limited litigation history, should not bar agencies from issuing such exclusions. In fact, it was the opinion of this commenter that the absence of litigation history was not sufficient reason to limit management discretion.

GSA continues to believe that a one-time meeting exclusion in the final rule would be inconsistent with the Act, and does not intend to provide either a direct exclusion in § 101-6.1004 or provide that such a decision may be left to an agency, thereby implying GSA's support for such exclusions. Accordingly, GSA reiterates its opinion that in the absence of any judicial precedent to the contrary, meetings or groups which take place or meet only once should not be excluded from the Act's coverage solely on this basis.

Eliminate the Agency Requirement to Assess Duplication of Advisory Committees on a Governmentwide Basis

Two commenters pointed out the impracticability of requiring an agency to assess duplication of effort of already existing committees on a Governmentwide basis as opposed to an individual agency basis. Both commenters further asserted that this Governmentwide role could be performed by GSA during its own review process subsequent to the receipt of the agency's proposal in accordance with § 101-6.1007(b) of the rule.

Since GSA is responsible for reviewing and maintaining data on all advisory committees in every agency pursuant to several provisions of the Act, GSA agrees that it can effectively perform this function. GSA can also provide agencies, on request, information on other agency committees relative to potential duplication of effort issues.

GSA has rewritten the language in § 101-6.1007 (a) and (b)(2)(ii) of the final rule to reflect this concept by providing that an agency only consider the functions of a proposed committee for duplication of existing committees in the same agency.

Include the Agency's Plan for Balanced Membership in Federal Register Notices and Charters

One commenter suggested that an agency's plan to attain balanced membership for a proposed advisory committee, to be submitted in conjunction with the review required by

§ 101-6.1007(b) of the proposed rule, should be included in both the Federal Register notice of establishment and in the filed charter.

GSA has not adopted this suggestion for two reasons. First, the agency letter proposing the establishment of an advisory committee under general agency authority already contains this information, as specified by § 101-6.1007(b)(2)(iii) of the rule, and this letter would be a public record following the establishment of the advisory committee. Second, inclusion of this information in the Federal Register notice of establishment and the filed charter is not specifically required under sections 9 (a)(2) and (c) of the Act. For purposes of this comment, GSA has not altered § 101-6.1007(b)(1) or § 101-6.1015(a)(1) of the final rule.

Provide Additional Guidance on Balanced Representation and Selection of Members

One commenter was concerned that the proposed rule did not contain sufficient guidance on balanced representation and the selection of members, and suggested that the final rule provide additional instructions for agencies to follow in these areas. GSA recognizes that the guidelines in the proposed rule are limited to the language of the Act. However, GSA believes that the provisions of section 5(c) of the Act are broad enough to allow agency discretion in determining advisory committee representation and membership relative to applicable statutes, Executive Orders, and the needs of the agency responsible for the committee. Accordingly, GSA will retain the proposed guidelines in the final rule based on the language of the Act.

Provide Revised Recordkeeping Requirements

Two commenters, directly or indirectly, expressed concern over the recordkeeping requirements contained in the proposed rule. One commenter observed that it was not possible for the Committee Management Officer (CMO) to ensure compliance with sections 10(b), 12(a) and 13 of the Act, as required by § 101-6.1017. Section 10(b) of the Act requires that the records of an advisory committee *shall be* available at a single location at the advisory committee or the agency to which it reports during the committee's existence. This commenter suggested that GSA relax the requirement of § 101-6.1017.

Another commenter, taking a different view, complained of the haphazard approach by agencies to the public

availability and retention of advisory committee records. This commenter recommended that the regulations be strengthened in these aspects.

For the following reasons, GSA has determined not to adopt the specific suggestions of either commenter. First, section 8(b)(2) of the Act provides that the CMO shall "assemble and maintain the reports, records, and other papers of any such committee during its existence." When sections 8(b)(2) and 10(b) are read together, it is clear that the records of an advisory committee are to be available at a single location and it is the CMO who is responsible for ensuring that this is accomplished. GSA has therefore decided against relaxing the requirements of § 101-6.1017 in the final rule.

The commenter who expressed concern over the haphazard approach to recordkeeping suggested that the final rule should: (1) Require agencies to keep committee records available for a certain period of time after a committee was terminated, and (2) address the perceived unavailability of the deliberative process privilege under the fifth exemption of the Freedom of Information Act (FOIA) to advisory committee records. For the following reasons, GSA has not adopted these comments.

First, pursuant to the National Archives and Records Administration Act of 1984, as amended, Pub. L. 98-497, the Archivist of the United States is responsible for records management in the Federal Government, including the issuance of regulations and guidance for records retention and disposition, as well as the process for identifying records appropriate for transfer to the permanent Archives of the United States. Since the Federal Advisory Committee Act is silent on records disposition for advisory committees, we see no reason or basis for GSA to alter normal Governmentwide procedures in this area which are the responsibility of the Archivist of the United States. Second, the commenter suggested that the Government's settlement of the law suit involving records of the Attorney General's Commission on Pornography was a concession that the deliberative process privilege under the fifth exemption of FOIA does not apply to advisory committees. Since cases may be settled for a variety of reasons which do not involve a decision on the merits, GSA does not believe that the mere settlement of a matter in litigation is dispositive of the legal issues raised in the litigation. Accordingly, GSA has

Provide Guidance to Agencies Concerning the Applicability of the Anti-Lobbying Statute and Hatch Act to Advisory Committee Members

With respect to § 101-6.1033 of the proposed rule, one commenter stated that unless provided by statute, agencies should not compensate advisory committee members if they provide policy advice on proposals for legislation because this compensation would violate the anti-lobbying statute. (See 18 U.S.C. 1913). The same commenter also stated that GSA should direct agencies to ensure that any members of an advisory committee who are subject to the Hatch Act (5 U.S.C. 7321-7328) are aware of their obligations under that law.

For the following reasons, GSA has adopted neither suggestion. First, GSA does not believe that the traditional activities of an advisory committee fall within the scope of the activities which 18 U.S.C. 1913 was designed to protect against. Second, the Federal Advisory Committee Act itself does not reference the Hatch Act, and there is already a body of regulations on political activities by Federal employees which has been issued by the Office of Personnel Management, 5 CFR Part 733. Also, the Special Counsel of the Merit Systems Protection Board, who has responsibilities for investigation and administrative prosecution of alleged Hatch Act violations, issues advisory opinions on Hatch Act questions. GSA sees no need to issue regulations in this area when there are already regulations in place and an administrative mechanism available through agencies with greater responsibilities in this area than GSA.

Clarify the Procedures for Transmitting Follow-up Reports on Presidential Advisory Committee Recommendations

One commenter requested clarification in § 101-6.1035(a) of the proposed rule on the procedures required for transmittal of follow-up reports to the Congress on the disposition of Presidential advisory committee recommendations, as required by section 6(b) of the Act. GSA has decided to retain the proposed language in the final rule without further modification at this time. GSA agrees that there has been some confusion as to whether the agency responsible for supporting the Presidential advisory committee, or GSA, should transmit the report. GSA intends to propose further guidance in a future revision to this final rule following more consultation with

Procedural and Administrative Comments

The final rule incorporates numerous technical and procedural recommendations made by several commenters, particularly in the following sections:

Section	Modification
101-6.1007(b)(2)	Requires proposed charter with agency after
101-6.1007(d)(1)	Provides that date of charter filing constitutes date of establishment
101-6.1013 (a)(3) and (c)(3)	Eliminates proposed requirement for providing copies of filing letters to GSA by adding provision for filing dates on charters, makes related change to copies of Presidential advisory committee charters furnished to the Congress.
101-6.1015 (a)(2) and (b)(1)	Provides for timely notices in the Federal Register on a calendar-day basis.
101-6.1017 (a) and (d)	Add requirements that membership lists and closed meeting determinations be included in records
101-6.1025(b)	Add requirement from section 10(c) of the Act on the certification to the accuracy of minutes of meetings.
101-6.1027(b)	Add requirement to notify Secretariat when an agency head terminates a committee.
101-6.1035(d)	Provides for location for filing copies of reports with the Library of Congress

Other sections were also amended or revised for clarity of intent, or corrected for errors in content and format.

These sections include:

Section	Modification
101-6.1002(d)	Changes citation of "the Act" to the Government in the Sunshine Act
101-6.1007(b)(2)(iv)	Clarifies provision for considering the selection of members with respect to attaining balance.
101-6.1009	Corrects title of section to preclude inadvertent exclusion of committees directed or authorized by law, or established by the President.
101-6.1013(b)	Corrects heading of section to preclude inadvertent exclusion of committees authorized by law.
101-6.1015(a)(1)	Clarifies provision that a Federal Register notice of establishment is not required for committees specifically directed by law or established by the President.
101-6.1017	Eliminates sentence concerning ties to preclude misinterpretation
101-6.1019	Clarifies the status and role of the Designated Federal Officer
101-6.1027(a)(3)	Specifies the means by which the President or an agency head terminates a committee.
101-6.1029(a)(1)	Clarifies the process involving the re-chartering of committees specifically directed by law whose duration extends beyond 2 years.
101-6.1031(a)	Corrects heading of section to encompass committees authorized by law; specifies that the agency head is responsible for minor charter amendments.
101-6.1031(b)	Specifies that the agency head retains final authority for amending certain charters.

Additional Instructions

with respect to uniform fair rates of pay for comparable services for members, staffs and consultants of advisory committees have been established after consultation by the Administrator with the Director, Office of Personnel Management.

Executive Order 12291

GSA has determined that this final rule is not a major rule for purposes of Executive Order 12291 of February 17, 1981, because it will not result in an annual effect on the economy of \$100 million or more, will not cause a major increase in costs to consumers or others, and will not have significant adverse effects. GSA has based all administrative decisions on this final rule on adequate information concerning the need for and consequences of this final rule. GSA has also determined that the potential benefits to society from this final rule far outweigh the potential costs, has maximized the net benefits, and has chosen the alternative involving the least net cost to society.

Regulatory Flexibility Act

These regulations are not subject to the regulatory flexibility analysis or other requirements of 5 U.S.C. 603 and 604.

List of Subjects in 41 CFR Part 101-6

Civil rights, Government property management, Grant programs, Intergovernmental relations, Surplus Government property, Relocation assistance, Real property acquisition, Federal advisory committees.

Accordingly, 41 CFR Part 101-6 is amended as follows:

PART 101-6—MISCELLANEOUS REGULATIONS

1. The authority citation for 41 CFR Part 101-6 continues to read as follows:

Authority: Sec. 105(c), 63 Stat. 390; 40 U.S.C. 486(c); sec. 7, 5 U.S.C., App.; and E.O. 12024, 3 CFR 1977 Comp., p. 158.

2. Subpart 101-6.10 is revised to read as follows:

Subpart 101-6.10—Federal Advisory Committee Management

- Sec.
- 101-6.1001 Scope.
 - 101-6.1002 Policy.
 - 101-6.1003 Definitions.
 - 101-6.1004 Examples of advisory meetings or groups not covered by the Act or this subpart.
 - 101-6.1005 Authorities for establishment of advisory committees.
 - 101-6.1006 [Reserved]
 - 101-6.1007 Agency procedures for establishing advisory committees.

- Sec.
- 101-6.1008 The role of GSA.
 - 101-6.1009 Responsibilities of an agency head.
 - 101-6.1010 [Reserved]
 - 101-6.1011 Responsibilities of the chairperson of an independent Presidential advisory committee.
 - 101-6.1012 [Reserved]
 - 101-6.1013 Charter filing requirements.
 - 101-6.1014 [Reserved]
 - 101-6.1015 Advisory committee information which must be published in the Federal Register.
 - 101-6.1016 [Reserved]
 - 101-6.1017 Responsibilities of the agency Committee Management Officer.
 - 101-6.1018 [Reserved]
 - 101-6.1019 Duties of the Designated Federal Officer.
 - 101-6.1020 [Reserved]
 - 101-6.1021 Public participation in advisory committee meetings.
 - 101-6.1022 [Reserved]
 - 101-6.1023 Procedures for closing an advisory committee meeting.
 - 101-6.1024 [Reserved]
 - 101-6.1025 Requirement for maintaining minutes of advisory committee meetings.
 - 101-6.1026 [Reserved]
 - 101-6.1027 Termination of advisory committees.
 - 101-6.1028 [Reserved]
 - 101-6.1029 Renewal and rechartering of advisory committees.
 - 101-6.1030 [Reserved]
 - 101-6.1031 Amendments to advisory committee charters.
 - 101-6.1032 [Reserved]
 - 101-6.1033 Compensation and expense reimbursement of advisory committee members, staffs and consultants.
 - 101-6.1034 [Reserved]
 - 101-6.1035 Reports required for advisory committees.

§ 101-6.1001 Scope.

(a) This subpart defines the policies, establish minimum requirements, and provide guidance to agency management for the establishment, operation, administration, and duration of advisory committees subject to the Federal Advisory Committee Act, as amended. Reporting requirements which keep the Congress and the public informed of the number, purpose, membership, activities, and cost of these advisory committees are also included.

(b) The Act and this subpart do not apply to advisory meetings or groups listed in § 101-6.1004.

§ 101-6.1002 Policy.

The policy to be followed by Federal departments, agencies, and commissions, consistent with the Federal Advisory Committee Act, as amended, is as follows:

(a) An advisory committee shall be established only when it is essential to the conduct of agency business. Decision criteria include whether committee deliberations will result in

the creation or elimination of, or change in regulations, guidelines, or rules affecting agency business; whether the information to be obtained is already available through another advisory committee or source within the Federal Government; whether the committee will make recommendations resulting in significant improvements in service or reductions in cost; or whether the committee's recommendations will provide an important additional perspective or viewpoint impacting agency operations:

(b) An advisory committee shall be terminated whenever the stated objectives of the committee have been accomplished; the subject matter or work of the committee has become obsolete by the passing of time or the assumption of the committee's main functions by another entity within the Federal Government; or the agency determines that the cost of operation is excessive in relation to the benefits accruing to the Federal Government:

(c) An advisory committee shall be balanced in its membership in terms of the points of view represented and the functions to be performed; and

(d) An advisory committee shall be open to the public in its meetings except in those circumstances where a closed meeting shall be determined proper and consistent with the provisions in the Government in the Sunshine Act, 5 U.S.C. 552(b).

§ 101-6.1003 Definitions.

"Act" means the Federal Advisory Committee Act, as amended, 5 U.S.C., App.

"Administrator" means the Administrator of General Services.

"Advisory committee" subject to the Act means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof, which is established by statute, or established or utilized by the President or any agency official for the purpose of obtaining advice or recommendations on issues or policies which are within the scope of his or her responsibilities.

"Agency" has the same meaning as in section 551(1) of Title 5 of the United States Code.

"Committee Management Secretariat" ("Secretariat"), established pursuant to the Act is responsible for all matters relating to advisory committees, and carries out the Administrator's responsibilities under the Act and Executive Order 12024.

"Committee member" means an individual who serves by appointment on an advisory committee and has the

Right and obligation to participate in the activities of the committee, including voting on committee recommendations.

"Presidential advisory committee" means any advisory committee which advises the President. It may be established by the President or by the Congress, or used by the President in the interest of obtaining advice or recommendations for the President. "Independent Presidential advisory committee" means any Presidential advisory committee not assigned by the President, or the President's delegate, or by the Congress in law, to an agency for administrative and other support and for which the Administrator of General Services may provide administrative and other support on a reimbursable basis.

"Staff member" means any individual who serves in a support capacity to an advisory committee.

"Utilized" (or "used"), as referenced in the definition of "Advisory committee" in this section, means a committee or other group composed in whole or in part of other than full-time officers or employees of the Federal Government with an established existence outside the agency seeking its advice which the President or agency official(s) adopts, such as through institutional arrangements, as a preferred source from which to obtain advice or recommendations on a specific issue or policy within the scope of his or her responsibilities in the same manner as that individual would obtain advice or recommendations from an established advisory committee.

§ 101-6.1004 Examples of advisory meetings or groups not covered by the Act or this subpart.

The following are examples of advisory meetings or groups not covered by the Act or this subpart:

- (a) Any committee composed wholly of full-time officers or employees of the Federal Government;
- (b) Any advisory committee specifically exempted by an Act of Congress;
- (c) Any advisory committee established or utilized by the Central Intelligence Agency;
- (d) Any advisory committee established or utilized by the Federal Reserve System;
- (e) The Advisory Committee on Intergovernmental Relations;
- (f) Any local civic group whose primary function is that of rendering a public service with respect to a Federal program, or any State or local committee, council, board, commission, or similar organization.

make recommendations to State or local officials or agencies:

(g) Any committee which is established to perform primarily operational as opposed to advisory functions. Operational functions are those specifically provided by law, such as making or implementing Government decisions or policy. An operational committee may be covered by the Act if it becomes primarily advisory in nature. It is the responsibility of the administering agency to determine whether such a committee is primarily operational. If so, it would not fall under the requirements of the Act and this Subpart, but would continue to be regulated under relevant laws, subject to the direction of the President and the review of the appropriate legislative committees:

(h) Any meeting initiated by the President or one or more Federal official(s) for the purpose of obtaining advice or recommendations from one individual:

(i) Any meeting initiated by a Federal official(s) with more than one individual for the purpose of obtaining the advice of individual attendees and not for the purpose of utilizing the group to obtain consensus advice or recommendations. However, agencies should be aware that such a group would be covered by the Act when an agency accepts the group's deliberations as a source of consensus advice or recommendations:

(j) Any meeting initiated by a group with the President or one or more Federal official(s) for the purpose of expressing the group's view, provided that the President or Federal official(s) does not use the group recurrently as a preferred source of advice or recommendations:

(k) Meetings of two or more advisory committee or subcommittee members convened solely to gather information or conduct research for a chartered advisory committee, to analyze relevant issues and facts, or to draft proposed position papers for deliberation by the advisory committee or a subcommittee of the advisory committee; or

(l) Any meeting with a group initiated by the President or one or more Federal official(s) for the purpose of exchanging facts or information.

§ 101-6.1005 Authorities for establishment of advisory committees.

An advisory committee may be established in one of four ways:

- (a) By law where the Congress specifically directs the President or an agency to establish it;
- (b) By law where the Congress authorizes but does not direct the

this instance, the responsible agency head shall follow the procedure provided in § 101-6.1007:

(c) By the President by Executive Order; or

(d) By an agency under general agency authority in Title 5 of the United States Code or under other general agency-authorizing law. In this instance, an agency head shall follow the procedures provided in § 101-6.1007.

§ 101-6.1006 [Reserved]

§ 101-6.1007 Agency procedures for establishing advisory committees.

(a) When an agency head decides that it is necessary to establish a committee, the agency must consider the functions of similar committees in the same agency before submitting a consultation to GSA to ensure that no duplication of effort will occur.

(b) In establishing or utilizing an advisory committee, the head of an agency or designee shall comply with the Act and this subpart, and shall:

(1) Prepare a proposed charter for the committee which includes the information listed in section 9(c) of the Act; and

(2) Submit a letter and the proposed charter to the Secretariat proposing to establish or use, reestablish, or renew an advisory committee. The letter shall include the following information:

(i) An explanation of why the committee is essential to the conduct of agency business and in the public interest;

(ii) An explanation of why the committee's functions cannot be performed by the agency, another existing advisory committee of the agency; or other means such as a public hearing; and

(iii) A description of the agency's plan to attain balanced membership. For purposes of attaining balance, agencies shall consider for membership interested persons and groups with professional or personal qualifications or experience to contribute to the functions and tasks to be performed. This should be construed neither to limit the participation, nor compel the selection of any particular individual or group to obtain divergent points of view that are relevant to the business of the advisory committee.

(3) Subcommittees that do not function independently of the full or parent advisory committee need not follow the requirements of paragraphs (b)(1) and (b)(2) of this section. However, they are subject to all other

(4) The requirements of paragraphs (b)(1) and (b)(2) of this section shall apply for any subcommittee of a chartered advisory committee, whether its members are drawn in whole or in part from the full or parent advisory committee, which functions independently of the parent advisory committee such as by making recommendations directly to the agency rather than for consideration by the chartered advisory committee.

(c) The Secretariat will review the proposal and notify the agency of GSA's views within 15 calendar days of receipt, if possible. The agency head retains final authority for establishing a particular advisory committee.

(d) The agency shall notify the Secretariat in writing that either:

(1) The advisory committee is being established. The filing of the advisory committee charter as specified in § 101-6.1013 shall be considered appropriate written notification in this instance. The date of filing constitutes the date of establishment or renewal. The agency head shall then comply with the provisions of § 101-6.1009 for an established advisory committee; or

(2) The advisory committee is not being established. In this instance, the agency shall also advise the Secretariat if the agency head intends to take any further action with respect to the proposed advisory committee.

§ 101-6.1008 The role of GSA.

(a) The functions under section 7 of the Act will be performed for the Administrator by the Secretariat. The Secretariat assists the Administrator in prescribing administrative guidelines and management controls for advisory committees, and assists other agencies in implementing and interpreting these guidelines. In exercising internal controls over the management and supervision of the operations and procedures vested in each agency by section 8(b) of the Act and by § 101-6.1009 and § 101-6.1017 of this rule, agencies shall conform to the guidelines prescribed by GSA.

(b) The Secretariat may request comments from agencies on management guidelines and policy issues of broad interagency interest or application to the Federal advisory committee program.

(c) In advance of issuing informal guidelines, nonstatutory reporting requirements, and administrative procedures such as report formats or automation, the Secretariat shall request formal or informal comments from agency Committee Management Officers.

§ 101-6.1009 Responsibilities of any agency head.

The head of each agency that uses one or more advisory committees shall ensure:

(a) Compliance with the Act and this subpart;

(b) Issuance of administrative guidelines and management controls which apply to all advisory committees established or used by the agency;

(c) Designation of a Committee Management Officer who shall carry out the functions specified in section 8(b) of the Act;

(d) Provision of a written determination stating the reasons for closing any advisory committee meeting to the public;

(e) A review, at least annually, of the need to continue each existing advisory committees, consistent with the public interest and the purpose of functions of each committee;

(f) Rates of pay are justified and levels of agency support are adequate;

(g) The appointment of a Designated Federal Officer for each advisory committee and its subcommittees;

(h) The opportunity for reasonable public participation in advisory committee activities; and

(i) That the number of committee members is limited to the fewest necessary to accomplish committee objectives.

§ 101-6.1010 [Reserved]

§ 101-6.1011 Responsibilities of the chairperson of an independent Presidential advisory committee.

The chairperson of an independent Presidential advisory committee shall comply with the Act and this subpart and shall:

(a) Consult with the Administrator concerning the role of the Designated Federal Officer and Committee Management Officer; and

(b) Fulfill the responsibilities of an agency head as specified in paragraphs (d) and (h) of § 101-6.1009.

§ 101-6.1012 [Reserved]

§ 101-6.1013 Charter filing requirements.

No advisory committee may operate, meet, or take any action until its charter has been filed as follows:

(a) *Advisory committee established, used, reestablished, or renewed by an agency.* The agency head shall file—

(1) The charter with the standing committees of the Senate and the House of Representatives having legislative jurisdiction of the agency;

(2) A copy of the filed charter with the Library of Congress, Exchange and Gift Division, Federal Documents Section,

Federal Advisory Committee Desk, Washington, DC 20540; and

(3) A copy of the charter indicating the Congressional filing date, with the Secretariat.

(b) *Advisory committee specifically directed by law or authorized by law.* Procedures are the same as in paragraph (a) of this section.

(c) *Presidential advisory committee.* When either the President or the Congress establishes an advisory committee that advises the President, the responsible agency head or, in the case of an independent Presidential advisory committee, the President's designee shall file—

(1) The charter with the Secretariat;

(2) A copy of the filed charter with the Library of Congress; and

(3) If specifically directed by law, a copy of the charter indicating its date of filing with the Secretariat, with the standing committees on the Senate and the House of Representatives having legislative jurisdiction of the agency or the independent Presidential advisor committee.

§ 101-6.1014 [Reserved]

§ 101-6.1015 Advisory committee information which must be published in the Federal Register.

(a) *Committee establishment, reestablishment, or renewal.* (1) A notice in the *Federal Register* is required when an advisory committee, except a committee specifically directed by law or established by the President by Executive Order, is established, used, reestablished, or renewed. Upon receiving notification of the completed review from the Secretariat in accordance with paragraph (c) of § 101-6.1007, the agency shall publish a notice in the *Federal Register* that the committee is being established, used, reestablished, or renewed. For a new committee, such notice shall also include statements describing the nature and purpose of the committee and that the committee is necessary and in the public interest.

(2) Establishment and reestablishment notices shall appear at least 15 calendar days before the committee charter is filed, except that the Secretariat may approve less than 15 days when requested by the agency for good cause. The 15-day advance notice requirement does not apply to committee renewals, notices of which may be published concurrently with the filing of the charter.

(b) *Committee meetings.* (1) The agency or an independent Presidential advisory committee shall publish at least 15 calendar days before the

advisory committee meeting a notice in the Federal Register, which includes:

- (i) The exact name of the advisory committee as chartered;
- (ii) The time, date, place, and purpose of the meeting;
- (iii) A summary of the agenda; and
- (iv) A statement whether all or part of the meeting is open to the public or closed, and if closed, the reasons why, citing the specific exemptions of the Government in the Sunshine Act (5 U.S.C. 552(b)) as the basis for closure.

(2) In exceptional circumstances, the agency or an independent Presidential advisory committee may give less than 15 days notice, provided that the reasons for doing so are included in the committee meeting notice published in the Federal Register.

§ 101-6.1016. [Reserved]

§ 101-6.1017 Responsibilities of the Committee Management Officer.

In addition to implementing the provisions of section 8(b) of the Act, the Committee Management Officer will carry out all responsibilities delegated by the agency head. The Committee Management Officer should also ensure that section 10(b), 12(a) and 13 of the Act are implemented by the agency to provide for appropriate recordkeeping. Records include, but are not limited to:

- (a) A set of approved charters and membership lists for each advisory committee;
- (b) Copies of the agency's portion of the Annual Report of Federal Advisory Committees required by paragraph (b) of § 101-6.1035;
- (c) Agency guidelines on committee management operations and procedures as maintained and updated; and
- (d) Agency determinations to close advisory committee meetings as required by paragraph (c) of § 101-6.1023.

§ 101-6.1018 [Reserved]

§ 101-6.1019 Duties of the Designated Federal Officer.

The agency head or, in the case of an independent Presidential advisory committee, the Administrator shall designate a Federal officer or employee, who may be either full-time or permanent part-time, to be the Designated Federal Officer for each advisory committee and its subcommittees, who:

- (a) Must approve or call the meeting of the advisory committee;
- (b) Must approve the agenda;
- (c) Must attend the meetings;
- (d) Shall adjourn the meetings when such adjournment is in the public interest; and

(e) Chairs the meeting when so directed by the agency head.

(f) The requirement in paragraph (b) of this section does not apply to a Presidential advisory committee.

§ 101-6.1020 [Reserved]

§ 101-6.1021 Public participation in advisory committee meetings.

The agency head, or the chairperson of an independent Presidential advisory committee, shall ensure that—

- (a) Each advisory committee meeting is held at a reasonable time and in a place reasonably accessible to the public;
- (b) The meeting room size is sufficient to accommodate advisory committee members, committee or agency staff, and interested members of the public;
- (c) Any member of the public is permitted to file a written statement with the advisory committee; and
- (d) Any member of the public may speak at the advisory committee meeting if the agency's guidelines so permit.

§ 101-6.1022 [Reserved]

§ 101-6.1023 Procedures for closing an advisory committee meeting.

(a) To close all or part of a meeting, an advisory committee shall submit a request to the agency head or, in the case of an independent Presidential advisory committee, the Administrator, citing the specific provisions of the Government in the Sunshine Act (5 U.S.C. 552(b)) which justify the closure. The request shall provide the agency head or the Administrator sufficient time to review the matter in order to make a determination prior to publication of the meeting notice required by § 101-6.1015(b).

(b) The general counsel of the agency or, in the case of an independent Presidential advisory committee, the general counsel of the General Services Administration should review all requests to close meetings.

(c) If the agency head or, in the case of an independent Presidential advisory committee, the Administrator agrees that the request is consistent with the provisions in the Government in the Sunshine Act and the Federal Advisory Committee Act, he or she shall issue a determination that all or part of the meeting be closed.

- (d) The agency head, or the chairperson of an independent Presidential advisory committee, shall:
 - (1) Make a copy of the determination available to the public upon request; and
 - (2) State the reasons why all or part of the meeting is closed, citing the specific exemptions used from the Government

in the Sunshine Act in the meeting notice published in the Federal Register.

§ 101-6.1024 [Reserved]

§ 101-6.1025 Requirement for maintaining minutes of advisory committee meetings.

(a) The agency head or, in the case of an independent Presidential advisory committee, the chairperson shall ensure that detailed minutes of each advisory committee meeting are kept. The minutes must include:

- (1) Time, date, and place;
- (2) A list of the following persons who were present:
 - (i) Advisory committee members and staff;
 - (ii) Agency employees; and
 - (iii) Members of the public who presented oral or written statements;
- (3) An estimated number of other members of the public present;
- (4) An accurate description of each matter discussed and the resolution, if any, made by the committee of such matter; and
- (5) Copies of each report or other document received, issued, or approved by the committee.

(b) The chairperson of each advisory committee shall certify to the accuracy of all minutes of advisory committee meetings.

§ 101-6.1026 [Reserved]

§ 101-6.1027 Termination of advisory committees.

(a) Any advisory committee shall automatically terminate not later than 2 years after it is established, reestablished, or renewed, unless:

- (1) Its duration is otherwise provided for by law;
- (2) The President or agency head renews it prior to the end of such period; or
- (3) The President or agency head terminates it before that time by revoking or abolishing its establishment authority.

(b) If an agency head terminates an advisory committee, the agency shall notify the Secretariat of the effective date of termination.

§ 101-6.1028 [Reserved]

§ 101-6.1029 Renewal and rechartering of advisory committees.

- (a) Advisory committees specifically directed by law:
 - (1) Whose duration extends beyond 2 years shall require rechartering by the filing of a new charter every 2 years after the date of enactment of the law establishing the committee. If a new charter is not filed, the committee is not

terminated, but may not meet or take any action.

(2) Which would terminate under the provisions of section 14 of the Act, and for which renewal would require reauthorization by law, may be reestablished by an agency provided that the agency complies under general agency authority with the provisions of § 101-6.1007.

(b) Advisory committees established by the President may be renewed by appropriate action of the President and the filing of a new charter.

(c) Advisory committees authorized by law or established or used by an agency may be renewed, provided that at least 30 but not more than 60 days before the committee terminates, an agency head who intends to renew a committee complies with the provisions of § 101-6.1007.

§ 101-6.1030 [Reserved]

§ 101-6.1031 Amendments to advisory committee charters.

(a) *Committees specifically directed by law or authorized by law: or established by the President.* The agency head shall be responsible for ensuring that any minor technical changes made to current charters are consistent with the relevant statute or Executive Order. When the Congress by law, or the President by Executive Order, changes the authorizing language which has been the basis for establishing an advisory committee, the agency head, or the chairperson of an independent Presidential advisory committee, shall:

(1) Amend those sections of the current charter affected by the new law or Executive Order; and

(2) File the amended charter as specified in § 101-6.1013.

(b) *Committees established or used by an agency.* The charter of an advisory committee established under general agency authority may be amended when an agency head determines that the existing charter no longer accurately reflects the objectives or functions of the committee. Changes may be minor, such as revising the name of the advisory committee, or modifying the estimated number or frequency of meetings. Changes may also be major such as those dealing with the objectives or composition of the committee. The agency head retains final authority for amending the charter of an advisory committee. Amending any existing advisory committee charter does not constitute renewal of the committee under § 101-6.1029.

(1) To make a minor amendment to a committee charter, an agency shall:

(i) Amend the charter language as necessary, and

(ii) File the amended charter as specified in § 101-6.1013.

(2) To make a major amendment to a committee charter, an agency shall:

(i) Amend the charter language as necessary;

(ii) Submit the proposed amended charter with a letter to the Secretariat requesting GSA's views on the amended language, along with an explanation of the purpose of the changes and why they are necessary. The Secretariat will review the proposed changes and notify the agency of GSA's views within 15 calendar days of the request, if possible; and

(iii) File the amended charter as specified in § 101-6.1013.

§ 101-6.1032 [Reserved]

§ 101-6.1033 Compensation and expense reimbursement of advisory committee members, staffs and consultants.

(a) *Uniform pay guidelines for members of an advisory committee.* Nothing in this subpart shall require an agency head to provide compensation, unless otherwise provided by law, to a member of an advisory committee. However, when compensation is deemed appropriate by an agency, it shall fix the pay of the members of an advisory committee to the daily equivalent of a rate of the General Schedule in 5 U.S.C. 5332 unless the members are appointed as consultants and compensated under 5 U.S.C. 3109. In determining an appropriate rate of pay for the members, an agency shall give consideration to the significance, scope, and technical complexity of the matters with which the advisory committee is concerned and the qualifications required of the members of the advisory committee. An agency may not fix the pay of the members of an advisory committee at a rate higher than the daily equivalent of the maximum rate for a GS-15 under the General Schedule, unless a higher rate is mandated by statute, or the head of the agency has personally determined that a higher rate of pay under the General Schedule is justified and necessary. Such a determination must be reviewed by the head of the agency annually. Under this subpart, an agency may not fix the pay of the members of an advisory committee at a rate of pay higher than the daily equivalent of a rate for a GS-18, as provided in 5 U.S.C. 5332.

(b) *Pay for staff members of an advisory committee.* An agency may fix the pay of each advisory committee staff member at a rate of the General Schedule in which the Staff member's

position would appropriately be placed (5 U.S.C. Chapter 51). An agency may not fix the pay of a staff member at a rate higher than the daily equivalent of the maximum rate for GS-15, unless the agency head has determined that under the General Schedule the staff member's position would appropriately be placed at a grade higher than GS-15. This determination must be reviewed annually by the agency head.

(1) In establishing rates of compensation, the agency head shall comply with any applicable statutes, regulations, Executive Orders, and administrative guidelines.

(2) A staff member who is a Federal employee shall serve with the knowledge of the Designated Federal Officer and the approval of the employee's direct supervisor. If a non-Federal employee, the staff member shall be appointed in accordance with applicable agency procedures, following consultation with the advisory committee.

(c) *Pay for consultants to an advisory committee.* An agency shall fix the pay of a consultant to an advisory committee after giving consideration to the qualifications required of the consultant and the significance, scope, and technical complexity of the work. The compensation may not exceed the maximum rate of pay authorized by 5 U.S.C. 3109, and shall be in accordance with any applicable statutes, regulations, Executive Orders and administrative guidelines.

(d) *Gratuitous services.* In the absence of any special limitations applicable to a specific agency, nothing in this subpart shall prevent an agency from accepting the gratuitous services of an advisory committee member, staff member, or consultant who agrees in advance to serve without compensation.

(e) *Travel expenses.* Advisory committee members and staff members, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of Title 5, United States Code, for persons employed intermittently in the Government service.

(f) *Services for handicapped members.* While performing advisory committee duties, an advisory committee member who is blind or deaf or who qualifies as a handicapped individual may be provided services by a personal assistant for handicapped employees if the member:

(1) Qualifies as a handicapped individual as defined by section 501 of

the Rehabilitation Act of 1973 (29 U.S.C. 794); and

(2) Does not otherwise qualify for assistance under 5 U.S.C. 3102 by reason of being an employee of an agency.

(g) *Exclusions.* (1) Nothing in this section shall prevent any person who (without regard to his or her service with an advisory committee) is a full-time Federal employee from receiving compensation at a rate which he or she otherwise would be compensated as a full-time Federal employee.

(2) Nothing in this section shall prevent any person who immediately before his or her service with an advisory committee was a full-time Federal employee from receiving compensation at the rate at which he or she was compensated as a full-time Federal employee.

(3) Nothing in this section shall affect a rate of pay or a limitation on a rate of pay that is specifically established by law or a rate of pay established under the General Schedule classification and

pay system in chapter 51 and chapter 53 of Title 5, United States Code.

§ 101-6.1034 (Reserved)

§ 101-6.1035 Reports required for advisory committees.

(a) Within one year after a Presidential advisory committee has submitted a public report to the President, the President or his delegate will prepare a follow-up report to the Congress detailing the disposition of the committee's recommendations in accordance with section 6(b) of the Act:

(b) The President's annual report to the Congress shall be prepared by GSA based on reports filed on a fiscal year basis by each agency consistent with the information specified in section 6(c) of the Act. Reports from agencies shall be consistent with instructions provided annually by the Secretariat. This report has been cleared in accordance with FIRMR 201-45.6 in 41 CFR Chapter 201 and assigned interagency report control number 0304-GSA-XX.

(c) In accordance with section 10(d) of the Act, advisory committees holding closed meetings shall issue reports at least annually, setting forth a summary of activities consistent with the policy of Section 552(b) of Title 5, United States Code.

(d) Subject to section 552 of Title 5, United States Code, eight copies of each report made by an advisory committee, including any report on closed meetings as specified in paragraph (c) of this section, and, where appropriate, background papers prepared by consultants, shall be filed with the Library of Congress as required by section 13 of the Act, for public inspection and use at the location specified in paragraph (a)(2) of § 101-6.1013.

Dated: November 24, 1987.

T.C. Golden,

Administrator of General Services.

[FR Doc. 87-27776 Filed 12-1-87; 8:45 am]

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**GENERAL SERVICES
ADMINISTRATION**

41 CFR Part 101-6

[FPMR Amdt. A-48]

**Federal Advisory Committee
Management**

AGENCY: Office of Administration, GSA.

ACTION: Final rule.

SUMMARY: This final rule provides additional administrative and interpretive guidelines and management controls for Federal agencies concerning the implementation of the Federal Advisory Committee Act, as amended (5 U.S.C., App.) (hereinafter "the Act"). In a previous issue of the *Federal Register*, GSA published an initial final rule on the management of Federal advisory committees (52 FR 45926, December 2, 1987). This new final rule revises the current rule to improve further the management and use of Federal advisory committees in the Executive Branch of the Federal Government. These revisions: (1) Clarify the guidelines applicable to achieving committee memberships which are balanced in a way that is fair and consistent with section 5(b) of the Act; (2) add new language which cross-references regulations relating to Federal conflict-of-interest statutes and standards of conduct within the final rule; (3) clarify the procedures for transmitting follow-up reports to the Congress as required by section 6(b) of the Act on Presidential advisory committee recommendations; and (4) provide that annual agency fiscal year reports to GSA shall also include information requested to carry out the annual comprehensive review required by section 7(b) of the Act. Corrections of minor, nonsubstantive errors in the text of the original final rule have also been made.

EFFECTIVE DATE: October 5, 1989.

ADDRESSES: General Services Administration, Committee Management Secretariat (CTM), Washington, DC 20405.

Copies of the two comments received are available for public inspection in Room 6208 of the General Services Building, 18th and F Streets, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Charles F. Howton, Senior Committee Management Specialist, Committee Management Secretariat, Office of Management Services, Office of Administration, General Services Administration, Washington, DC 20405 (202) 523-4884.

SUPPLEMENTARY INFORMATION:

Background

GSA's authority for administering the Act is contained in section 7 of the Act and Executive Order 12024 (42 FR 61445, 3 CFR, 1977 Comp., p. 158). Under Executive Order 12024, the President delegated to the Administrator of General Services all of the functions vested in the President by the Act, as amended, except that the Annual Report to the Congress required by section 6(c) shall be prepared by the Administrator for the President's consideration and transmittal to the Congress.

Discussion of Comments

GSA published a notice of proposed rulemaking in the *Federal Register* on the management of Federal advisory committees, with a 60-day comment period ending on February 28, 1989 (53 FR 33022, December 30, 1988). No Federal agency submitted substantive recommendations. Two non-Federal commenters responded in writing and were highly supportive of the proposed rule, stating, for example, that "The proposed rule provides greater guidance to agencies . . ." and that "The changes proposed by GSA . . . represent a major improvement over the existing rules." Both commenters offered suggestions for improving two sections of the proposed rule, both of which pertained to provisions relating to balanced membership of advisory committees. These comments discussed three recommendations made in relation to § 101-6.1007(b)(2)(iii) and to § 101-6.1015(a)(1) of the proposed rule. The disposition of these recommendations is addressed as follows:

Require that Agencies Include in Their Balanced Membership Plans a Description of Plans To Attain and Maintain Fairly Balanced Membership

One commenter stated that the final rule should require agencies to describe plans to maintain fairly balanced membership, since . . . "advisory committees undergo changes from the initial composition through routine membership rotations or the resignation and replacement of members." GSA agrees that advisory committees often have changing membership composition.

However, section 14(a)(2)(A) of the Act provides that advisory committees established by agencies shall terminate after two years unless renewed by appropriate action. In § 101-6.1029(c) of the original final rule, GSA requires that an agency head who intends to renew a committee comply with the provisions of § 101-6.1007 of the final rule duplicating procedures for establishment. The

renewing agency must provide a description of its plan to attain fairly balanced membership on a biennial basis and, therefore, must address at the time of renewal any changes to the composition of the committee which may have occurred since its establishment or last renewal. GSA recognizes the merit of this suggestion, but believes that the Act and existing rule already provide for agencies to accommodate the requirement for fairly balanced membership. GSA, therefore, has not adopted this recommendation.

Require that Agencies Consider and Select a Cross-Section of Certain Membership Categories

The other commenter was of the opinion that the language in the proposed rule requiring that an agency consider (only) certain categories of potential members seemed to suggest that . . . "so long as an agency has 'considered' a cross-section of views and interests in the course of putting a committee together, it can ultimately select any composition it wants, including one which is one-sided and imbalanced." GSA does not believe that the guidance provided in the rule necessarily will cause agencies to adopt this perceived course with regard to membership selection, leading to the results suggested by this commenter.

In any case, § 101-6.1015(a)(1) of the new final rule will now require the agency to publish in advance in the *Federal Register* its description of its plan to attain fairly balanced membership, allowing for public comments which could include those offered by any interested party who might disagree that the committee will be fairly balanced. Furthermore, since the eventual selection of members for the composition an advisory committee established under this provision rests with the agency head, GSA does not believe that the final rule can compel an agency to make any particular membership selection. GSA has, therefore, not adopted this recommendation.

Require that an Agency's Federal Register Notice of Establishment Solicit the Proposal of Specific Nominees for Inclusion on a Committee

With regard to the *Federal Register* notice of establishment required by § 101-6.1015(a)(1) of the final rule, the previous commenter also suggested further that . . . "by requiring agencies to give the public an opportunity to comment on the plan for attaining fairly balanced membership, including by proposing specific nominees for

inclusion on the committee . . . (that) This would be invaluable to the public and would also be of great benefit to agencies, because it would ensure that they would have the most information possible about potential committee members."

For the following reasons, GSA has not adopted this suggestion. First, a notice of establishment normally contains the name and telephone number of the agency official responsible for responding to questions from, or for receiving comments provided by, any interested person. Such comments can include proposals for specific nominees for membership on a committee. Second, notices of establishment frequently are published by an agency prior to the selection of members, and the agency would have the opportunity to consider the commenter's suggestions of potential members. Even if an agency has chosen the members of a committee prior to the publication of the notice, it can make changes to the membership at any time during the life of the committee. Third, GSA is of the opinion that the overall purpose of the Federal Register notice of establishment, which in accordance with § 101-6.1015(a)(2) of the final rule shall appear at least 15 days before the filing of the committee's charter, is to provide the public an opportunity to comment on the necessity or any other aspect of the proposed committee.

Additional Information

The guidelines contained in this final rule with respect to § 101-6.1008(d), wherein GSA may solicit the assistance of the Office of Management and Budget in assuring the completion of follow-up reports required by section 6(b) of the Act, were developed by GSA after consultation with that agency.

Similarly, the guidelines contained in this final rule with respect to § 101-6.1009(j), wherein an agency head shall ensure that the interests and affiliations of advisory committee members are reviewed consistent with regulations published by the Office of Government Ethics, were developed by GSA after consultation with that agency.

Executive Order 12291

GSA has determined that this final rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it will not result in an annual effect on the economy of \$100 million or more, will not cause a major increase in costs to consumers or others, and will not have significant adverse effects. GSA has based all administrative decisions on this final rule on adequate information concerning

the need for and consequences of this final rule. GSA has also determined that the potential benefits to society from this final rule far outweigh the potential costs, has maximized the net benefits, and has chosen the alternative involving the least cost to society.

Regulatory Flexibility Act

These regulations are not subject to the regulatory flexibility analysis or other requirements of 5 U.S.C. 603 and 604.

List of Subjects in 41 CFR Part 101-6

Civil Rights, Government property management, Grant programs, Intergovernmental relations, Surplus Government property, Relocation assistance, Real property acquisition, Federal advisory committees.

Accordingly, 41 CFR part 101-6 is amended as follows:

PART 101-6—MISCELLANEOUS REGULATIONS

1. The authority citation for 41 CFR part 101-6 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); sec. 7, 3 U.S.C., App.; and E.O. 12024, 3 CFR 1977 Comp., p. 158.

2. Section 101-6.1001 is amended by revising paragraph (a) to read follows:

§ 101-6.1001 Scope.

(a) This subpart defines the policies, establishes minimum requirements, and provides guidance to agency management for the establishment, operation, administration, and duration of advisory committees subject to the Federal Advisory Committee Act, as amended. Reporting requirements which keep the Congress and the public informed of the number, purpose, membership activities, and cost of these advisory committees are also included.

3. Section 101-6.1002 is amended by revising paragraph (c) to read as follows:

§ 101-6.1002 Policy.

(c) An advisory committee shall be fairly balanced in its membership in terms of the points of view represented and the functions to be performed; and

4. Section 101-6.1007 is amended by revising the introductory text of paragraph (b)(2) and paragraph (b)(2)(iii) to read as follows:

§ 101-6.1007 Agency procedures for establishing advisory committees.

(b) . . .

(2) Submit a letter and the proposed charter to the Secretariat proposing to establish or use, reestablish, or renew an advisory committee. The letter shall include the following information:

(iii) A description of the agency's plan to attain fairly balanced membership. The plan will ensure that, in the selection of members for the committee, the agency will consider a cross-section of those directly affected, interested, and qualified, as appropriate to the nature and functions of the committee. Committees requiring technical expertise should include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed.

5. Section 101-6.1008 is amended by adding paragraph (d) to read as follows:

§ 101-6.1008 The role of GSA.

(d) The Secretariat shall assure that follow-up reports required by section 6(b) of the Act are prepared and transmitted to the Congress as directed by the President; either by his delegate, by the agency responsible for providing support to a Presidential advisory committee, or by the responsible agency or organization designated pursuant to paragraph (c) of § 101-6.1011. In performing this function, GSA may solicit the assistance of the Office of Management and Budget and other appropriate organizations, as deemed appropriate.

6. Section 101-6.1009 is amended by revising paragraphs (e), (h) and (i); and by adding paragraphs (j) and (k) to read as follows:

§ 101-6.1009 Responsibilities of an agency head.

(e) A review, at least annually, of the need to continue each existing advisory committee, consistent with the public interest and the purpose and functions of each committee;

(h) The opportunity for reasonable public participation in advisory committee activities;

(i) That the number of committee members is limited to the fewest necessary to accomplish committee objectives;

(j) That the interests and affiliations of advisory committee members are reviewed consistent with regulations published by the Office of Government

ethics in 5 CFR parts 734, 735, and 737, and additional requirements, if any, established by the sponsoring agency pursuant to Executive Order 12574, the conflict-of-interest statutes, and the Ethics in Government Act of 1978, as amended; and

(k) Unless otherwise specified by the President, the preparation and transmittal of a follow-up report to the Congress detailing the disposition of the public recommendations of a Presidential advisory committee supported by the agency, in accordance with sections 6(b) of the Act.

7. Section 101-6.1011 is amended by revising paragraphs (a) and (b); and by adding paragraph (c) to read as follows:

§ 101-6.1011 Responsibilities of the chairperson of an independent Presidential advisory committee.

(a) Consult with the Administrator concerning the role of the Designated Federal Officer and Committee Management Officer;

(b) Fulfill the responsibilities of an agency head as specified in paragraphs (d), (h) and (j) of § 101-6.1009; and

(c) Unless otherwise specified by the President, consult with the Administrator regarding the designation of an agency or organization responsible for implementing section 6(b) of the Act.

8. Section 101-6.1015 is amended by

revising paragraph (a)(1) to read as follows:

§ 101-6.1015 Advisory committee information which must be published in the Federal Register.

(a) * * *

(1) A notice in the Federal Register is required when an advisory committee, except a committee specifically directed by law or established by the President by Executive Order, is established, used, reestablished, or renewed. Upon receiving notification of the completed review from the Secretariat in accordance with paragraph (c) of § 101-6.1007, the agency shall publish a notice in the Federal Register that the committee is being established, used, reestablished, or renewed. For a new committee, such notice shall also describe the nature and purpose of the committee and the agency's plan to attain fairly balanced membership, and shall include a statement that the committee is necessary and in the public interest.

* * * * *

9. Section 101-6.1035 is amended by revising paragraphs (a) and (b) to read as follows:

§ 101-6.1035 Reports required for advisory committees.

(a) Within one year after a Presidential advisory committee has submitted a public report to the

President, a follow-up report will be prepared and transmitted to the Congress as determined under paragraph (d) of § 101-6.1008, detailing the disposition of the committee's recommendations in accordance with section 6(b) of the Act. Reports shall be consistent with specific instructions issued periodically by the Secretariat:

(b) The President's annual report to the Congress shall be prepared by GSA based on reports filed on a fiscal year basis by each agency consistent with the information specified in section 8(c) of the Act. Reports from agencies shall be consistent with instructions provided annually by the Secretariat. Agency reports shall also include information requested to enable the Secretariat to carry out the annual comprehensive review of each advisory committee as required by section 7(b) of the Act. These reports have been cleared in accordance with FIRMR Subpart 201-45.6 in 41 CFR chapter 201 and assigned interagency report control number 0304-GSA-XX.

* * * * *

Dated: August 23, 1989.

Richard G. Austin,

Acting Administrator of General Services.
(FR Doc. 89-23455 Filed 10-4-89; 8:45 am)
BILLING CODE 8329-34-8

Federal Advisory Committee Act -- HIGHLIGHTS of 41 CFR Part 101-5

(SUMMARY ONLY, OF CRITICAL PROVISIONS - - READ THE REGS)

101-5.1001 Scope

101-5.1002 Policy

- - Membership shall be balanced in terms of points of view represented and the functions to be performed.
- - Meetings shall be open to the public except where closed under criteria established per Government in the Sunshine Act.

101-5.1003 Definitions

101-5.1004 Examples of advisory meetings or groups NOT covered by the Act or this subpart

- - (a) Any committee composed wholly of full-time officers or employees of the Federal Government.
- - (h) Any meeting initiated ... for the purpose of obtaining advice or recommendations from one individual.
- - (i) Any meeting initiated by a Federal official with more than one individual for the purpose of obtaining the advice of individual attendees and not for the purpose of utilizing the group to obtain consensus advice or recommendations. However, agencies should be aware that such a group would be covered by the Act when an agency accepts the group's deliberations as a source of consensus advice or recommendations.
- - (j) Any meeting initiated by a group ... for the purpose of expressing the group's view, provided that the Federal official does not use the group recurrently as a preferred source of advice or recommendations.
- - (k) Meetings of two or more advisory committee or subcommittee members convened solely to gather information or conduct research for a chartered advisory committee, to analyze relevant issues and facts, or to draft proposed position papers for deliberation by the advisory committee or a subcommittee of the advisory committee.
- - (l) Any meeting with a group initiated by a Federal official for the purpose of exchanging facts or information.

101-6.1005 Authorities for establishment of advisory committees

101-6.1006 (Reserved)

101-6.1007 Agency procedures for establishing advisory committees

- - Contains requirement to send proposed charter and cover letter with specific types of justification information to GSA, and further process.

- - Subcommittees that do not function independently of full committee need not be separately chartered. However, they are subject to all other requirements of the Act. Subcommittees must be chartered if they function independently of full committee, such as by making recommendations directly to the agency rather than for consideration by the chartered advisory committee.

101-6.1008 The role of GSA

101-6.1009 Responsibilities of any agency head

- - (g) shall ensure the appointment of a Designated Federal Officer for each advisory committee and its subcommittees.

- - (h) shall ensure the opportunity for reasonable public participation in advisory committee meetings.

101-6.1010 (Reserved)

101-6.1011 Responsibilities of the chairperson of an independent Presidential advisory committee.

101-6.1012 (Reserved)

101-6.1013 Charter filing requirements

- - No advisory committee may operate, meet, or take any action until its charter has been filed.

- - Gives locations where charters must be filed.

101-6.1014 (Reserved)101-6.1015 Advisory committee information which must be published in the Federal Register

- - After consulting with GSA on proposed establishments and reestablishments, notices shall appear in the Register at least 15 calendar days before the charter is filed, unless GSA approves less than 15 days. The 15-day advance notice requirement does not apply to committee renewals, notices of which may be published concurrently with the filing of the charter.

- - For committee meetings, notice must be published at least 15 calendar days prior to the meeting. Must include:

- • the exact name of the advisory committee as chartered;
- • the time, date, place and purpose of meeting;
- • a summary of the agenda; and
- • a statement whether all or part of the meeting is open to the public or closed, and if closed, the reasons why, citing the specific exemptions in Gov't in the Sunshine Act.

101-6.1016 (Reserved)101-6.1017 Responsibilities of the agency Committee Management Officer101-6.1018 (Reserved)101-6.1019 Duties of the Designated Federal Officer

- - (a) Must approve or call the meeting of the advisory committee.
- - (b) Must approve the agenda.
- - (c) Must attend the meetings.
- - (d) Shall adjourn the meeting when such adjournment is in the public interest.
- - (e) Chairs the meeting when so directed by agency head.

101-6.1020 (Reserved)

101-6.1021 Public participation in advisory committee meetings

- - The agency head shall ensure that each meeting is held at a reasonable time and in a place reasonably accessible to the public; that the meeting room size is sufficient to accommodate advisory committee members, agency staff and interested members of the public; that any member of the public is permitted to file a written statement with the advisory committee; and that any member of the public may speak at the meeting if the agency's guidelines so permit.

101-6.1022 (Reserved)101-6.1023 Procedures for closing an advisory committee meeting

- - Committee must submit a request to agency head with sufficient time to do review and determination prior to meeting notice.

101-6.1024 (Reserved)101-6.1025 Requirement for maintaining minutes of advisory committee meetings

- - Agency head must ensure meeting minutes, which must include:
 - Time, date and place
 - List of persons as follows:
 - committee members and staff
 - agency employees
 - members of public who presented oral or written statements
 - Estimated number of others present
 - Accurate description of each matter discussed and the resolution, if any, made by committee
 - Copies of each report or other document received, issued or approved by committee
- - Committee chairperson shall certify accuracy of minutes.

101-6.1026 (Reserved)101-6.1027 Termination of advisory committees

- - Any committee shall terminate not more than two years after established/reestablished/renewed, unless its duration is otherwise provided for by law, the agency head renews it prior to

end of two-year period, or the agency head terminates it before that time by revoking or abolishing its establishment authority.

101-6.1028 (Reserved)

101-6.1029 Renewal and rechartering of advisory committees

- - Advisory committees directed by law (and whose duration extends beyond two years) require rechartering (by filing new charter) every two years. If new charter is not filed, the committee is not terminated, but may not meet or take any action.
- - Legislatively-directed committees which would terminate, may be reestablished by the agency if they go through the chartering process.
- - Advisory committees authorized by law or established/used by an agency may be renewed, provided that the agency submits justification and proposed new charter to GSA between 30 and 60 days before the committee terminates.

101-6.1030 (Reserved)

101-6.1031 Amendments to advisory committee charters

- - Has distinctly different processes for (a) committees specifically directed or authorized by law or established by the President, as opposed to (b) committees established or used by an agency.

101-6.1032 (Reserved)

101-6.1033 Compensation and expense reimbursement of advisory committee members, staffs and consultants

- - Agency head not required, but may compensate advisory board members. May pay committee staff no more than GS-15 salary, unless determined higher by agency head. Staff members who are Federal employees must serve with knowledge of Designated Federal Officer and approval of their supervisor. (NOTE: It is Departmental policy not to pay advisory board members, nor to have paid committee staff unless there are exceptional circumstances.)

- - Pay for consultants to committee shall be fixed with consideration of significance, scope and complexity of work. (NOTE: It is Departmental policy not to pay for consultants to advisory committees.)

- - "(d) In the absence of any special limitations applicable to a specific agency, nothing in this subpart shall prevent an agency from accepting the gratuitous services of an advisory committee member, staff member, or consultant who agrees in advance to serve without compensation."

- - Blind/deaf/handicapped members may be provided services by a personal assistant.

101-6.1034 (Reserved)

101-6.1035 Reports required for advisory committees

- - Agencies file annual report on fiscal year basis. Advisory committees holding closed meetings must issue reports at least annually.



FINANCIAL COMMITTEE

	<u>Phone</u>	<u>Fax</u>
Walt Sheridan U.S. Forest Service P.O. Box 21628 Juneau, Alaska 99802-1628	586-8755	586-7840
David Bruce Alaska Department of Environmental Conservation 410 Willoughby Avenue, Suite 105 Juneau, Alaska 99801-1795	465-5322	465-5375
Marilou Burton Alaska Department of Fish & Game P. O. Box 25526 Juneau, Alaska 99802-5526	465-4120	586-6595
Tomas Boutin (ADOL/ADNR) Treasury Division Alaska Department of Revenue P.O. Box 110405 Juneau, Alaska 99811	465-2350	465-2394
Joe Henderson NOAA Damage Assessment Center U.S. Department of Commerce 14th & Constitution Avenue, N.W. Washington DC 20230	202-377-3040	202-377-4040
Ron McCoy U.S. Department of Interior Office of the Secretary 1689 C Street, Suite 100 Anchorage, Alaska 99501-5151	271-5485	271-4102

**EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
FINANCIAL OPERATING PROCEDURES**

Attached are the Exxon Valdez Oil Spill Trustee Council Financial Operating Procedures. The affixed pages shall constitute the initial procedures for financial management to ensure coordination and cooperation among the Trustee Council members. Approved by the members of the Trustee Council.

Charles E. Cole Date 9.21.92 Michael Barton Date 9/21/92

CHARLES E. COLE
Attorney General
State of Alaska

MICHAEL A. BARTON
Regional Forester
Alaska Region - USDA Forest Service

Carl L. Rosier Date 9/21/92

Curtis V. McVee Date 9-21-92

CARL L. ROSIER
Commissioner
Alaska Department of Fish and Game

CURTIS V. MCVEE
Special Assistant to the Secretary
U.S. Department of the Interior

John A. Sandor Date 9/21/92

Steven Pennoyer Date 9-21-92

JOHN A. SANDOR
Commissioner
Alaska Department of Environment
Conservation

STEVEN PENNOYER
Director, Alaska Region
National Marine Fisheries Service

EXXON VALDEZ OIL SPILL RESTORATION PROGRAM

FINANCIAL OPERATING PROCEDURES

September 14, 1992

PREFACE

The objective of the Financial Operating Procedures is to ensure public trust and accountability while maximizing the Trustees' ability to use Exxon settlement funds for approved restoration activities. A flow chart of the Financial Operating Procedures is included as Appendix A. The principles and processes stated herein are based on the authorities conveyed by the Exxon Valdez Consent Decrees and all memoranda of agreement between the State and Federal governments. Financial management of Exxon settlement funds will be accomplished based on the following principles:

Maximum use will be made of existing agency administrative structures. Each of the Trustee agencies has established administrative personnel and financial management systems that will be used to the maximum extent possible. In addition to these procedures, activities carried out by a State or Federal agency will be conducted in accordance with existing agency operating procedures. Detailed Federal procedures are contained in Appendix F.

Federal and State agencies will use their administrative structures and process in support of the Administrative Director's office. These administrative services include such functions as contracting for office space, personnel services, payment of utilities, purchasing, and so on. Memoranda of agreement will be established, as necessary, between State and Federal agencies to ensure support is provided without interruption to the office of the Administrative Director. Additional memoranda for other purposes will be negotiated when necessary.

General administration expenses will be kept to a minimum and applied in a consistent manner by the Trustee agencies.

ANNUAL BUDGET

The Trustee Council will annually prepare and approve a current-year budget based on the Federal fiscal year (October 1-September 30). It is recognized that the 1992 expenditure work plan is a transition to the federal fiscal year; it is intended that budget decisions will conform to the federal fiscal year beginning October 1, 1992.

The following constitutes the annual Trustee Council expenditure work plan:

- a) A budget for the office of the Administrative Director that includes salaries, benefits, travel, office space, supplies and materials, contractual services, utilities, general administration expenses, and such other items as may be necessary for the efficient operation of the Trustee Council, and the Restoration Team and its working groups. The proposed budget will be presented on the same budget forms as those used by any other project (for example, Forms 2A and 2B, shown in Appendix B).
- b) A budget for the Restoration Team and all working groups will be presented as one project. Under that project, the Restoration Team and each standing working group will be budgeted as sub-projects. Each sub-project will show the cost of personnel, travel, contractual services, commodities, equipment,

and general administration expenses. Authorized personnel will be identified by position title, the number of months budgeted, and the total salary and benefit costs for those months budgeted. In addition, a budget for the Finance Committee will be prepared separate from the Restoration Team and its working groups. The proposed budgets will be presented on the same budget forms as those used by any other project (shown in Appendix B).

c) A budget for each field project will be summarized on budget forms shown in Appendix B.

While some projects may be completed in one year, others require funding over multiple years. Information must be provided on budget forms showing total estimated costs for completing the project. Expenditures are authorized by the Trustee Council annually. Funding a project for one year does not obligate the Trustee Council to provide funding for the same project in future years.

Instructions will be prepared by the Finance Committee for distribution to State and Federal agencies involved in developing project budgets explaining how to complete the budget forms. These forms are intended to collect information necessary for the Trustee Council and staff members to evaluate all funding proposals, and to meet standards of accountability customary to the State and Federal governments during and after implementation of the proposed project.

CALCULATION OF PROJECT COSTS

Proposals for expenditure made to the Trustee Council will be presented on the budget forms established by the Finance Committee, including budgets for the Administrative Director, the Restoration Team and its working groups, and all other projects.

General administration costs may be included for all separate budgets funded through the Trustee Council. There are two types of general administration costs that may be incorporated into project budgets:

1. 15 percent of each project's direct personnel cost, and
2. Up to 7 percent of the first \$250,000 of each project's contract costs, plus 2 percent of project contract costs in excess of \$250,000.

These general administration funds are intended to pay indirect costs, such as office space, office utilities, fixed telephone charges, and all normal agency services for administering procurement, personnel, payroll, accounting, auditing and so on. A rate is used because measuring specific use of these services is expensive. For Trustee agencies which are actively involved in the restoration activities but do not have projects, the Trustee Council may approve a budget to cover agency services necessary to fund their involvement.

The rates for contracts relate to the costs for monitoring and supervising contractors, a cost that does not increase proportionally with the size of the contract. These rates are somewhat less than normal for Federal agencies.

In addition, project budgets may include proposed expenditures in specific line items: personnel, travel, contractual, commodities/supplies, equipment and capital outlay. All budgets, including those for the Restoration Team and its working groups, may have such costs. The Restoration Team will evaluate each budget proposal to determine if the expenditures listed in the specific line items are acceptable in nature and amount.

ANNUAL BUDGET FORMULATION PROCESS

Formal proposals for funding must be made in the following manner. Forms 2A and 2B must be used to describe the costs associated with a proposed project. If more than one agency is involved, or if there are distinct sub-projects (such as working groups associated with the Restoration Team), then a 2A form must be used (excluding the detailed position information) to summarize the project costs, and the 3A and 3B form must be used to describe the portion of the project assigned to each agency or to each sub-project. Such detail is essential for financial accountability.

The standards and format for justifying a project are the responsibility of the Restoration Team, working in conjunction with the Finance Committee. Such information must be attached behind the budget forms. Project plans supporting project budgets should include appropriate measures of performance to ensure intended results are achieved.

Each agency shall prepare budget documents for all spending for which it will be responsible. This includes projects or sub-projects related to field projects; the Administrative Director and associated staff, and any means for providing support for the Administrative Director or the Trustee Council; the Restoration Team and its working groups; and the Finance Committee. These rules also apply when a project is proposed by a member of the public.

Prior to the presentation of the proposed projects to the Trustee Council, the Financial Committee will review them. This review will include an evaluation of compliance with these Financial Operating Procedures, and will be limited to the budget and fiscal management aspects of the proposed projects. The Finance Committee may submit its written comments and recommendations to both the Restoration Team and the Trustee Council.

In a public meeting, annually, the Trustee Council will consider projects proposed for funding and issue a proposed work plan for public review and comment. After the expiration of the period for public review and comment, the Trustee Council, in open session and with opportunity for comment, will review the proposed work plan and may make such changes in it as the Trustee Council deems appropriate. The Trustee Council will annually approve a final work plan.

Upon final approval of the budget by the Trustee Council, approved budget documents will be available to the public through the offices of the Administrative Director. Approved budget information will also be available through review and notification procedures adopted by the State and Federal governments.

BUDGET IMPLEMENTATION

Both the State and Federal governments allow for certain adjustments in funding amounts during the budget period. The Trustee Council agrees that a certain amount of funding flexibility is necessary when projects are being carried out, and that limited amount of funding transfers between projects may be appropriate. The rules governing transfers are as follows:

- a) The Trustee Council authorizes agencies to transfer funds between projects up to the cumulative amount of \$25,000 or up to 10% of the annual spending level for each affected project, whichever is less. Calculation of these limits is based on the amounts authorized by the Trustee Council. The limits on funding transfers are set with the understanding that such transfers will not alter the underlying scope or objectives of the project, and

apply to both increasing and decreasing project funding. In addition, it is the responsibility of each agency, for future verification and audit, to record authorization to make such transfers and the purpose of each funding change.

For multi-agency projects, the concurrence of the lead agency must be obtained before moving funding into or out of a sub-project. Funding may be moved among the three State agencies and the three Federal agencies, and between State and Federal agencies, according to the limits shown above, if agencies responsible for projects gaining and losing funds agree to the transfer. Changes in authorized funding for each project must be reported on the next quarterly expenditure report, using Form 4, shown in Appendix B.

b) The Trustee Council may approve transfers in amounts greater than that authorized in a) above, without public notification other than a general agenda item in its public meetings, so long as such transfers do not change the scope or objectives of the projects. Transfers are subject to current State or Federal financial operating procedures and laws. Agencies must send requests for such transfers, using Form 5, shown in Appendix B, to the Administrative Director for submission to the next Trustee Council meeting. Approval must be obtained before the transfer is made.

c) The Trustee Council may increase or decrease the funding for an approved project that changes the scope or objective of the project, create a new project, or terminate an approved project during the budget year only after public notification of the proposed changes prior to the meeting. Such decisions by the Trustee Council will be made in a public meeting after giving the public an opportunity to comment on proposed changes, both at the meeting and through written comments submitted prior to the meeting. Public notification of the meeting will include a brief description of the project and the proposed change.

d) Project managers may transfer, within a single project, budgeted funds between object classes (such as personnel, travel, and contractual costs), and may change detailed items of expenditure, including specific personnel, to accommodate circumstances encountered during budget implementation. Such transfers are reported by agencies in the quarterly expenditure reports, simply by recording expenditures in the object classes where each expenditure was actually made. However, agencies may be subject to normal budget and administrative procedures regarding transfers established by the State or Federal government.

TRANSFER OF EXXON SETTLEMENT FUNDS FROM THE COURT REGISTRY

Upon completion of public review and comment on the proposed annual work plan, the Federal members of the Trustee Council shall submit to their Departments, through normal channels, the Federal portion of the budget then agreed upon by the Trustee Council for appropriate review and approval. It is expected that such review, including that of the Office of Management and Budget, will be completed within 30 days of receipt in Washington. Similarly, with respect to the State portion of the budget, State members of the Trustee Council will take appropriate action to comply with State requirements. Upon notification of Federal Executive Branch approval of the Federal portion of the budget and similar notification from the State Executive Branch, the Trustee Council will request the State of Alaska Department of Law and the U.S. Department of Justice to petition the Court for release of settlement funds (See

Appendix E) and the transfer of these funds, respectively, to the U.S. Department of the Interior Natural Resource Damage Assessment and Restoration (NRDA&R) Fund and to an account designated by the State of Alaska.

If the review process of either government results, in the opinion of one government, in an undue delay in filing a petition with the Court which would adversely impact it, the Trustee Council will, upon written request of the concerned government, provide appropriate consent for a joint petition to the Court for funds to be used for the activities identified in the budget approved by the Trustee Council for that concerned government.

When calculating the amount of funds requested from the Court, interest previously earned from settlement funds held by the Federal and State governments and unobligated balances will be subtracted from the spending plans approved by the Trustee Council.

ACCOUNTING AND REPORTING

Trustee agencies will maintain accountability for the expenditure of Exxon settlement funds using generally accepted accounting principles and Federal and State accounting procedures. As a minimum, these procedures will identify expenditures as approved in the annual work plan with supporting documentation. State and Federal agencies shall account separately for their respective portion of each project.

Within thirty days following the end of each calendar quarter, State and Federal agencies will report expenditures and obligations recorded at the end of the quarter to the Administrative Director. Agencies will submit expenditure/obligation reports (Form 4, shown in Appendix B) to the Administrative Director's office (where multi-agency or multi-sub projects will be consolidated) for review by the Finance Committee. Following review and approval by the Finance Committee, the Administrative Director will submit this information to the Trustee Council at its next meeting. The first report should be for the quarter ending September 30, 1992.

By November 30 of each year, agencies will report to the Administrative Director expenditures/obligations for the twelve month period ending September 30. The expenditure report should be generated from normal computerized accounting reports and must include at least the same level of detail as provided on the budget forms 2A and 2B. This requirement is in addition to the audit requirements described below. If an agency is responsible for a portion of a project, it will report on the sub-project assigned to it.

The Administrative Director, with assistance of the Restoration Team and the Finance Committee, will submit to the Trustee Council, by December 31, an annual accomplishment and expenditure report; reports of cash balances as of September 30 of the NRDA&R Fund, Federal agency and equivalent State accounts; and interest earned for the Federal fiscal year from funds contained within those accounts. In addition, the Finance Committee will report the September 30 balance of the Federal/State of Alaska Joint Fund held by the Registry of the Court.

The Federal government will adopt internal rules governing the information required to transfer cash received from the Court Registry, through the NRDA&R Fund, to Federal agencies incurring expenditures. The estimated expenditures will provide the basis for transfer of Exxon settlement funds from the NRDA&R Fund to the appropriate agency accounts. Money held in the NRDA&R Fund will earn, and retain, interest.

State agencies, operating under a unified accounting system, will draw from the account containing funds transferred from the Court Registry. Quarterly disbursements will not be necessary, and all unexpended funds received from the court will earn interest and be retained in the fund established to account for the settlement funds.

AUDITS

Accountability for the expenditure of settlement funds is of critical importance to maintaining public trust and confidence. Each Federal agency and the State of Alaska have Federally and State-approved audit functions, respectively. Periodic audits of Exxon settlement expenditures and financial controls will be conducted in accordance with established policy. The Finance Committee will report to the Trustee Council an annual schedule of audits, and any complaints by auditors of lack of cooperation from agencies being audited. The Finance Committee will recommend audits be performed by private accounting firms, when necessary. Further, the Finance Committee will review completed audits to bring significant issues, or the absence of such issues, to the attention of the Trustee Council. The Finance Committee will deliver at least one copy of all completed audits to the Administrative Director's office, which will be available to the public. Additional Federal procedures are contained in Appendix F.

MANAGEMENT OF EQUIPMENT

Generally, all equipment purchased with Exxon Valdez settlement funds, at a cost of \$500 or more, and other sensitive items as defined by State and Federal procedures, will be monitored by the Trustee Council.

Agencies shall use normal agency procedures for identifying equipment. By December 31 of each year, agencies must report to the Administrative Director all such equipment which is still functioning or has value. Agencies must also report all such equipment which during the previous fiscal year ceased to function or have value. These pieces of equipment need not be reported in future years.

Pending legal consultation, additional detailed provisions governing the use and disposal of such equipment will be forthcoming.

FINANCE COMMITTEE CHARTER

Membership is composed of three State representatives, three Federal representatives, and the Administrative Director (ex officio). A representative is appointed by each Trustee Council member.

The Finance Committee reports to the Trustee Council. The Finance Committee is to develop necessary financial procedures, enforce adherence to those procedures adopted by the Trustee Council, and ensure that specific actions of the Administrative Director, Restoration Team and its working groups, and State and Federal agencies conducting activities funded through the Trustee Council, meet or exceed financial management standards for accountability, efficiency and effectiveness. Such standards may be customary or specifically established by the Trustee Council, but must be sufficient to maintain public trust.

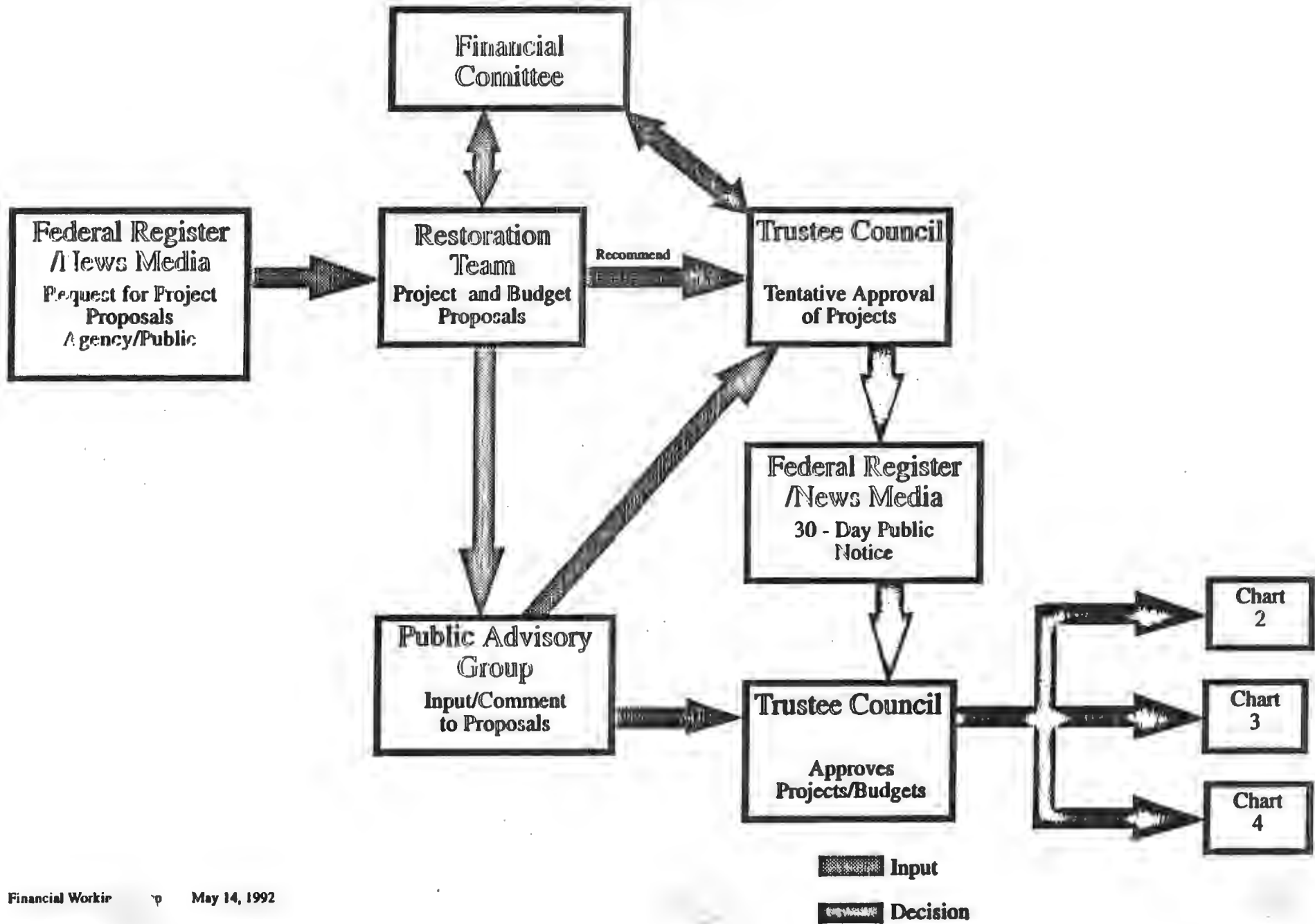
It is in the best interest of the Trustee Council that the Finance Committee, though independent of the Restoration Team, work cooperatively with the Restoration Team. The Restoration Team, whenever appropriate, will be informed of Finance Committee concerns and will be involved in remedying conditions giving rise to those concerns.

The Finance Committee is responsible for reporting directly to the Trustee Council on the following issues:

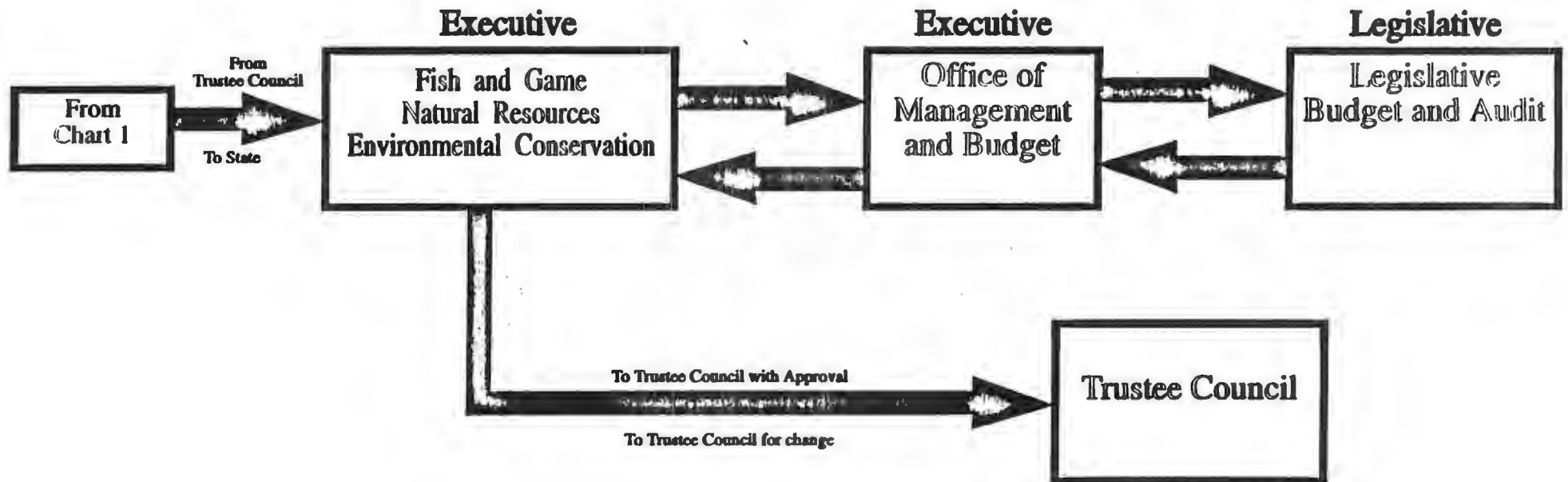
<u>Issue</u>	<u>When</u>
1. Recommend audits for scheduling, present a schedule of audits, report presence or absence of problems warranting Trustee Council attention.	Annually, by December 31
2. Ensure the proposed annual budget, information and documentation are reasonably complete, and agencies can reasonably carry out financial management of the project.	Annually, at the same time as the Restoration Team presents the proposed budget.
3. Ensure expenditure reporting is occurring as required, and there are no obvious discrepancies or difficulties with project implementation.	Quarterly, and annually
4. Report interest earned in NRDA&R Fund and State accounts.	Annually, by Dec. 31, and when funds are requested from the Court.
5. Propose amounts agencies should be reimbursed for past oil spill related costs, and required documentation on those costs.	1992

APPENDIX A
FINANCIAL OPERATING PROCEDURES
FLOW CHARTS

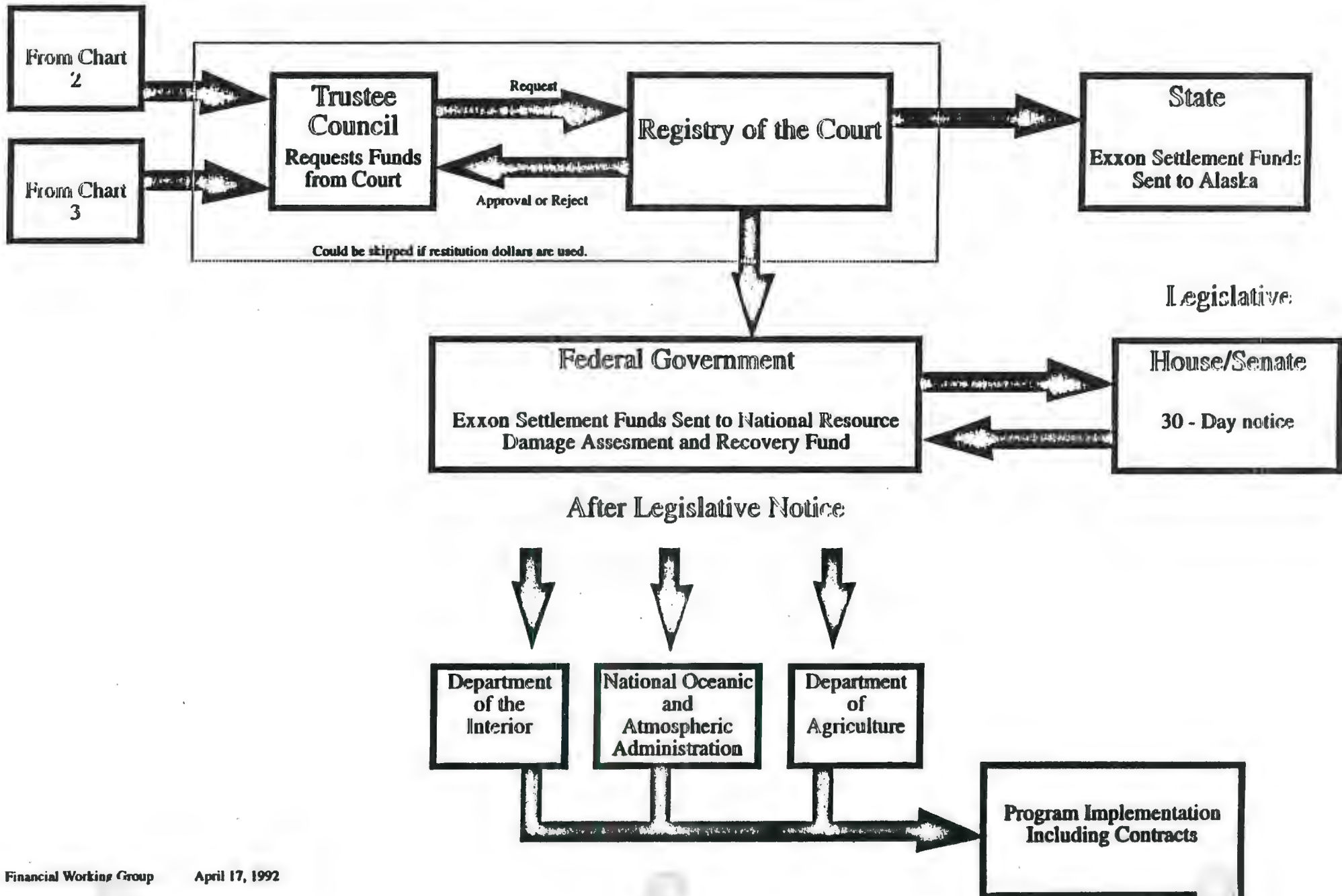
APPENDIX A FINANCIAL OPERATING PROCEDURES (CHART 1)



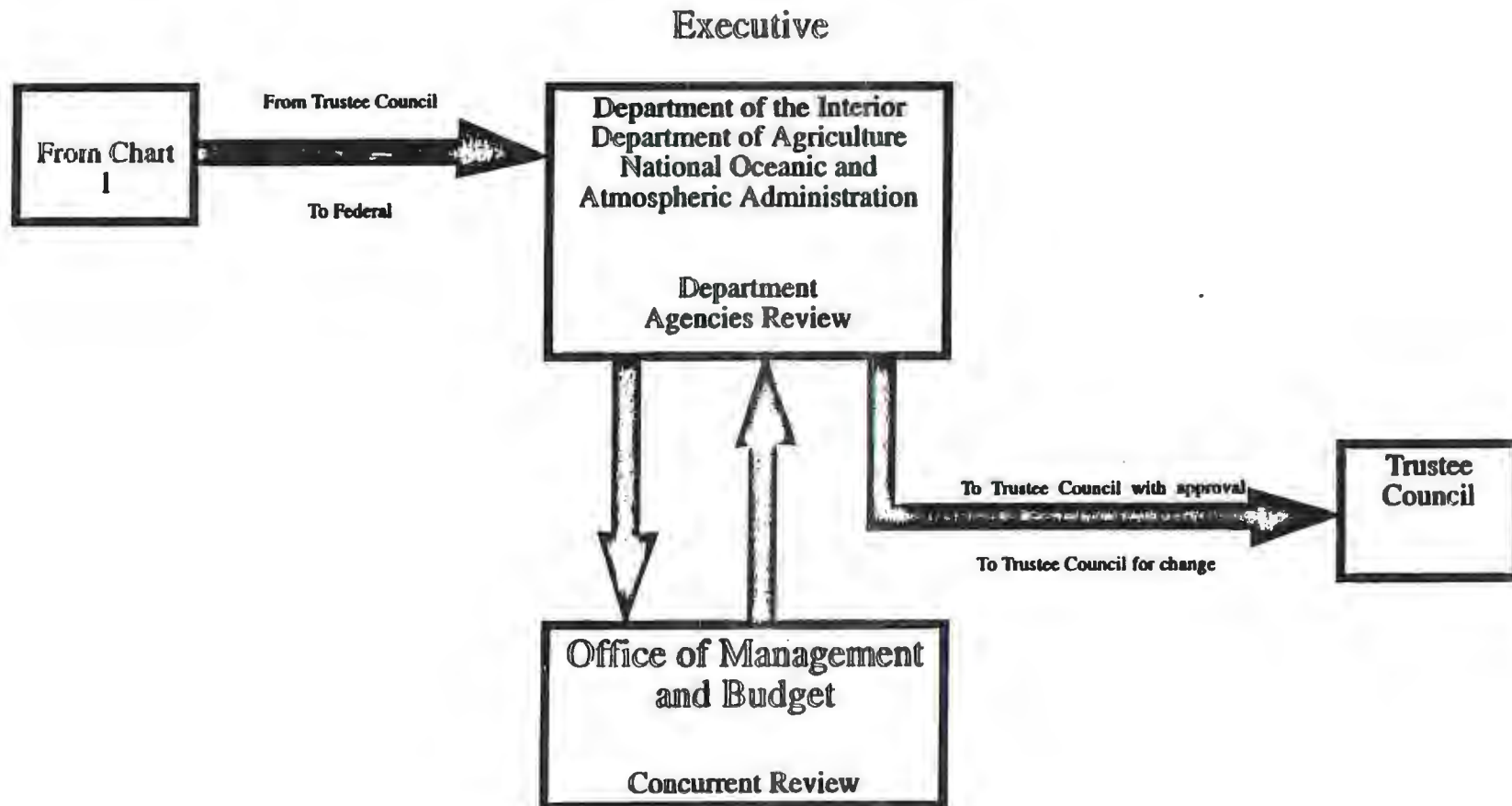
APPENDIX A
FINANCIAL OPERATING PROCEDURES: STATE PROCESS
(CHART 3)



APPENDI A
FINANCIAL, OPERATING PROCEDURES
(CHART 4)



APPENDIX A
FINANCIAL OPERATING PROCEDURES: FEDERAL PROCESS
(CHART 2)



APPENDIX B

BUDGET FORMS

Budget forms, which will be used to display information for all projects proposed for funding through the Trustee Council, are shown on the following pages. Appropriate technical adjustments will be made every year.

EXXON VALI TRUSTEE COUNCIL

Project Number	Project Title	Agency	Approved 1-Oct-92 28-Feb-93	Proposed 1-Mar-93 30-Sep-93	Total FY 93	

17-Jul-92

1993

page of

**FORM 1A
PROJECT SUMMARY**

EXXON VALL TRUSTEE COUNCIL

Agency	Project Number	Project Title	Approved 1-Oct-92 28-Feb-93	Proposed 1-Mar-93 30-Sep-93	Total FY 93	

17-Jul-92

1993

page of

**FORM 1B
AGENCY SUMMARY**

Project Description:								
Budget Category	Approved 1-Oct-92 28-Feb-93	Proposed* 1-Mar-93 30-Sep-93	Total FY 93	FY 94	FY 95	FY 96	FY 97	Sum FY 98 & Beyond
Personnel			\$0.0					
Travel			\$0.0					
Contractual			\$0.0					
Commodities			\$0.0					
Equipment			\$0.0					
Capital Outlay			\$0.0					
Sub-total	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0
General Administration			\$0.0					
Project Total	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0
Full-time Equivalents (FTE)								
Amounts are shown in thousands of dollars.								

Budget Year Proposed Personnel:

Position	Months Budgeted	Cost	Comment

* FY 93 is a transition year from the previously used oil fiscal year to the federal fiscal year. This new project also includes proposed funding for January and February, 1993.

17-Jul-92

1993

page of

Project Number:
 Project Title:
 Agency:

**FORM 2A
 PROJECT
 DETAIL**

Travel:

Contractual:

Commodities:

Equipment:

17-Jul-92

1993

page of

Project Number:
Project Title:
Agency:

**FORM 2B
PROJECT
DETAIL**

Project Description:

Budget Category	Approved 1-Oct-92 28-Feb-93	Proposed* 1-Mar-93 30-Sep-93	Total FY 93	FY 94	FY 95	FY 96	FY 97	Sum FY 98 & Beyond
Personnel			\$0.0					
Travel			\$0.0					
Contractual			\$0.0					
Commodities			\$0.0					
Equipment			\$0.0					
Capital Outlay			\$0.0					
Sub-total	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0
General Administration			\$0.0					
Project Total	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0
Full-time Equivalents (FTE)								
Amounts are shown in thousands of dollars.								

Budget Year Proposed Personnel:

Position	Months Budgeted	Cost	Comment

* FY 93 is a transition year from the previously used oil fiscal year to the federal fiscal year. This new project also includes proposed funding for January and February, 1993.

17-Jul-92

1993

page of

Project Number:
 Project Title:
 Sub-Project:
 Agency:

FORM 3A
 SUB-
 PROJECT
 DETAIL

Travel:

Contractual:

Commodities:

Equipment:

17-Jul-92

1993

page

of

Project Number:
Project Title:
Sub-Project:
Agency:

FORM 3B
SUB-
PROJECT
DETAIL

APPENDIX C

STATE OF ALASKA PROCEDURES FOR PUBLIC NOTIFICATION AND REVIEW OF ANNUAL BUDGET

The State of Alaska adheres to an annual budget process, with the Governor required to release a draft annual budget plan on December 15 preceding the beginning of the fiscal year on July 1. Since the Trustee Council will approve projects for the period October 1 to September 30, the State will include in its budget process three months of one Federal fiscal year (July 1 to September) and nine months of the second Federal fiscal year (October 1 to June 30).

State of Alaska institutions are involved in the operations of the Trustee Council and the spending of settlement funds in three respects. First, heads of three executive branch agencies serve on the six-member Trustee Council. Second, members of the Alaska State Legislature have an interest in particular projects proposed for funding by the Trustee Council. Third, the Alaska State Legislature, in practice, authorizes all spending made by an executive branch agency, regardless of the source of the funds. The following process relates to the third aspect only.

After the Trustee Council makes its final budget decisions, the Alaska Office of Management and Budget will prepare, assisted if necessary by State agencies, documents reflecting Trustee Council approved spending plans for projects or sub-projects to be carried out by State agencies. These documents will include a project description, line-item proposed expenditures, and information on state employees to be paid from the project. No projects to be carried out by Federal agencies will be subject to the State review and notification process.

The budget documents will be submitted for approval to the Legislative Budget and Audit Committee, as prescribed in Alaska Statute 37.07.080 (h). Authorization to spend will be recorded in the Alaska State Accounting System. Accounting documents establishing authorization to spend will be prepared by the State agency responsible for carrying out the project or sub-project, and approved by the Office of Management and Budget.

Data on expenditures made in the prior budget year, the current year authorization to spend, and spending approved by the Trustee Council for the upcoming budget year will be provided to the Alaska State Legislature, for information, through the normal budget process. Normal budget documents will identify such past and proposed expenditures with a unique funding source code, and State employees to be paid from settlement funds will be identified along with the amount they will be paid from the settlement funds. Budget structure changes, such as new budget request units or budget components, may be created with approval from the Office of Management and Budget to consolidate Trustee Council projects and sub-projects.

APPENDIX D

FEDERAL GOVERNMENT PROCEDURES FOR PUBLIC NOTIFICATION AND REVIEW OF ANNUAL BUDGET

During budget formulation, the President establishes general budget guidelines (OMB annual guidance) and fiscal policy guidelines. Under a multi-year planning system, policy guidance and planning ceilings are given to agencies for both the upcoming budget year and for the four following years. The budget guidelines also provide the initial guidelines for preparation of agency budget requests.

ANNUAL BUDGET FORMULATION PROCESS

As a subset of this procedure, the Restoration Team will provide budget/program recommendations to the Trustee Council for consideration that will reflect the requirements for the upcoming fiscal year. (For the 1994 Federal budget, it is expected that budgetary information will be received from the Trustee Council beginning in June 1992.) These recommendations will include for each agency, a list of projects and their associated project numbers and costs, including multi-year costs. The project list will be used by the Restoration Team in making recommendations to the Trustee Council.

Upon approval of the projects by the Trustee Council, the Financial Committee will ensure that the preparation and submission of all Federal budget estimates are in accordance with OMB Circular A-11.

PRESENTATION

Presentation of the annual budget request should be consistent across Federal Trustee Agencies and in accordance with OMB Circular A-11. A new title and code will be established within the Departments of Agriculture, Commerce, and Interior. These title and code designations (referred to as "Budget Activity") will be solely dedicated to Exxon Valdez oil spill assessment and restoration activities.

The Budget Activity will have three sub-activities that will provide detailed justification required by OMB for inclusion in the Congressional budget submission. Exxon Valdez oil spill budgetary requirements will be displayed by the Federal Trustee Agencies in the budget justification materials as follows:

- * Activity: Exxon Valdez Restoration Program
- * Subactivity: Damage Assessment Program
- * Subactivity: Restoration Program
- * Subactivity: Administration

TRANSFER OF EXXON SETTLEMENT FUNDS FROM THE COURT REGISTRY

Federal funds from the Court Registry will initially be transferred to and deposited in the Department of the Interior's (DOI) Natural Resource Damage Assessment and Restoration (NRDA&R) Fund. Therefore, the DOI annual budget estimate will reflect all Federal budgetary requirements anticipated at the time of submission for continuing activities, new activities, amounts necessary to meet specific financial liabilities imposed by law, and amounts to be transferred to Federal Trustees for Exxon Valdez oil spill-related program activities. The Federal Trustees will reflect in their individual budgets, the amount of the transfer from the NRDA&R Fund account, and will submit all required budget justification materials to OMB for clearance prior to transmittal to Congress.

CONTENT

Required budget materials for the initial and subsequent budget submissions are listed in OMB Circular A-11. These materials will be submitted in accordance with the detailed instructions in the sections indicated and the arrangements made by OMB representatives. OMB guidelines specify requirements that apply only to certain Federal Agencies or under certain circumstances.

FORMAT

As a general rule, approval for changes in budget structure should be requested by October 1, unless OMB specifies an earlier date. Changes in budget structure include establishment of new accounts, changes in account titles, account mergers, changes in the sequence of existing accounts, and new methods of financing. Specific information and format requirements will be determined in consultation with OMB representatives. Advance approval must be obtained before modifications are made to the standard justification material requirements used to present program and financial information.

CONGRESSIONAL NOTIFICATION

According to Public Law 102-229, which is dated December 12, 1991, "Making dire emergency supplemental appropriations...", among other provisions, provided "...That, for fiscal year 1992, the Federal Trustees shall provide written notification of the proposed transfer of such amounts to the Appropriations Committees of the House of Representatives and the Senate thirty days prior to the actual transfer of such amounts..."

"Such amounts" refers to amounts received by the United States for restitution and future restoration in settlement of *United States v. Exxon Corporation and Exxon Shipping Company* and deposited into the NRDA&R Fund prior to the transfer of funds to the other Federal Trustees and notice to OMB. Congressional notification will be by letter from the Federal Trustees to the Chairpersons of the House and Senate Appropriations Committees.

The notification will include, in summary form, an estimate of the Exxon settlement funds that are to be expended from the NRDA&R Fund by the Federal Trustees and the projects and activities for which the funds are to be used.

PL 102-229 also required "...That, for fiscal 1993 and thereafter, the Federal Trustees shall submit in the President Budget for each fiscal year the proposed use of such amounts."

Because this requirement was not incorporated into the President's 1993 Budget, due to time constraints, it is anticipated that the same requirement that was made for the Federal Trustees in 1992 will also be required by the Congress in 1993.

APPENDIX E

PROCEDURE FOR REQUESTING MONEY FROM THE COURT REGISTRY

The memorandum of agreement between the State and Federal governments requires a joint application to the Court for funds. The U.S. Department of Justice and the Alaska Department of Law will make the application upon authorization to do so by a unanimous vote of the Trustee Council. The Trustee Council will specify, in its vote, the amount to request from the Court for deposit in the Natural Resource Damage Assessment and Recovery (NRDA&R) Fund and the fund established by the State of Alaska. The Court will be asked to deliver monies separately to the two governments.

The Administrative Director shall assist, if necessary, the Department of Justice and the Department of Law prepare documents (primarily those concerning project descriptions) comprising the application for funds.

The Resolution Form (w/blanks) developed by State and Federal Attorneys is as follows:

RESOLUTION OF THE EXXON VALDEZ SETTLEMENT TRUSTEE COUNCIL

We, the undersigned, duly authorized members of the Exxon Valdez Settlement Trustee Council do hereby certify that, in accordance with the Memorandum of Agreement and Consent Decree entered as settlement of United States of American v. State of Alaska, No. A91-081 Civil, U.S. District Court for the District of Alaska, and after numerous public meetings, unanimous agreement has been reached to expend funds received in settlement of United States of America v. Exxon Corporation, et al., No. A91-082 Civil, U.S. District Court for the District of Alaska, and State of Alaska v. Exxon Corporation, et al., No. A91-083 Civil, U.S. District Court for the District of Alaska, for necessary natural resource damage assessment, restoration activities and administration from _____ to _____, according to the budgets appended hereto and totalling \$ _____. The moneys are to be distributed to the Trustee agencies according to the following schedule:

Alaska Department of Fish and Game \$
 Alaska Department of Natural Resources
 Alaska Department of Environmental Conservation _____
 SUBTOTAL TO STATE OF ALASKA \$

U.S. Department of Agriculture \$
 U.S. Department of the Interior
 U.S. National Oceanic and Atmospheric Administration _____
 SUBTOTAL TO UNITED STATES OF AMERICA \$

TOTAL BUDGET _____ to _____

We further certify that, by unanimous consent, we have requested the Attorney General of the State of Alaska and the Assistant Attorney General of the Environmental and Natural Resources Division of the United States Department of Justice to petition the United States District Court for the District of Alaska for withdrawal of the sum of \$ _____ from the Court Registry account established as a result of the governments' settlement with the Exxon companies.

_____ Dated _____
 MICHAEL A. BARTON
 Regional Forester
 Alaska Region
 USDA Forest Service

_____ Dated _____
 CHARLES E. COLE
 Attorney General
 State of Alaska

_____ Dated _____
 CURTIS V. McVEE
 Special Assistant
 U.S. Department of the Interior

_____ Dated _____
 STEVEN PENOYER
 Director, Alaska Region
 National Marine Fisheries Service

_____ Dated _____
 CARL L. ROSIER
 Commissioner
 Alaska Department of Fish and Game

_____ Dated _____
 JOHN A. SANDOR
 Commissioner
 Alaska Department of Environmental
 Conservation

APPENDIX F

ADDITIONAL FINANCIAL POLICIES AND PROCEDURES PERTAINING TO THE FEDERAL TRUSTEE DEPARTMENTS AND AGENCIES

As a result of differing financial/accounting policies and procedures utilized by the Federal and State governments, these additional policies set forth in this appendix apply solely to the Federal Trustee departments and agencies.

ANNUAL CERTIFICATION

Financial operating procedures and controls will be certified annually, similar to the process required by the Federal manager's Financial Integrity Act, the OMB Circular on Internal Control Systems. All Federal agencies and bureaus utilizing settlement funds will certify as of September 30, that such agency has operated in accordance with the financial operating procedures and that related controls have been implemented, and that based upon testing performed, the agency can provide reasonable assurance that financial operating procedures and controls are being complied with and are functioning as intended. This report will be completed annually, by October 31st. Such certification will take the form of a memorandum or letter, from each agency, to the Administrative Director for presentation to the Trustee Council and is available for public inspection.

BUDGET IMPLEMENTATION

For Federal agencies, the authority to move funds between object classes within a project is limited to a cumulative amount of \$25,000 or up to 10% of the annual spending level for that project. For amounts of greater value, the procedures for approval by the Trustee Council shall apply (see paragraphs b) and c) at page 4).

AUDITS

An important objective of the Federal Chief Financial Officers Act is the identification of performance measures and the systematic measurement and reporting of performance in each project or activity undertaken. Therefore, project plans are periodically assessed. Then, the project managers should self-certify that the results were achieved.

Finally, when audits of projects are conducted specific procedures, to be recommended by the Finance Committee, should be incorporated in the audit program to review and express an opinion on the accuracy of certified performance. All Federal agencies using settlement funds will self-certify projects (for its files only) at the end of each fiscal year.

**EXXON VALDEZ OIL SPILL SETTLEMENT ACCOUNT
RESTORATION JOINT TRUST FUND**

Date	Item	Amount (millions)	Account Balance ¹
12/09/91	Exxon payment.	100.0	100.0
12/09/91	Partial reimbursement to Governments for expenses. ²	(54.5)	45.5
05/21/91	1992 Work Plan authorized by Trustee Council.	(19.3)	26.2
12/01/92	Exxon payment.	150.0	176.2
12/01/92	Estimate of reimbursement to Exxon for cleanup costs since 01/01/91. Most estimates range between \$40-50 million.	(45.0)	131.2
	1993 Work Plan Restoration Team recommendation. This amount has not been approved by the Trustee Council and so is only an estimate.	(37.8)	93.4
	Partial reimbursement to Governments for expenses. ² The amount of money taken for reimbursement in any given year will be determined by the amount of money needed for restoration in that year.	?	
10/01/93	Exxon payment. Future payments will be \$70 million on 10/01 through 2001.	100.0	

¹The account earns interest. The dollar amounts shown do not include that interest.

²REIMBURSEMENT

The governments may reimburse themselves up to \$67.0 for the Federal Government and \$75.0 for the State of Alaska for cleanup, damage assessment and restoration, and litigation expenses incurred prior to 01/01/91. The governments may also reimburse themselves for cleanup costs after 12/31/90, damage assessment and restoration costs after 03/12/91 until 03/01/92, and State of Alaska litigation costs after 03/12/92. Funds taken for reimbursement are not actually deposited in the account and then withdrawn, but are paid directly to the governments.

October 28, 1992

CIVIL RECOVERIES

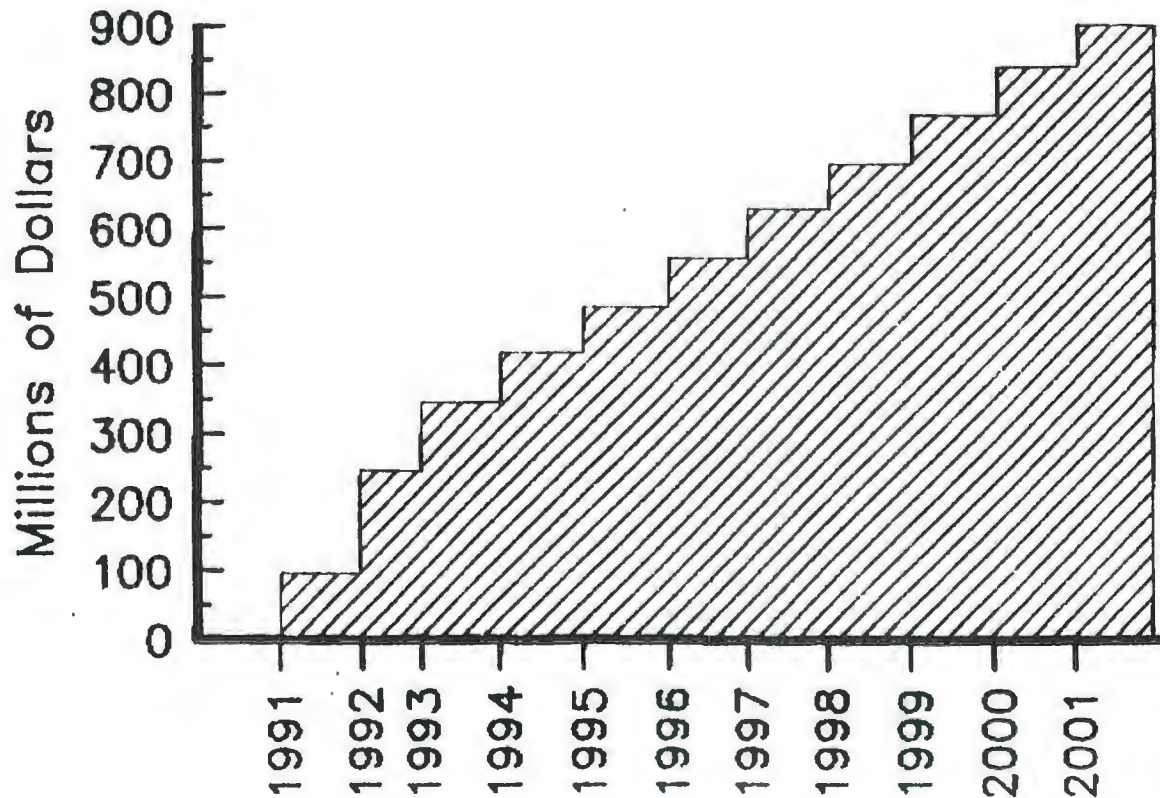
Alaska & Federal Government

\$90 million
paid
Dec 9, 1991

\$150 million
paid
Dec 1, 1992

\$100 million
paid
Sept 1, 1993

\$70 million
paid yearly
Sept 1,
1994–2001



**EXXON VALDEZ OIL SPILL SETTLEMENT ACCOUNT
RESTORATION JOINT TRUST FUND**

Date	Item	Amount (millions)	Account Balance ¹
12/09/91	Exxon payment.	90.0	
12/09/01	Partial reimbursement directly to Governments for expenses. ²	(53.5)	
12/09/91	Remaining amount deposited in Joint Trust Fund.	36.5	36.5
05/21/91	1992 Work Plan authorized by Trustee Council.	(19.3)	17.2
12/01/92	Exxon payment. ³	150.0	
12/01/92	Partial reimbursement to Governments for expenses. ² The amount of money taken for reimbursement in any given year will be limited by the amount of money needed for restoration in that year.	(53.5)	
12/01/92	Estimate of reimbursement to Exxon for cleanup costs since 01/01/91.	(39.9)	
12/01/92	Remaining amount deposited in Joint Trust Fund	56.6	73.8
	1993 Work Plan. This amount has not been approved by the Trustee Council and so is only an estimate.	(42.4)	31.4

¹The account earns interest. The dollar amounts shown do not include that interest.

²REIMBURSEMENT - The governments are reimbursing themselves under the terms of the settlement agreement. The specific language states: "The aggregate amount allocated for United States past response and clean-up costs and damage assessment costs ... shall not exceed \$67 million, and the aggregate amount allocated for State past response and clean-up costs, damage assessment costs, and Litigation Costs incurred on or before March 12, 1991 ... shall not exceed \$75 million." "Additionally ... to reimburse or pay costs incurred by the United States or the State or both after March 12, 1991 to assess injury resulting from the oil spill and to plan, implement, and monitor the restoration, rehabilitation, or replacement of natural resources, natural resource services, or archaeological sites and artifacts injured, lost or destroyed as a result of the oil spill, or the acquisition of equivalent resources or services."

³Exxon post-1990 clean-up costs will be deducted from this payment and will not be deposited in the Joint Trust Fund.

**EXXON VALDEZ OIL SPILL SETTLEMENT ACCOUNT
RESTORATION JOINT TRUST FUND**

Date	Item	Amount	Account Balance ¹ (Millions)
12/09/91	Exxon Payment	90.0	
12/09/91	Partial reimbursement directly to Governments for expenses. ²	(53.5)	
12/09/91	Remaining amount deposited in Joint Trust Fund.	36.5	36.5
05/21/91	1992 Work Plan authorized by Trustee Council and released by the Court for 03/01/92 through 09/30/92.	(12.9)	23.6
12/01/91	Exxon payment. ³	110.1	
12/01/91	Partial reimbursement to Governments for expenses. The amount of money taken for reimbursement in any given year will be limited by the amount of money needed for restoration in that year.	(53.5)	

¹The account earns interest. The dollar amounts shown do not include that interest.

²REIMBURSEMENT - The governments are reimbursing themselves under the terms of the settlement agreement. The specific language states: "The aggregate amount allocated for United States past response and clean-up costs and damage costs ... shall not exceed \$67 million, and the aggregate amount allocated for State past response and clean-up costs, damage assessment costs, and Litigation Costs incurred on or before March 12, 1991 ... shall not exceed \$75 million." "Additionally ... to reimburse or pay costs incurred by the United States or the State or both after March 12, 1991 to access injury resulting from the oil spill and to plan, implement, and monitor the restoration, rehabilitation, or replacement of natural resources, natural resource services, or archaeological sites and artifacts injured, lost or destroyed as a result of the oil spill, or the acquisition of equivalent resources or services."

³Paragraph 8(b) of the Decree requires Exxon to pay by December 1, 1992, an amount equal to \$150 million minus Exxon expenditures for Exxon Valdez oil spill clean-up activities in accordance with directions of the Federal On-Scene Coordinator. The Coast Guard approved a total distribution of \$39.9 million, making the total Exxon payment \$110.1 million.

12/01/92	Remaining amount deposited in Joint Trust Fund.	56.6	80.2
	1993 Work Plan (10/01/92 - 09/30/92).	(44.1)	36.1
	Approved by Trustee Council pending petition to Court.	6.5	
	Pending review and approval by Trustee Council - proposals submitted for public review. ⁴	37.6	

⁴Some portion of this amount will be approved. Final action has not been taken by the Trustee Council pending Public Advisory Group recommendations and Trustee Council deliberations scheduled for 12/11/92.

BARRY M. HARTMAN
Acting Assistant Attorney General
Environment & Natural Resources
Division

~~Lodge~~
SEP 30 1991

STUART M. GERSON
Assistant Attorney General
Civil Division
U.S. Department of Justice
Washington, D.C. 20530

EILED

OCT 09 1991

Attorneys for Plaintiff United States of America

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

CHARLES E. COLE
Attorney General
State of Alaska
Pouch K
Juneau, Alaska 99811

Attorney for Plaintiff State of Alaska

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

UNITED STATES OF AMERICA,
Plaintiff,

v.

EXXON CORPORATION, EXXON SHIPPING
COMPANY, and EXXON PIPELINE COMPANY,
in personam, and the T/V
EXXON VALDEZ, in rem,
Defendants.

Civil Action No.
A91-082 CIV

STATE OF ALASKA,
Plaintiff,

v.

EXXON CORPORATION, and EXXON
SHIPPING COMPANY,
Defendants.

Civil Action No.
A91-083 CIV

AGREEMENT AND CONSENT
DECREE

AUSA 111

AGREEMENT AND CONSENT DECREE

This Agreement and Consent Decree (the "Agreement") is made and entered into by the United States of America and the State of Alaska ("State") (collectively referred to as the "Governments"), Exxon Corporation and Exxon Shipping Company ("Exxon Shipping") (collectively referred to, together with the T/V EXXON VALDEZ, as "Exxon"), and Exxon Pipeline Company ("Exxon Pipeline").

Introduction

On the night of March 23-24, 1989, the T/V EXXON VALDEZ, owned by Exxon Shipping, went aground on Bligh Reef in Prince William Sound, Alaska. As a result of the grounding, several of the vessel's cargo tanks ruptured and approximately 11 million gallons of crude oil owned by Exxon Corporation spilled into Prince William Sound (the "Oil Spill").

The State has filed an action in the Superior Court for the State of Alaska, Third Judicial District, arising from the Oil Spill, identified as State of Alaska v. Exxon Corporation, et al., Civil No. 3AN-89-6852 ("State Court Action"), and Exxon has asserted counterclaims against the State in that action.

On March 13, 1991 and March 15, 1991, respectively, the United States and the State each filed a complaint in this Court against Exxon and Exxon Pipeline, asserting civil claims relating to or arising from the Oil Spill ("Federal Court Complaints"). Exxon and Exxon Pipeline have asserted counterclaims against the

United States and the State in their responses to the Federal Court Complaints.

The United States and the State represent that it is their legal position that only officials of the United States designated by the President and state officials designated by the Governors of the respective states are entitled to act on behalf of the public as trustees of Natural Resources to recover damages for injury to Natural Resources arising from the Oil Spill under Section 311(f) of the Clean Water Act, 33 U.S.C. § 1321(f).

Exxon represents that, during the period from the Oil Spill through August, 1991, it expended in excess of \$2.1 billion for clean-up activities and reimbursements to the federal, State, and local governments for their expenses of response to the Oil Spill.

The Parties recognize that the payments called for in this Agreement are in addition to those described above, are compensatory and remedial in nature, and are made to the Governments in response to their pending or potential civil claims for damages or other civil relief against Exxon and Exxon Pipeline arising from the Oil Spill.

NOW, THEREFORE, the Parties agree, and it is hereby ORDERED, ADJUDGED, AND DECREED as follows:

Jurisdiction

1. The Court has jurisdiction over the subject matter of the claims set forth in the Federal Court Complaints and over the parties to this Agreement pursuant to, among other authorities,

28 U.S.C. §§ 1331, 1333 and 1345, and section 311(f) of the Clean Water Act, 33 U.S.C. § 1321(f). This Court also has personal jurisdiction over Exxon and Exxon Pipeline, which, solely for the purposes of this Agreement, waive all objections and defenses that they may have to the jurisdiction of the Court or to venue in this District.

Parties

2. "United States" means the United States of America, in all its capacities, including all departments, divisions, independent boards, administrations, natural resource trustees, and agencies of the federal government.

3. "State" means the State of Alaska, in all its capacities, including all departments, divisions, independent boards, administrations, natural resource trustees, and agencies of the state government.

4. "Exxon" means Exxon Corporation, a New Jersey corporation, Exxon Shipping Company, a Delaware corporation, and the T/V EXXON VALDEZ, Official Number 692966 (now the T/V EXXON MEDITERRANEAN).

5. "Exxon Pipeline" means Exxon Pipeline Company, a Delaware corporation.

Definitions

6. Whenever the following capitalized terms are used in this Agreement, they shall have the following meanings:

(a) "Alyeska" means Alyeska Pipeline Service Company, a

Delaware corporation, its shareholders and owner companies, and its present and former shareholder representatives.

(b) The "TAPL Fund" means the Trans-Alaska Pipeline Liability Fund, a federally chartered corporation organized and existing under the laws of the State of Alaska.

(c) "Natural Resources" means land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the fishery conservation zone established by the Magnuson Fishery Conservation and Management Act of 1976, 16 U.S.C. §§ 1801 et seq.), the State, or both the United States and the State.

(d) "Natural Resource Damages" means compensatory and remedial relief recoverable by the Governments in their capacity as trustees of Natural Resources on behalf of the public for injury to, destruction of, or loss of any and all Natural Resources resulting from the Oil Spill, whether under the Clean Water Act, 33 U.S.C. §§ 1251, et seq., the Trans-Alaska Pipeline Authorization Act, 43 U.S.C. §§ 1651, et seq., or any federal or state statute or maritime or common law relating to the environment, including (1) costs of damage assessment, (2) compensation for loss, injury, impairment, damage or destruction of Natural Resources, whether temporary or permanent, or for loss of use value, non-use value, option value, amenity value, bequest value, existence value, consumer surplus, economic rent, or any

similar value of Natural Resources, and (3) costs of restoration, rehabilitation or replacement of injured Natural Resources or the acquisition of equivalent resources.

(e) "Party" or "Parties" means Exxon, Exxon Pipeline, the United States, and the State, or any of them.

(f) "Trustees" means the Secretaries of the U.S. Departments of Agriculture and the Interior, the Administrator of the National Oceanic and Atmospheric Administration, U.S. Department of Commerce, the Alaska Attorney General, and the Commissioners of the Alaska Departments of Environmental Conservation and Fish and Game.

(g) The "Oil Spill" means the occurrence described in the first paragraph of the Introduction above, and all consequences proximately caused by or arising from the Oil Spill, including, without limitation, response, cleanup, damage assessment and restoration activities.

(h) "Effective Date" shall mean the earliest date on which all Parties have signed this Agreement.

(i) "Final Approval" shall mean the earliest date on which all of the following have occurred: (1) the Court has approved and entered the Agreement as a judgment, without modification and without interpreting a material term of the Agreement, prior to or at the time of approval, in a manner inconsistent with the Parties' intentions; and (2) the time for appeal from that judgment has expired without the filing of an appeal, or the judgment has been upheld on appeal and either the

time for further appeal has expired without the filing of a further appeal or no further appeal is allowed.

Effect of Entry of Decree by Court

7. Upon approval and entry of this Agreement by the District Court, this Agreement and Consent Decree shall constitute a final judgment between the Governments and Exxon and Exxon Pipeline in accordance with its terms.

Payment Terms

8. Exxon shall pay to the Governments pursuant to this Agreement a total of \$900 million, discharged as follows:

(a) Exxon shall pay, within 10 days after the Effective Date, \$90,000,000.

(b) Exxon shall pay on December 1, 1992 the amount determined by the following formula:

amount payable = \$150,000,000 minus X, where
"X" equals Exxon's expenditures for work done from January 1, 1991 through March 12, 1991, in preparation for and conduct of clean-up of the Oil Spill in accordance with directions of the Federal On-Scene Coordinator, up to a maximum of \$4,000,000, plus Expenditures made by Exxon for clean-up work after March 12, 1991 in accordance with Paragraph 11; provided that all such Expenditures shall be subject to audit by the Governments.

(c) Exxon shall pay each of the amounts specified in the following schedule by the dates set forth in that schedule:

September 1, 1993	\$100,000,000
September 1, 1994	\$ 70,000,000
September 1, 1995	\$ 70,000,000
September 1, 1996	\$ 70,000,000
September 1, 1997	\$ 70,000,000
September 1, 1998	\$ 70,000,000
September 1, 1999	\$ 70,000,000
September 1, 2000	\$ 70,000,000
September 1, 2001	\$ 70,000,000

(d) The payments required by this paragraph shall be made as directed jointly in writing, not less than 5 business days before the due date, by the Assistant Attorney General, Environment & Natural Resources Division, United States Department of Justice, and the Attorney General, State of Alaska.

9. If Final Approval has not occurred by the date a payment required under Paragraph 8 is due, Exxon shall, on or before that date, deposit the amount of the payment into an interest-bearing trust account (the "Escrow") in a federally chartered bank ("Escrow Agent)". The Escrow agreement between Exxon and the Escrow Agent shall provide that the Escrow Agent shall submit to the jurisdiction and venue of the United States District Court for the District of Alaska in connection with any litigation arising out of that Escrow agreement. Exxon shall notify the Governments promptly in writing of any deposit of a payment due under this Agreement into the Escrow. Upon Final Approval and within five (5) business days of receipt of written instructions as to payment signed jointly by the Assistant Attorney General, Environment & Natural Resources Division, United States Department of Justice, and the Attorney General, State of Alaska, Exxon shall require that a sum be paid to the Governments equal

to all amounts required to be paid into the Escrow pursuant to this paragraph together with an amount calculated by applying to each deposit a rate equal to the average daily yield on three-month Treasury Bills in effect while the funds are on deposit. "The average daily yield on three-month Treasury Bills" means the arithmetic mean of the three-month Treasury Bill rates, as quoted in the H.15 (519) weekly release published by the Board of Governors of the Federal Reserve System under the caption "U.S. Government Securities/Treasury Bills/Secondary Market," multiplied by the actual number of days of such deposit divided by 360. For the purposes of calculating such arithmetic mean, each Saturday, Sunday and holiday shall be deemed to have a rate equal to the rate for the immediately preceding business day. If the earnings accrued on the Escrow are insufficient to make the payment to Governments required by this paragraph and to pay the reasonable fees and expenses of the Escrow Agent, Exxon shall pay the difference so that such amounts will be paid in full. No amount shall be disbursed from the Escrow for any reason, except to make the payment required by this paragraph or to pay reasonable fees and expenses of the Escrow Agent and, after the foregoing payments, to close out the Escrow, unless any Party terminates the Agreement pursuant to Paragraph 37. If the Agreement is terminated, all sums in the Escrow shall be returned to Exxon.

10. As agreed to between the Governments, without any consultation with or participation by Exxon or Exxon Pipeline,

the amounts paid under Paragraphs 8 or 9 shall be applied by the Governments solely for the following purposes: (1) to reimburse the United States and the State for response and clean-up costs incurred by either of them on or before December 31, 1990 in connection with the Oil Spill; (2) to reimburse the United States and the State for natural resource damages assessment costs (including costs of injury studies, economic damages studies, and restoration planning) incurred by either of them on or before March 12, 1991 in connection with the Oil Spill; (3) to reimburse the State for attorneys fees, experts' fees, and other costs (collectively, "Litigation Costs") incurred by it on or before March 12, 1991 in connection with litigation arising from the Oil Spill; (4) to reimburse the United States and the State for response and clean-up costs incurred by either of them after December 31, 1990 in connection with the Oil Spill; and (5) to reimburse or pay costs incurred by the United States or the State or both after March 12, 1991 to assess injury resulting from the Oil Spill and to plan, implement, and monitor the restoration, rehabilitation, or replacement of Natural Resources, natural resource services, or archaeological sites and artifacts injured, lost, or destroyed as a result of the Oil Spill, or the acquisition of equivalent resources or services; and (6) to reimburse the State for reasonable Litigation Costs incurred by it after March 12, 1991. The aggregate amount allocated for United States past response and clean-up costs and damage assessment costs (under items 1 and 2 above) shall not exceed \$67

million, and the aggregate amount allocated for State past response and clean-up costs, damage assessment costs, and Litigation Costs incurred on or before March 12, 1991 (under items 1-3 above) shall not exceed \$75 million. The amounts allocated for State Litigation Costs incurred after March 12, 1991 (under item 6 above) shall not exceed \$1 million per month. The Governments represent that the monies paid by Exxon to the Governments pursuant to this Agreement will be allocated, received, held, and used in accordance with the Memorandum of Agreement and Consent Decree between the United States and the State of Alaska ("MOA"), which this Court entered on August 28, 1991, in United States v. State of Alaska, Civil Action No. A91-081 CV. This paragraph and the MOA do not create any rights in, or impose any obligations on, Exxon, Exxon Pipeline, Alyeska, or any other person or entity except the Governments.

Commitment by Exxon to Continue Clean-up

11. (a) Exxon shall continue clean-up work relating to the Oil Spill after the Effective Date, as directed by and in accordance with the directions of the Federal On-Scene Coordinator ("FOSC"), subject to prior approval by the FOSC of the costs of work directed by the FOSC. After the Effective Date, Exxon shall also perform any additional clean-up work directed by the State On-Scene Coordinator ("State OSC") that does not interfere or affirmatively conflict with work directed by the FOSC or with federal law, in accordance with the directions of, and subject to prior approval of costs by, the

State OSC. If Exxon concludes that work directed by the State OSC would interfere or affirmatively conflict with work directed by the FOSC, or with federal law, it shall promptly notify the State OSC and the FOSC of the potential conflict and shall not be required to proceed with the work directed by the State OSC until the FOSC or the Court determines that there is no conflict or that any potential conflict has been eliminated, and directs Exxon how to proceed. Exxon should have no liability to any person or entity, including the Governments, by reason of undertaking clean-up work performed in accordance with directions of the FOSC or the State OSC.

(b) Upon Final Approval, Exxon shall have no further obligations with respect to clean-up of the Oil Spill except as set forth in this Agreement and in addition Exxon shall be entitled to a credit, to be applied to the next payment due from Exxon to the Governments, as provided in subparagraph 8(b), for all Expenditures incurred by Exxon for clean-up work pursuant to directions of the FOSC or the State OSC in accordance with subparagraph 11(a). As used in this paragraph, and in subparagraph 8(b) and Paragraph 12, "Expenditures" shall include, without limitation, costs and obligations incurred for salary, wages, benefits, and expenses of Exxon employees, for contractors, for equipment purchase and rental, for office and warehouse space, and for insurance, accounting, and other professional services.

12. If this Agreement is terminated pursuant to Paragraph 37 below, or if a final judicial determination is made that this Agreement will not be approved and entered, Exxon shall be entitled to set off against any liability it may have to either Government arising from the Oil Spill the amount of any Expenditures made by Exxon for clean-up work directed by the FOSC or the State OSC under Paragraph 11(a), if the work meets the following criteria:

(a) if total Expenditures incurred by Exxon for clean-up after the Effective Date are \$35 million or less, Expenditures for work shall be set-off if Exxon shows both --

(1) that based on the information available at the time to the FOSC or State OSC who directed the work, the anticipated cost of the work was grossly disproportionate to the net environmental benefits reasonably anticipated from the work, or the work could not reasonably have been expected to result in a net environmental benefit; and

(2) that a reasonable time before beginning to perform the work, Exxon submitted a written objection to the work to the FOSC or State OSC who directed the work, requesting reconsideration of the work directions on one of the grounds set forth in subparagraph 12(a)(1) above; or

(b) if total Expenditures by Exxon for clean-up after the Effective Date exceed \$35 million, Expenditures for work shall be set-off unless the Government or Governments against

which Exxon is seeking to assert the set-off provided by this paragraph show that, based on the information available at the time to the FOSC or State OSC who directed the work, the work was reasonably expected to result in a net environmental benefit, and the anticipated cost of the work was not substantially out of proportion to the net environmental benefit reasonably anticipated from the work.

Releases and Covenants Not to Sue by the Governments

13. Effective upon Final Approval, the Governments release and covenant not to sue or to file any administrative claim against Exxon with respect to any and all civil claims, including claims for Natural Resource Damages, or other civil relief of a compensatory and remedial nature which have been or may be asserted by the Governments, including without limitation any and all civil claims under all federal or state statutes and implementing regulations, common law or maritime law, that arise from, relate to, or are based on, or could in the future arise from, relate to, or be based on: (1) any of the civil claims alleged in the pending action against Exxon by the State in the State Court Action, (2) any of the civil claims asserted in the Federal Court Complaints, or (3) any other civil claims that could be asserted by either or both of the Governments against Exxon relating to or arising from the Oil Spill; provided, however, that nothing in this Agreement shall affect or impair the following:

(a) claims by either Government to enforce this Agreement, including without limitation Exxon's agreement to make additional payments as set forth in Paragraphs 17-19;

(b) claims by the State for tax revenues which would have been or would be collected under existing AS 43.75 (Fisheries Business Tax) but for the Oil Spill, provided that, if the State obtains a judgment for such a claim against Exxon or Exxon Pipeline, the State will enforce against Exxon or Exxon Pipeline only that part of the judgment that would be refunded to local governments under AS 43.75.130 had the amount recovered been paid as taxes under AS 43.75;

(c) exclusively private claims, if any, by Alaska Native Villages and individual Alaska Natives, other than claims for Natural Resource Damages, seeking damages for private harms to Native subsistence well being, community, culture, tradition and way of life resulting from the Oil Spill, including private claims for private harms to Alaska Native Villages and individual Alaska Natives resulting from the impairment, destruction, injury or loss of Natural Resources caused by the Oil Spill and any other exclusively private claims that are available to Alaska Native Villages and individual Alaska Natives; and

(d) exclusively private claims, if any, by Alaska Native Corporations, other than claims for Natural Resource Damages, seeking damages for private harms resulting from injuries caused by the Oil Spill to lands in which a Native Corporation holds any present right, title, or interest, including private claims for

lost or diminished land values, for preservation, protection and restoration of archaeological or cultural resources and archaeological sites found on the lands described in this subparagraph, for private harms resulting from injuries to Natural Resources found on lands described in this subparagraph, for impairment of riparian or littoral rights, if any, and any other claims that are available to Alaska Native Corporations as private landowners; provided, however, that such claims shall not include any claims based upon injuries to tidelands or submerged lands.

14. Effective upon Final Approval, except insofar as Exxon Pipeline is liable to the Governments, or either of them, for claims relating to or arising from the Oil Spill as a result of its ownership interest in, participation in, or responsibility for Alyeska, each of the Governments provides to Exxon Pipeline covenants not to sue identical to the covenants not to sue provided to Exxon in Paragraph 13. This paragraph shall not be construed as a release or covenant not to sue given by either Government to Alyeska.

15. Effective upon the Effective Date, each of the Governments covenants not to sue any present or former director, officer, or employee of Exxon or Exxon Pipeline with respect to any and all civil claims, including Natural Resource Damages, or other civil remedies of a compensatory or remedial nature which have been or may be asserted by the Governments, including without limitation any and all civil claims under all federal or

state statutes and implementing regulations, common law or maritime law, that arise from, relate to, or are based on, or could in the future arise from, relate to, or be based on the Oil Spill; provided, however, that if any such present or former director, officer, or employee brings any action against the Governments, or either of them, for any claim whatsoever arising from or relating to the Oil Spill (or if an action against the Governments is pending at the time of Final Approval, and the director, officer, or employee fails to dismiss the action within 15 days of Final Approval), this covenant not to sue shall be null and void with respect to the director, officer, or employee bringing such action. In the event either Government obtains a judgment against any present or former director, officer, or employee of Exxon or Exxon Pipeline for liability relating to or arising from the Oil Spill, the Governments shall enforce the judgment only to the extent that the individual or individuals against whom the judgment was obtained are able to satisfy the judgment, without indemnification by Exxon or Exxon Pipeline, personally or through insurance policies purchased by the individual or individuals.

16. (a) Not later than 15 days after Final Approval, each of the claims asserted by the State against Exxon and Exxon Pipeline, except for the claim described in Paragraph 13(d) of this Agreement, and each of the claims asserted by Exxon or Exxon Pipeline against the State, in the State Court Action will be dismissed with prejudice and without an award of costs or

attorneys fees to any Party. Exxon, Exxon Pipeline, and the State shall enter into and execute all Stipulations of Dismissal, with prejudice, necessary to implement this subparagraph.

(b) Not later than 15 days after Final Approval, each of the claims asserted by the United States and the State against Exxon or Exxon Pipeline in the Federal Court Complaints, except for the claim described in Paragraph 13(d) of this Agreement, each of the counterclaims asserted by Exxon and Exxon Pipeline against the United States or the State in their responses to the Federal Court Complaints, shall be dismissed with prejudice and without an award of costs or attorneys fees to any Party. Exxon, Exxon Pipeline, the United States, and the State shall enter into and execute all Stipulations of Dismissal, with prejudice, necessary to implement this subparagraph.

(c) Each of the claims asserted by Exxon against the Governments or their officials in Exxon Shipping Company, et al. v. Lujan, et al., Civil Action No. A91-219 CIV (D. Alaska) ("Lujan") shall be dismissed with prejudice, and without an award of attorneys fees or costs to any Party, not later than 5 days after United States District Court approval of any agreement(s) between the Governments and the non-Government defendants in Lujan under which all of the non-Government defendants disclaim any right to recover Natural Resource Damages.

Reopener For Unknown Injury

17. Notwithstanding any other provision of this Agreement, between September 1, 2002, and September 1, 2006, Exxon shall pay

to the Governments such additional sums as are required for the performance of restoration projects in Prince William Sound and other areas affected by the Oil Spill to restore one or more populations, habitats, or species which, as a result of the Oil Spill, have suffered a substantial loss or substantial decline in the areas affected by the Oil Spill; provided, however, that for a restoration project to qualify for payment under this paragraph the project must meet the following requirements:

- (a) the cost of a restoration project must not be grossly disproportionate to the magnitude of the benefits anticipated from the remediation; and
- (b) the injury to the affected population, habitat, or species could not reasonably have been known nor could it reasonably have been anticipated by any Trustee from any information in the possession of or reasonably available to any Trustee on the Effective Date.

18. The amount to be paid by Exxon for the restoration projects referred to in Paragraph 17 shall not exceed \$100,000,000.

19. The Governments shall file with Exxon, 90 days before demanding any payment pursuant to Paragraph 17, detailed plans for all such restoration projects, together with a statement of all amounts they claim should be paid under Paragraph 17 and all information upon which they relied in the preparation of the restoration plan and the accompanying cost statement.

Releases and Covenants Not To Sue by Exxon and Exxon Pipeline

20. Effective upon Final Approval, Exxon and Exxon Pipeline release, and covenant not to sue or to file any administrative claim against, each of the Governments and their employees with respect to any and all claims, including without limitation claims for Natural Resource Damages and cleanup costs, under federal or state statutes and implementing regulations, common law, or maritime law, that arise from, relate to, or are based on or could in the future arise from, relate to, or be based on: (1) any of the civil claims asserted by either of them against the State in the State Court Action, (2) any civil claims asserted by Exxon or Exxon Pipeline against either Government in their responses to the Federal Court Complaints, or (3) any other civil claims that have been or could be asserted by Exxon or Exxon Pipeline against either of the Governments relating to or arising from the Oil Spill, except that nothing in this Agreement shall affect or impair the rights of Exxon and Exxon Pipeline to enforce this Agreement. This paragraph shall not be construed as a release or covenant not to sue given by Alyeska (including its shareholders and owner companies other than Exxon Pipeline) to the Governments.

Trans-Alaska Pipeline Liability Fund

21. The release in Paragraph 20 shall not be construed to bar any claim by Exxon against the TAPL Fund relating to or arising from the Oil Spill. If the TAPL Fund asserts any claims against the Governments that are based upon subrogation rights arising

from any monies paid to Exxon or Exxon Pipeline by the TAPL Fund, Exxon agrees to indemnify and hold the Governments harmless from any liability that they have to the TAPL Fund based on such claims. If the TAPL Fund asserts any claims against the Governments that are based upon subrogation rights arising from any monies paid to Alyeska by the TAPL Fund, Exxon agrees to indemnify the Governments for 20.34% of any liability that either Government has to the TAPL Fund based on such claims.

Provisions Pertaining to Alyeska

22. Effective upon Final Approval, the Governments release and covenant not to sue Alyeska with respect to all claims for Natural Resource Damages and with respect to all other claims for damages for injury to Natural Resources, whether asserted or not, that either may have against Alyeska relating to or arising from the Oil Spill. If Alyeska asserts claims against the Governments, or either of them, that are based upon third party contribution or subrogation rights, or any other theory of recovery over against the Governments, or either of them, arising from any liability of or settlement payment by Alyeska to Exxon or Exxon Pipeline for any claims, including without limitation Natural Resource Damages and cleanup costs, relating to or arising from the Oil Spill, Exxon shall indemnify and hold the Governments harmless from any liability that the Governments have to Alyeska based on such claims.

23. In order to resolve as completely as practicable all civil claims of the Governments arising from the Oil Spill

against all Exxon Defendants, including Exxon Pipeline (which has a 20.34% participation in Alyeska), and in consideration of Exxon's obligations hereunder, the Governments agree that if either recovers any amount from Alyeska for any claim of any kind relating to or arising from the Oil Spill (such as asserted in the State Court Action against Alyeska), each Government so recovering shall instruct Alyeska to pay to Exxon, and shall take other reasonable steps to ensure that Exxon receives, 20.34% of the amount due to that Government from Alyeska.

24. Exxon and Exxon Pipeline agree that, if Alyeska receives any amount from the Governments for any claim of any kind relating to or arising from the Oil Spill, except for an amount indemnified by Exxon under Paragraph 22 or 25, Exxon and/or Exxon Pipeline shall promptly pay to the Government against which judgment is entered 20.34% of such amount.

25. If Alyeska successfully asserts claims, if any, against the Governments, or either of them, that are based upon Alyeska's own damages or losses, or upon third party contribution or subrogation rights, or other theories of recovery over, arising from Alyeska's liability to persons other than Exxon or Exxon Pipeline relating to the Oil Spill, Exxon shall indemnify the Governments for any sums paid by either of them to Alyeska based on such claims; provided that the Governments shall assert in good faith all defenses the Governments may have to such claims by Alyeska, and provided further that no indemnity shall be provided under this paragraph if the Governments refuse a good

faith proposal for a monetary settlement of such claims agreed to by Exxon and Alyeska, under which Alyeska shall fully release the Governments in exchange for a payment by or other consideration from Exxon, on behalf of the Governments, to Alyeska.

Third Party Litigation

26. (a) Except as provided in subparagraph (b) of this paragraph, if any person or entity not a party to this Agreement ("Third Party") asserts a claim relating to or arising from the Oil Spill in any present or future litigation against Exxon or Exxon Pipeline and the Governments, or against Exxon or Exxon Pipeline and either the United States or the State, each of the sued Parties ("Sued Parties") shall be responsible for and will pay its share of liability, if any, as determined by the proportional allocation of liability contained in any final judgment in favor of such Third Party, and no Sued Party shall assert a right of contribution or indemnity against any other Sued Party. However, notwithstanding any other provision of this Agreement, the Sued Parties may assert any claim or defense against each other necessary as a matter of law to obtain an allocation of liability among the Sued Parties in a case under this paragraph. Any such actions between the Sued Parties shall be solely for the purpose of allocating liability, if any. The Sued Parties shall not enforce any judgment against each other in such cases.

(b) If any person or entity, other than the TAPL Fund or Alyeska, asserts claims against the Governments, or either of

them, that are based upon contribution or indemnity or any other theory of recovery over against the Governments arising from any liability of or payment by said person or entity to Exxon or Exxon Pipeline relating to or arising from the Oil Spill, or based upon subrogation rights arising from any monies paid to Exxon or Exxon Pipeline, Exxon shall indemnify and hold the Governments harmless from any liability that the Governments have to such person or entity based on such claims. The foregoing indemnity (i) shall not be enforceable with respect to any amount in excess of value actually received by Exxon or Exxon Pipeline, and (ii) shall be enforceable only if the Governments assert in good faith all defenses they may have to such claims.

27. Neither Exxon nor Exxon Pipeline shall assert any right of contribution or indemnity against either Government in any action relating to or arising from the Oil Spill where that respective Government is not a party. Neither Government shall assert any right of contribution or indemnity against Exxon or Exxon Pipeline in any action relating to or arising from the Oil Spill where Exxon and Exxon Pipeline, respectively, are not parties, except that either Government may assert against Exxon the rights to indemnification as expressly provided in Paragraphs 21, 22, and 25.

28. Any liability which Exxon incurs as a result of a suit by a Third Party, as described in Paragraphs 26 or 27, shall not be attributable to or serve to reduce the payments required to be

paid by Exxon pursuant to Paragraph 8 or any additional payment required under Paragraph 17.

29. The Parties agree that they will not tender each other to any Third Party as direct defendants in any action pursuant to Rule 14(c) of the Federal Rules of Civil Procedure.

30. If a Third Party, which has previously reached or hereafter reaches a settlement with Exxon, brings an action against the Governments, or either of them, the sued Government(s) shall undertake to apportion liability, if any, according to principles of comparative fault without the joinder of Exxon, and shall assert that joinder of Exxon is unnecessary to obtain the benefits of allocation of fault. Notwithstanding any other provision of this Agreement, if the court rejects the sued Government(s)' efforts to obtain a proportional allocation of fault without Exxon's joinder, the sued Government(s) may institute third-party actions against Exxon solely for the purpose of obtaining allocation of fault. The Governments in such third-party actions shall not enforce any judgment against Exxon.

Interest for Late Payments

31. If any payment required by Paragraphs 8 or 9 of this Agreement is not made by the date specified in those Paragraphs, Exxon shall be liable to the Governments for interest on the overdue amount(s), from the time payment was due until full payment is made, at the rate established by the Department of the Treasury under 31 U.S.C. § 3717(a)(1) & (2). Interest on an

overdue payment shall be paid in the same manner as the payment on which it accrued.

Reservations of Rights

32. This Agreement does not constitute an admission of fact or law, or of any liability, by any Party to this Agreement. Except as expressly stated in this Agreement, each Party reserves against all persons or entities all rights, claims, or defenses available to it relating to or arising from the Oil Spill. Nothing in this Agreement, however, is intended to affect legally the claims, if any, of any person or entity not a Party to this Agreement.

33. Nothing in this Agreement creates, nor shall it be construed as creating, any claim in favor of any person not a Party to this Agreement.

34. Nothing in this Agreement shall prevent or impair the Governments from providing program assistance or funding to those not signatories to this Agreement under the programs of their agencies pursuant to legislative authorization or appropriation.

35. Nothing in this Agreement shall affect or impair any existing contract between Exxon or Exxon Pipeline and any entity of either Government, including without limitation the agreement between Exxon and the Environmental Protection Agency dated December 21, 1990, relating to joint conduct of bioremediation studies.

Notices and Submittals

36. Whenever, under the terms of this Consent Decree, written notice is required to be given by one Party to another, it shall be directed to the individuals and addresses specified below, unless those individuals or their successors give notice of changes to the other Parties in writing.

As to the United States:

Chief, Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
10th and Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Attn. DOJ #90-5-1-1-3343

Chief, Admiralty and Aviation Branch
Civil Division
U.S. Department of Justice
601 D Street, N.W.
Washington, D.C. 20530

General Counsel
National Oceanic and Atmospheric Administration
Department of Commerce
14th & Constitution Avenue, N.W.
Washington, D.C. 20230

As to the State of Alaska:

Attorney General
State of Alaska
Pouch K
Juneau, Alaska 99811

Supervising Attorney
Oil Spill Litigation Section
Department of Law
1031 W. Fourth Street, Suite 200
Anchorage, Alaska 99501

As to Exxon Corporation:

Office of the Secretary
Exxon Corporation
225 E. John W. Carpenter Fwy.
Irving, Texas 75062-2298

General Counsel
Exxon Corporation
225 E. John W. Carpenter Fwy.
Irving, Texas 75062-2298

As to Exxon Shipping Company:

Office of the President
Exxon Shipping Company
P.O. Box 1512
Houston, Texas 77251-1512

As to Exxon Pipeline:

Office of the President
Exxon Pipeline Company
P.O. Box 2220
Houston, Texas 77252-2220

Election to Terminate

37. Any Party may elect to terminate this Agreement if:

(1) any court of competent jurisdiction disapproves or overturns any plea agreement entered into between the United States and Exxon in United States v. Exxon Shipping Co., No. A90-015 CR (D. Alaska); (2) a final judicial determination is made by such court that this Agreement will not be approved and entered without modification; or (3) such court modifies this Agreement in a manner materially adverse to that Party, or interprets a material provision of this Agreement in a manner inconsistent with the Parties' intentions, prior to or contemporaneously with a final judicial determination approving the Agreement as modified. A Party electing to terminate this Agreement pursuant to this paragraph must do so within 10 days after an event specified in the preceding sentence, and shall immediately notify the other Parties of such election in writing by hand delivery, facsimile,

or overnight mail. Termination of this Agreement by one Party shall effect termination as to all Parties. For purposes of this paragraph, "termination" and "terminate" shall mean the cessation, as of the date of notice of such termination, of any and all rights, obligations, releases, covenants, and indemnities under this Agreement, provided, that termination shall not affect or impair Exxon's rights to obtain return of any deposits made into the Escrow pursuant to the final sentence of Paragraph 9, and provided further, that the provisions of Paragraphs 11 and 12, relating to clean-up, shall continue in effect notwithstanding any termination.

Retention of Jurisdiction

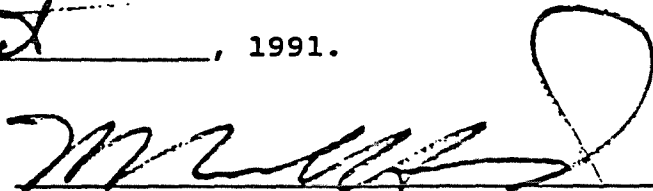
38. The Court shall retain jurisdiction of this matter for the purpose of entering such further orders, direction, or relief as may be appropriate for the construction, implementation, or enforcement of this Agreement.

Miscellaneous

39. This Agreement can be modified only with the express written consent of the Parties to the Agreement and the approval of the Court.

40. Each undersigned representative of a Party to this Agreement certifies that he or she is fully authorized to enter into the terms and conditions of this Agreement and to execute and legally bind such Party to this Agreement.

THE FOREGOING Agreement and Consent Decree among plaintiffs the United States of America and the State of Alaska and defendants Exxon Corporation, Exxon Shipping Company, Exxon Pipeline Company, and the T/V EXXON VALDEZ, is hereby APPROVED AND ENTERED THIS 8 DAY OF Oct, 1991.



Honorable H. Russel Holland
United States District Judge
District of Alaska

cc: O&J 4461
C. Flynn (BURR)
J. Bottini (AUSA)
J. Clough
D. Serdahely (BOGLE)
R. Weddle (FAULKNER)

[Agreement and Consent Decree in United States v. EXXON Corporation, et al. (D. Alaska)]

FOR THE UNITED STATES OF AMERICA

Date: Sept. 25, 1991

Barry M. Hartman
BARRY M. HARTMAN
Acting Assistant Attorney General
Environment and Natural Resources
Division
U.S. Department of Justice
Washington, D.C. 20530

Date: Sept. 24, 1991

Stuart M. Gerson
STUART M. GERSON
Assistant Attorney General
Civil Division
U.S. Department of Justice
Washington, D.C. 20530

FOR THE STATE OF ALASKA

Date: Sept. 25, 1991

Charles E. Cole
CHARLES E. COLE
Attorney General and Lead State
Trustee
State of Alaska
Pouch K
Juneau, Alaska 99811

[Agreement and Consent Decree in United States v. Exxon Corporation, et al. (D. Alaska)]

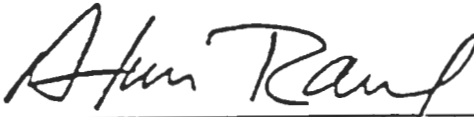
Date: _____


WALTER J. HICKEL
Governor
State of Alaska

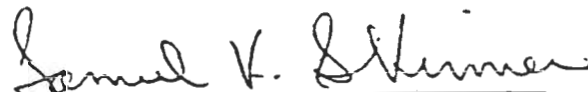
Date: _____


THOMAS L. SANSONETTI, Solicitor
U.S. Department of the Interior


Date: _____


ALAN CHARLES RAUL, General Counsel
U.S. Department of Agriculture

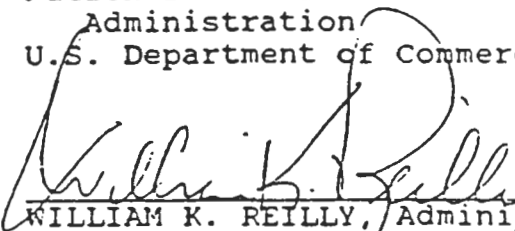
Date: _____


SAMUEL K. SKINNER, Secretary
U.S. Department of Transportation

Date: _____


THOMAS A. CAMPBELL, General Counsel
National Oceanic and Atmospheric
Administration
U.S. Department of Commerce

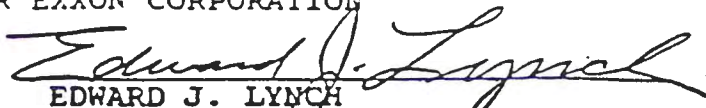
Date: _____


WILLIAM K. REILLY, Administrator
U.S. Environmental Protection
Agency

[Agreement and Consent Decree in United States v. Exxon Corporation, et al. (D. Alaska)]

FOR EXXON CORPORATION

Dated: Sept 25, 1991




EDWARD J. LYNCH
Associate General Counsel
Exxon Corporation
225 E. John W. Carpenter Freeway
Irving, Texas 75062-2298

Dated: Sept. 25, 1991



PATRICK LYNCH
O'Melveny & Myers
400 South Hope Street
Los Angeles, CA 90071

Dated: _____


JOHN F. CLOUGH III
Clough & Associates
431 North Franklin Street, Suite 202
Juneau, Alaska 99801

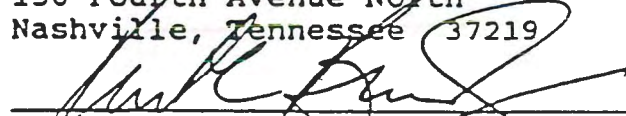
FOR EXXON SHIPPING COMPANY and T/V EXXON VALDEZ

Dated: 9/25/91



JAMES F. NEAL
Neal & Harwell
2000 One Nashville Place
150 Fourth Avenue North
Nashville, Tennessee 37219

Dated: _____



ROBERT C. BUNBY
Bogle & Gates
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Anchorage, Alaska 99501

FOR EXXON PIPELINE COMPANY

Dated: 9-25-91



JOHN R. REBMAN
Attorney for Exxon Pipeline Company
P.O. Box 2180
Houston, Texas 77252-2180

Dated: _____



RANDALL J. WEDDLE
Faulkner, Banfield, Doogan & Holmes
550 West 7th Avenue, Suite 1000
Anchorage, Alaska 99501

RECEIVED

AUG 29 1991

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AUG 28 1991

BARRY M. HARTMAN
Acting Assistant Attorney General
Environment & Natural Resources
Division

Office of
United States Attorney
Anchorage, Alaska

FILED

STUART M. GERSON
Assistant Attorney General
Civil Division
U.S. Department of Justice
Washington, D.C. 20530

AUG 29 1991

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

ppp Deputy

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(907) 465-3600

Attorney for the State of Alaska

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
STATE OF ALASKA,)
)
Defendant and)
Counterclaimant.)

Civil Action No.
A91-081 CV

MEMORANDUM OF AGREEMENT AND CONSENT DECREE

This Memorandum of Agreement and Consent Decree (MOA) is made and entered into by the United States of America (United States)

and the State of Alaska (State) (collectively referred to as the Governments).

INTRODUCTION

WHEREAS, Section 311 of the Clean Water Act, 33 U.S.C. § 1321, establishes liability to the United States and to States for injury, loss, or destruction of natural resources resulting from the discharge of oil or the release of hazardous substances or both and provides for the appointment of State and Federal Trustees;

WHEREAS, the United States and the State are trustees and/or co-trustees for natural resources injured, lost or destroyed as a result of the EXXON VALDEZ Oil Spill (Oil Spill);

WHEREAS, Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9607, the National Contingency Plan, 40 C.F.R. § 300.615(a), and the Natural Resource Damage Assessment Regulations, 43 C.F.R. § 11.32(a)(1)(ii), provide a framework for and encourage the state and federal trustees to cooperate with each other in carrying out their responsibilities for natural resources;

WHEREAS, the Secretaries of the United States Departments of the Interior and Agriculture and the Administrator of the National Oceanic and Atmospheric Administration (NOAA), a bureau of the United States Department of Commerce, have been designated trustees (the Federal Trustees) for purposes of the Clean Water Act, 33 U.S.C. § 1321, and CERCLA, 42 U.S.C. § 9607, and otherwise have statutory responsibilities related to the natural

resources injured, lost or destroyed as a result of the Oil Spill, and the United States Environmental Protection Agency (EPA) has been designated by the President of the United States to coordinate restoration activities on behalf of the United States;

WHEREAS, the Commissioners of the State Departments of Environmental Conservation and Fish and Game and the Attorney General of the State of Alaska have been designated trustees for purposes of the Clean Water Act, 33 U.S.C. § 1321, and CERCLA, 42 U.S.C. § 9607, and otherwise have statutory responsibilities relating to the natural resources injured, lost or destroyed as a result of the Oil Spill;

WHEREAS, the United States Coast Guard, an agency of the United States Department of Transportation, is the predesignated Federal On-Scene Coordinator (FOSC) to direct response efforts and to coordinate all other efforts at the scene of the Oil Spill, pursuant to the Clean Water Act, 33 U.S.C § 1321, and the National Contingency Plan, 40 C.F.R. § 300, and is coordinating its efforts with the Federal Trustees in accordance with the National Contingency Plan;

WHEREAS, the State Department of Environmental Conservation is the State On-Scene Coordinator (SOSC) to direct containment and cleanup of discharged oil pursuant to AS 46.04.020;

WHEREAS, the United States Department of Justice (Justice) and the Department of Law for the State of Alaska (Law) have constitutional and statutory responsibility for litigation

management and specifically for prosecuting claims for damages for injury, loss or destruction to the natural resources affected by the Oil Spill;

WHEREAS, all of the above state and federal entities have determined that it is in furtherance of their statutory and trust responsibilities to ensure that all injuries, loss or destruction to state and federal natural resources are fully compensated and to ensure that such compensation is used in accordance with law;

WHEREAS, the United States has brought this action against the State, and the State has asserted counterclaims in this action against the United States, with respect to their respective shares in any recoveries for compensation for natural resource damages resulting from the Oil Spill;

WHEREAS, recognizing their mutual desire to maximize the funds available for restoration of natural resources, the United States and the State have determined that entering into this MOA is the most appropriate way to resolve their claims against one another in this action, and that the terms of this MOA are in the public interest and will best enable them to fulfill their duties as trustees to assess injuries and to restore, replace, rehabilitate, enhance, or acquire the equivalent of the natural resources injured, lost, or destroyed as a result of the Oil Spill;

NOW THEREFORE, in consideration of their mutual promises, the United States, acting through the United States Departments of the Interior, Agriculture, Transportation, and Justice, NOAA, and

EPA, and the State of Alaska, acting through the State Departments of Fish and Game, Environmental Conservation, and Law (together "the Governments") have agreed to the following terms and conditions, which shall be binding on both Governments, it is hereby ORDERED, ADJUDGED, AND DECREED as follows:

I.

JURISDICTION

The Court has jurisdiction over the subject matter of the claims set forth in the United States' Complaint and in the State's Counterclaim and over the parties to this MOA pursuant to, among other authorities, 28 U.S.C. §§ 1331, 1333, and 1345, and section 311(f) of the Clean Water Act, 33 U.S.C. § 1321(f).

II.

DEFINITIONS

For purposes of this MOA, the following terms shall have the meanings specified in this paragraph:

A. "Base Allowed Expenses" means (1) reasonable, unreimbursed costs obligated or incurred by either the United States or the State on or before March 12, 1991, for the planning, conduct, evaluation, and coordination, and oversight of natural resource damage assessment and restoration pursued by the Governments with respect to the Oil Spill, and (2) reasonable, unreimbursed costs obligated or incurred by the State on or before March 12, 1991, for experts and counsel in connection with the preparation of the Oil Spill Litigation.

B. "CERCLA" means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. § 9601 et seq. as amended.

C. "Clean Water Act" means the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251-1376, as amended.

D. "Joint use" means use of natural resource damage recoveries by the Governments in such a manner as is agreed upon by the Governments in accordance with Article IV of this MOA.

E. "National Contingency Plan" means the National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. Part 300.

F. "Natural resources" means land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the fishery conservation zone established by the Magnuson Fishery Conservation and Management Act of 1976) and/or the State.

G. "Natural resource damage recovery" means any award, judgment, settlement or other payment to either Government which is received as a result of a claim or demand for Base Allowed Expenses or for damages for injury, destruction, or loss of natural resources arising from the Oil Spill and for costs incurred by the State for experts and counsel in connection with the Oil Spill Litigation. The term includes, without limitation, all recoveries upon claims for natural resource damages under the Clean Water Act, the Trans-Alaska Pipeline Authorization Act,

state and federal common law, state statutes, admiralty law, state and federal right-of-way lease covenants and any recoveries for natural resource damages obtained from or in connection with a civil proceeding or criminal restitution, unless the parties otherwise agree that criminal restitution recoveries can be separately managed by either government consistent with this MOA. The term also includes all interest accrued on any such recoveries. Natural resource damage recovery excludes any reimbursement or other recovery by either Government for response and cleanup costs, lost royalty, tax, license, or fee revenues, punitive damages, federal or state civil or criminal penalties, federal litigation costs and attorney fees.

H. "Oil Spill" means the grounding of the T/V EXXON VALDEZ on Bligh Reef in Prince William Sound, Alaska on the night of March 23-24, 1989, and the resulting oil spill.

I. "Oil Spill Litigation" means any past, present, or future civil judicial or administrative proceeding relating to or arising out of the Oil Spill.

J. "Response and cleanup costs" means actual, unreimbursed response and/or cleanup costs incurred by either Government in connection with the Oil Spill, as certified for payment by the Federal On-Scene Coordinator or the State On-Scene Coordinator.

K. "Restore" or "Restoration" means any action, in addition to response and cleanup activities required or authorized by state or federal law, which endeavors to restore to their pre-spill 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. Restoration includes all phases of injury assessment, restoration, replacement, and enhancement of natural resources, and acquisition of equivalent resources and services.

L. "Trustees" means the officials now or hereafter designated by the President of the United States and the Governor of the State of Alaska to act as trustees, for purposes of CERCLA and the Clean Water Act, of natural resources injured, lost or destroyed as a result of the Oil Spill.

III.

EFFECT OF ENTRY OF MOA

Upon approval and entry of this MOA by the Court, this MOA shall constitute a final judgment between the United States and Alaska in accordance with its terms. The MOA is entered for the sole and exclusive benefit of the Governments and does not create any rights or privileges in any other parties.

IV.

CO-TRUSTEESHIP

A. The Governments shall act as co-trustees in the collection and joint use of all natural resource damage recoveries for the benefit of natural resources injured, lost or destroyed as a result of the Oil Spill.

B. Nothing in this MOA shall be deemed an admission of law or fact by either Government concerning ownership, right, title,

or interest in or management or control authority over natural resources or the right to recover for injury to such resources. Except in matters concerning or relating to enforcement of this MOA, the Oil Spill Litigation, or the settlement of claims relating to the Oil Spill, the Governments agree that this MOA may not be used by one Government against the other for any reason.

C. Nothing in this MOA shall be construed to affect or impair in any manner the rights and obligations, if any, of any entities or persons not parties to this MOA, including without limitation:

1. The rights and obligations, if any, of Alaska Native villages to act as trustees for the purposes of asserting and compromising claims for injury to, destruction of, or loss of natural resources affected by the Oil Spill and expending any proceeds derived therefrom;

2. The rights and obligations, if any, of legal entities or persons other than the United States and the State who are holders of any present right, title, or interest in land or other property interest affected by the Oil Spill;

3. The rights and obligations, if any, of the United States relating to such Alaska Native villages and the entities or persons referred to in subparagraph 2 above.

V.

ORGANIZATION

A. General Provisions

1. All decisions relating to injury assessment, restoration activities, or other use of the natural resource damage recoveries obtained by the Governments, including all decisions regarding the planning, evaluation, and allocation of available funds, the planning, evaluation, and conduct of injury assessments, the planning, evaluation and conduct of restoration activities, and the coordination thereof, shall be made by the unanimous agreement of the Trustees. Such decisions, on the part of the Federal Trustees, shall be made in consultation with EPA.

2. The Governments shall cooperate in good faith to establish a joint trust fund for purposes of receiving, depositing, holding, disbursing and managing all natural resource damage recoveries obtained or received by the Governments. The joint trust fund shall be established in the Registry of the United States District Court for the District of Alaska or as otherwise determined by stipulation of the Governments and order of the court.

3. If the Trustees cannot reach unanimous agreement on a decision pursuant to paragraph A.1. of this Article, and either Government so certifies, either Government may resort to litigation in the United States District Court for the District of Alaska with respect to any such matter or dispute. At any time, the Governments may, by mutual agreement, submit any such

matter or dispute to non-binding mediation or other means of conflict resolution.

4. Within 90 days after their receipt of any natural resource damage recovery, the Trustees shall agree to an organizational structure for decision making under this MOA and shall establish procedures providing for meaningful public participation in the injury assessment and restoration process, which shall include establishment of a public advisory group to advise the Trustees with respect to the matters described in paragraph V.A.1.

B. Injury Assessment and Restoration Process

1. Nothing in this MOA limits or affects the right of each Government unilaterally to perform any natural resource injury assessment or restoration activity, in addition to the cooperative injury assessment and restoration process contemplated in this MOA, from funds other than natural resource damage recoveries as defined in paragraph G of Article II.

2. Nothing in this MOA constitutes an election on the part of either Government to adhere to or be bound by the Natural Resource Damage Assessment Regulations codified at 43 C.F.R. Part 11.

3. Nothing in this MOA shall prevent the President of the United States or the Governor of the State of Alaska from transferring, pursuant to applicable law, trustee status from one official to another official of their respective Governments; provided that, in no event shall either Government designate more

than three Trustees for the purposes of carrying out the provisions of this MOA. The designation of such substitute or successor Trustees by either Government shall not affect the enforceability of this MOA.

C. Role of the Environmental Protection Agency

The Governments acknowledge that the President has assigned to EPA the role of advising the Federal Trustees and coordinating, on behalf of the Federal Government, the long-term restoration of natural resources injured, lost or destroyed as a result of the Oil Spill.

VI.

DISTRIBUTION OF MONIES

A. Joint Use of Natural Resource Damage Recoveries

The Governments shall jointly use all natural resource damage recoveries for purposes of restoring, replacing, enhancing, rehabilitating or acquiring the equivalent of natural resources injured as a result of the Oil Spill and the reduced or lost services provided by such resources, except as provided in paragraph B of this Article. The Governments shall establish standards and procedures governing the joint use and administration of all such natural resource damage recoveries. Except as provided in paragraph B of this Article, all natural resource damage recoveries shall be placed in the joint trust fund for use in accordance with the terms and conditions of this MOA. Nothing in this MOA creates a right in or entitlement of

any person not a party to the MOA to share in any of the natural resource damage recoveries.

B. Reimbursement of Certain Expenses

1. The Governments agree that the following costs shall be advanced or reimbursed to each Government, at its election, out of any natural resource damage recoveries related to the Oil Spill and shall not be placed in the joint trust fund referred to in paragraph A: (1) Base Allowed Expenses; (2) reasonable unreimbursed costs jointly agreed upon by the Governments and incurred by either or both of them after March 12, 1991 for the planning, conduct, coordination, or oversight of natural resource damage assessment and restoration planning with respect to the Oil Spill or for restoration activities conducted under this MOA; and (3) other reasonable unreimbursed costs incurred by the State after March 12, 1991 for experts and counsel in connection with the Oil Spill Litigation provided that the total amount, in aggregate, deducted for such purposes shall not exceed \$1,000,000 per month and a total of \$40,000,000, and provided further that no such costs shall be deducted from any natural resource damages recovered as restitution in a criminal proceeding.

2. Solely for the purposes of the allocation of monies received by either or both of the Governments pursuant to any settlement(s) of the Governments' claims arising out of the Oil Spill, \$67 million shall be reimbursed to the United States for Base Allowed Expenses and for response and cleanup costs incurred by it before January 1, 1991, and \$75 million shall be reimbursed

to the State for Base Allowed Expenses and for response and cleanup costs incurred by it before January 1, 1991; provided that this subparagraph shall not affect or impair in any way the rights of either Government to recover any costs, damages, fees, or expenses through litigation.

3. The Governments further agree that any monies received by either or both of them pursuant to a settlement of claims arising from the Oil Spill that remain after the costs referred to in subparagraphs 1 & 2 have been reimbursed shall be allocated as follows: (1) first, to reimburse the Governments for their respective response and cleanup costs incurred after December 31, 1990, and for their respective costs of natural resource damages assessment (including restoration planning) obligated or incurred after March 12, 1991 and; (2) second, to the joint trust fund for natural resource damage recoveries referred to in paragraph A of this Article.

C. Except as otherwise provided in this MOA, the Governments agree that all natural resource damage recoveries will be expended on restoration of natural resources in Alaska unless the Trustees determine, in accordance with Article V, paragraph A.1. hereof, that spending funds outside of the State of Alaska is necessary for the effective restoration, replacement or acquisition of equivalent natural resources injured in Alaska and services provided by such resources.

D. Nothing in this MOA shall be construed as obligating the

Governments to expend any monies except to the extent funds are appropriated or are otherwise lawfully available.

VII.

**LITIGATION AND SETTLEMENT OF CLAIMS
RELATING TO THE OIL SPILL**

A. Agreement to Consult and Cooperate. The Governments, through the Departments of Law and Justice, agree to act in good faith to consult and cooperate with each other to develop a common approach to the Oil Spill Litigation, to the settlement of civil claims and restitution claims in connection with criminal proceedings: provided, however, that this MOA shall not in any way limit or otherwise affect the prosecutorial discretion of the State of Alaska or the United States.

B. Legal Work Product and Privileged Information. The Governments, through the Departments of Law and Justice, agree that, except as may otherwise be provided by separate agreement of the parties, they may in their discretion share with each other or with private and/or other public plaintiff litigants scientific data and analyses relating to the injury to natural resources resulting from the Oil Spill, the products of economic studies, legal work product, and other confidential or privileged information, subject to the following terms and conditions:

1. Each Government will take all reasonable steps necessary to maintain work product and other applicable privileges and exemptions available under the Freedom of Information Act, 5 U.S.C. § 552 et seq., the Rules of Civil Procedure, and AS 09.25.110 et seq.

2. No Government may voluntarily share with another party information jointly prepared or prepared by the other Government without the prior express written consent of the other Government's legal counsel.

VIII.

SCIENCE STUDIES

The Governments shall continue to work cooperatively to conduct all appropriate scientific studies relating to the Oil Spill.

IX.

COVENANTS NOT TO SUE

A. Each Government covenants not to sue or to take other legal action against the other Government with respect to the following matters:

1. The authority of either Government to enter into and comply with the terms of this MOA.

2. The respective rights of either Government to engage in cleanup, damage assessment or restoration activities with respect to the Oil Spill in accordance with this MOA.

3. Any and all civil claims (including, but not limited to, cross-claims, counter-claims, and third party-claims) it may have against the other Government arising from any activities, actions, or omissions by that other Government relating to or in response to the Oil Spill

which occurred prior to the execution of this MOA, other than claims to enforce this MOA.

B. Solely for purposes of the Oil Spill Litigation and any other proceedings relating to the ascertainment, recovery, or use of natural resource damages resulting from the Oil Spill, each Government shall be entitled to assert in any such proceeding, without contradiction by the other Government, that it is a co-Trustee with the other Government over any or all of the natural resources injured, lost or destroyed as a result of the Oil Spill; and each Government covenants not to sue the other with respect to, or to take any other legal action to determine, the scope or proportionate share of either Government's ownership, rights, title or interest in or management, control, or trusteeship authority over any of the natural resources injured, lost or destroyed as a result of the Oil Spill.

C. Notwithstanding anything in this Article, each Government reserves the right to intervene or otherwise to participate in any legal proceeding concerning the claims of a third party with respect to the scope of either Government's Trusteeship and waives any objection to such intervention or participation by the other Government; provided that, in any such proceeding, neither Government may dispute that it is a co-Trustee with the other over the natural resources injured, lost, or destroyed as a result of the Oil Spill.

D. If the Governments become adverse to each other in the

course of the Oil Spill Litigation, this MOA shall nevertheless remain in effect.

E. Notwithstanding the covenants contained in this Article, if both Governments are sued by a Third Party on a claim relating to or arising out of the Oil Spill, the Governments agree to cooperate fully in the defense of such action, and to not assert cross-claims against each other or take positions adverse to each other. Each shall pay its percentage of liability, if any, as determined in a final judgment.

F. Notwithstanding the covenants contained in this Article, if one of the Governments is sued by a Third Party on a claim relating to or arising out of the Oil Spill, the Governments agree that the non-sued Government shall cooperate fully in the defense of the sued Government, including intervening as a party defendant or consenting to its being impleaded, if necessary. If the non-sued Government thereby becomes a party to the action, the Governments agree not to assert cross-claims against each other, to cooperate fully in the defense of such action, and not to take positions adverse to each other. Each shall pay its percentage of liability, if any, as determined in a final judgment.

G. Notwithstanding Paragraphs E and F above, the Governments may assert any claim or defense against each other necessary as a matter of law to obtain an allocation of liability between the Governments. Any such actions shall be solely for the purpose of allocation of liability, if any, and neither Government shall

enforce any judgment obtained against the other Government pursuant to this paragraph.

X.

RETENTION OF JURISDICTION

This MOA shall be enforceable by the United States District Court for the District of Alaska, which Court shall retain jurisdiction of this matter for the purpose of entering such further orders, directions, or relief as may be appropriate for the construction, implementation, or enforcement of this MOA.

XI.

MULTIPLE COPIES AND EFFECTIVE DATE

This MOA may be executed in several counterparts, each of which shall be an original, but all of which shall constitute one and the same instrument. This MOA shall be effective as of the date it is signed by all the parties hereto.

XII.

INTEGRATION AND MERGER

A. This MOA constitutes the entire agreement between the United States and the State as to the matters addressed herein, and there exists no other agreement of any kind which is inconsistent with this MOA with respect to the subjects addressed in this MOA; provided, that the agreement reached among the Trustees as to disbursements of the original \$15 million paid by Exxon in April, 1989 shall remain in full force and effect.

XIII.

TERMINATION

This MOA shall terminate when the Governments certify to the Court, or when the Court determines on application by either Government, that all activities contemplated under the MOA have been completed.

XIV.

JUDICIAL REVIEW

This MOA creates no rights on the part of any persons not signatory to this MOA and shall not, except as provided in Article X, be subject to judicial review.

XV.

MISCELLANEOUS

A. This MOA can be modified only with the express written consent of the Parties to the MOA and the approval of the Court, except that the Parties may correct any clerical or typographic errors in writing without court approval.

B. Each undersigned representative of a Party to this MOA certifies that he or she is fully authorized to enter into this MOA and to execute and legally bind such Party to this MOA.

THE FOREGOING Memorandum of Agreement and Consent Decree among the United States of America and the State of Alaska is hereby APPROVED AND ENTERED THIS 28 DAY OF August, 1991.




Honorable H. Russel Holland
United States District Judge
District of Alaska

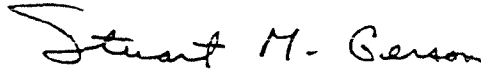
cc: J. Bottini (AUSA)
B. Herman (AAG-K)

FOR THE UNITED STATES OF AMERICA

Date: Aug. 27, 1991



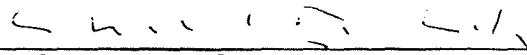
Barry M. Hartman
Acting Assistant Attorney General
Environment and Natural Resources
Division
U.S. Department of Justice



Stuart M. Gerson S.C.G.
Assistant Attorney General
Civil Division
U.S. Department of Justice

FOR THE STATE OF ALASKA

Date: Aug 27, 1991



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Environmental Enforcement Section
Environment & Natural Resources Division
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Environment & Natural Resources Division
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(907) 278-8012

FILED

JUN 18 1992

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA
Deputy

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EXXON CORPORATION, EXXON SHIPPING
COMPANY, and EXXON PIPELINE COMPANY,
et al., in personam, and the T/V
EXXON VALDEZ, in rem,

Defendants.

No. A91-082 Civil

JOINT APPLICATION FOR
FIRST DISBURSEMENT FROM
SETTLEMENT ACCOUNT

On December 6, 1991 this Court ordered that all money paid into the Court or received by its officers in connection with the Exxon Valdez Oil Spill Settlement in this case and in State of Alaska v. Exxon Corp., A91-083 CIV (D. Alaska) be placed in an interest-bearing account in the Court Registry Investment System ("CRIS") administered through the United States District Court for the Southern District of Texas, and that an account entitled EXXON

VALDEZ Oil Spill Settlement Account (the "Settlement Account") be established in the CRIS specifically for, and only for, settlement proceeds in this case and in State of Alaska v. Exxon Corp., Civ. No. A91-083 (D. Alaska). The Court further ordered that disbursements of settlement proceeds from the Registry of this Court were to be made upon joint application of counsel for the United States and the State, consistent with the provisions of the Memorandum of Agreement and Consent Decree entered by the Court in United States v. Alaska, No. A91-081 Civ. (D. Alaska), on August 28, 1991.

The State of Alaska and the United States (the "Governments") hereby jointly apply for disbursement of \$12,879,700 from the Settlement Account so that their natural resource trustee agencies might use such funds for the purposes of restoring, replacing, enhancing, rehabilitating or acquiring the equivalent of natural resources injured as a result of the EXXON VALDEZ oil spill and the reduced or lost services provided by such resources, over the seven-month period beginning March 1, 1992 and ending September 30, 1992.

The Trustee Council has concluded that disbursement of funds from the joint trust fund is necessary at this time in order to complete without interruption the damage assessment studies and restoration planning program.¹ Since March 1992, the Federal and

¹ The Court recently reopened these cases (Nos. A91-082 Civil and A91-083 Civil) for the purpose, inter alia, of considering whether to set aside the consent judgments under Fed. R. Civ. P. 60(b)(3). See Order No. 80 (June 3, 1992). Order No. 80 states that the judgments have not been

State Trustee agencies implementing these programs have been expending, on an interim basis, regular appropriated funds while a long term budget was being prepared and reviewed at the direction of the Trustee Council. In April 1992, the Trustee Council issued for public comment a proposed work plan and budget covering the twelve month period from March 1, 1992 through February 28, 1993. With the commencement of the State's new fiscal year on July 1, 1992, no State appropriated funds are available to implement the proposals. Moreover, regular appropriated funds to continue the federal portion of this program are also limited. Accordingly, the governments request this court to disburse funds from the joint trust fund to cover the work to be performed through the end of September. Without the disbursement of these settlement funds at this time, the necessary contracts for field work cannot be executed and employees of some of the Trustee agencies engaged in this restoration work will have to be dismissed.

Appended to this application as Attachment A is the record of adoption by the Trustee Council of these actions, as well as a list detailing the amounts sought for disbursement to each of the trustee agencies and the use to which those monies will be put.²

vacated. Id. at 13, n. 17. The Governments interpret the Order as allowing them to draw upon the Settlement Account despite the reopening of these cases. Although the Governments are very concerned about the implication of Order No. 80 that the consent decree could be vacated, and the possibility that amounts drawn from the Settlement Account might then need to be repaid, they believe that it is in the public interest to seek this disbursement in order to avoid disruption and delay of the restoration planning process.

² For the Court's information, the Governments have appended as Attachment B, a summary of Trustee activities since approval of the settlement.

The intended use of these monies comports with the terms of the Memorandum of Agreement and Consent Decree entered by the Court on August 28, 1991 in settlement of United States v. State of Alaska, A91-081 CIV (D. Alaska).³

Accordingly, the Governments request that those sums be withdrawn from the Account maintained by the CRIS and distributed to the accounts named in the proposed order which accompanies this Application.⁴

RESPECTFULLY SUBMITTED this 15th day of June, 1992 at Anchorage, Alaska.

ROGER CLEGG
Acting Assistant Attorney General
Environment & Natural Resources Division
WILLIAM D. BRIGHTON
Assistant Chief
Environmental Enforcement Section
United States Department of Justice
Washington, D.C. 20530

Regina R. Belt
REGINA R. BELT
Environmental Enforcement Section
Environment & Natural Resources Division
United States Department of Justice
645 G Street
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ATTORNEYS FOR THE UNITED STATES OF AMERICA

³ Section 207 of the Dire Emergency Supplemental Appropriation Act of 1992, P.L. 102-229 (enacted 12/12/92) authorizes the expenditure of and appropriates the Federal interest in the settlement funds for necessary expenses for assessment and restoration.

⁴ Distribution should be in accord with the instructions contained in Attachment C.

CHARLES E. COLE
ATTORNEY GENERAL

Craig J. Tillery
CRAIG J. TILLERY
Assistant Attorney General
State of Alaska
Department of Law
1031 West Fourth Avenue Suite 200
Anchorage, Alaska 99501-1994
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ATTORNEYS FOR THE STATE OF ALASKA

CERTIFICATE OF SERVICE

I, Regina R. Belt, hereby certify that I have served a true copy of the foregoing JOINT APPLICATION FOR FIRST DISBURSEMENT FROM SETTLEMENT ACCOUNT and the ORDER REGARDING DISBURSEMENT OF SETTLEMENT PROCEEDS on the following persons this 15th day of June, 1992 by placement of the same in United States first class mail, postage prepaid:

Charles E. Cole
Attorney General
State of Alaska
Pouch K
Juneau, Alaska 99811

Mickale C. Carter (Hand-Delivered)
Assistant United States Attorney
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Anchorage, Alaska 99513

James F. Neal, Esq.
Neal & Harwell
2000 One Nashville Place
150 Fourth Avenue North
Nashville, Tennessee 37219

Robert C. Bundy, Esq.
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1031 West 4th Avenue, Suite 600
Anchorage, Alaska 99501

JOINT APPLICATION FOR FIRST DISBURSEMENT
FROM SETTLEMENT ACCOUNT - 5

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Randall J. Weddle, Esq.
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Date: June 15, 1992

Regina R. Belt
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EXXON VALDEZ OIL SPILL SETTLEMENT

Project Summary by Agency

March 1, 1992 - September 30, 1992

<u>AGENCY</u>	<u>AGENCY TOTAL</u>
1. Alaska Department of Fish & Game	\$4,882,600
2. Alaska Department of Natural Resources	1,100,800
3. Alaska Department of Environmental Conservation	<u>575,800</u>
Subtotal	\$6,559,200
4. U.S. Department of Agriculture	2,739,400
5. U.S. Department of the Interior	1,708,600
6. National Oceanic & Atmospheric Administration	<u>1,872,500</u>
Subtotal	\$6,320,500
Total	\$12,879,700

Michael A. Barton Date 6/9/92

MICHAEL A. BARTON
Regional Forester,
Alaska Region
USDA Forest Service

Charles E. Cole Date 6-9-92

CHARLES E. COLE
Attorney General
State of Alaska

Curtis V. McVee Date 6/12/92

CURTIS V. MCVEE
Special Assistant to the
Secretary
U.S. Department of the Interior

Steven Pennoyer Date 6/7/92

STEVEN PENNOYER
Director, Alaska Region
National Marine
Fisheries Service

Carl L. Rosier Date 6/9/92

CARL L. ROSIER
Commissioner
Alaska Department of Fish
and Game

John A. Sandor Date 6/7/92

JOHN A. SANDOR
Commissioner
Alaska Department of
Environmental Conservation

EXXON VALDEZ TRUSTEE COUNCIL

SEVEN MONTH PROJECT BUDGETS
MARCH 1, 1992 - SEPTEMBER 30, 1992

Agency	Project Number	Project Title	Seven Month Budget
ADEC	AD	Administrative Director's Office	\$144.8
ADEC	RT	Restoration Team	365.0
ADEC	AW1	Surface Oil Maps	3.0
ADEC	ST1B	Subtidal Microbial	17.1
ADEC	ST3B	Sediment Traps Damage Assessment	45.9
		Subtotal	\$575.8
ADF&G	AD	Administrative Director's Office	\$0.0
ADF&G	RT	Restoration Team	305.6
ADF&G	B11	Harlequin Ducks Damage Assessment Closeout	22.9
ADF&G	FS1	Spawning Area Injury	55.4
ADF&G	FS2	Pre-emergent Fry	25.6
ADF&G	FS3	Coded-Wire Tags Damage Assessment	82.1
ADF&G	FS4A	Early Marine Salmon Damage Assessment	94.1
ADF&G	FS5	Dolly Varden Damage Assessment	21.6
ADF&G	FS11	Herring Injury	219.1
ADF&G	FS13	Clam Injury	64.0
ADF&G	FS27	Sockeye Salmon Overescapement	385.7
ADF&G	FS28	Run Reconstruction	169.4
ADF&G	FS30	Database Management	126.7
ADF&G	R47	Stream Habitat Assessment	251.3
ADF&G	R53	Kenai River Sockeye Salmon Restoration	371.1
ADF&G	R59	Genetic Stock ID	215.3
ADF&G	R60AB	Prince William Sound Pink Salmon	871.9
ADF&G	R60C	Pink Salmon Egg/Fry	228.4
ADF&G	R71	Harlequin Ducks Restoration and Monitoring	281.5
ADF&G	R73	Harbor Seals	12.5
ADF&G	R90	Dolly Varden Char Monitoring	91.5
ADF&G	R102	Coastal Habitat Restoration	375.7
ADF&G/(NOAA/ DOI-NPS&FWS)	R103	Oiled Mussels	148.4

Page 2 of 5

ATTACHMENT A

1992

FORM 1B
AGENCY SUMMARY

EXXON VALDEZ TRUSTEE COUNCIL

SEVEN MONTH PROJECT BUDGETS
MARCH 1, 1992 - SEPTEMBER 30, 1992

Agency	Project Number	Project Title	Seven Month Budget
ADF&G/(USFS)	R105	Instream Survey Restoration Implementation Planning	160.2
ADF&G	R106	Dolly Varden Restoration	34.9
ADF&G	R113	Red Lake Sockeye Salmon Restoration	28.0
ADF&G	ST2A	Shallow Benthic	67.7
ADF&G	ST2B	Deep Water Benthos	44.9
ADF&G	ST5	Shrimp	47.7
ADF&G	ST6	Rockfish Damage Assessment	8.3
ADF&G	TM3	River Otter & Mink Damage Assessment in Pr. Wm. Sound	71.1
		Subtotal	\$4,882.6
ADNR	AD	Administrative Director's Office	\$433.8
ADNR	RT	Restoration Team	283.0
ADNR	ARC1	Archaeological Survey	160.0
ADNR/(DOI-FWS)	R92	GIS Mapping and Analysis; Restoration	35.2
ADNR/(DOI-FWS USFS)	R104A	Site Stewardship	40.0
ADNR/(DOI-FWS)	TS3	GIS Mapping and Analysis; Damage Assessment	148.8
		Subtotal	\$1,100.8
NOAA	AD	Administrative Director's Office	\$231.1
NOAA	RT	Restoration Team	210.6
NOAA	CH1B	Hydrocarbons in Mussels	31.2
NOAA	FS4B	Juvenile Pinks	66.9
NOAA	MM1	Humpback Whales Damage Assessment	5.0
NOAA	MM2	Killer Whales Damage Assessment	4.5
NOAA/(DOI-NPS& FWS/ADF&G)	R103	Oiled Mussels	261.0
NOAA	ST1A	Subtidal Sediments	72.2

Page 3 of 5

ATTACHMENT A

1992

page 2 of 4

FORM 1B
AGENCY SUMMARY

EXXON VALDEZ TRUSTEE COUNCIL

SEVEN MONTH PROJECT BUDGETS
MARCH 1, 1992 - SEPTEMBER 30, 1992

Agency	Project Number	Project Title	Seven Month Budget
OAA	ST3A	Caged Mussels Damage Assessment	23.3
OAA	ST4	Fate and Toxicity Damage Assessment	28.2
IOAA	ST7	Demersal Fishes Damage Assessment	39.2
IOAA	ST8	Sediment Data Synthesis	113.1
IOAA/(DOI-FWS)	TS1	Hydrocarbon Analysis	786.2
		Subtotal	\$1,872.5
ISFS	AD	Administrative Director's Office	\$718.2
ISFS	RT	Restoration Team	473.5
ISFS	CH1A	Coastal Habitat Damage Assessment	1,415.0
SFS/(DOI-FWS)	R15	Marbled Murrelet Restoration	60.9
SFS/(DOI-FWS/ ADNR)	R104A	Site Stewardship	4.9
SFS	R105	Instream Survey	66.9
		Subtotal	\$2,739.4
DOI	AD	Administrative Director's Office	\$30.8
DOI	RT	Restoration Team	176.0
DOI-NPS/(ADF&G/ NOAA/DOI-FWS)	R103	Oiled Mussels	51.9
DOI-FWS	B2	Boat Surveys	48.5
DOI-FWS	B3	Murres Damage Assessment Closeout	75.7
DOI-FWS	B4	Eagles Damage Assessment Closeout	60.6
DOI-FWS	B6	Marbled Murrelets Damage Assessment Closeout	24.8
DOI-FWS	B7	Storm Petrels Damage Assessment Closeout	7.5
DOI-FWS	B8	Kittiwakes Damage Assessment Closeout	7.5
DOI-FWS	B9	Pigeon Guillemots Damage Assessment Closeout	18.0
DOI-FWS	B12	Shorebirds Damage Assessment Closeout	20.7
DOI-FWS	MM6	Sea Otters Damage Assessment	145.8

Page 4 of 5

ATTACHMENT A

1992

page 3 of 4

FORM 1B
AGENCY SUMMARY

EXXON VALDEZ TRUSTEE COUNCIL

SEVEN MONTH PROJECT BUDGETS
 MARCH 1, 1992 - SEPTEMBER 30, 1992

Agency	Project Number	Project Title	Seven Month Budget
S	R11	Murre Restoration Recovery Monitoring	260.2
S/(USFS)	R15	Marbled Murrelet Restoration	277.0
S/(ADNR)	R92	GIS Mapping and Analysis Restoration Technical Support	36.0
S/(NOAA/PS/ADF&G)	R103	Oiled Mussels	108.9
S/(USFS/)	R104A	Site Stewardship	62.0
S/(NOAA)	TS1	Hydrocarbon Analysis	176.6
S/(ADNR)	TS3	GIS Mapping and Analysis Damage Assessment	120.1
		Subtotal	\$1,708.6
		Total	\$12,879.7

Page 5 of 5

ATTACHMENT A

1992

FORM 1B
 AGENCY SUMMARY

SUMMARY OF POST-SETTLEMENT TRUSTEE ACTIVITIES

The Memorandum of Agreement and Consent Decree, approved and entered on August 28, 1991 in United States v. State of Alaska, Civil Action No. A91-081 CV, provides that the Trustees shall: (1) agree to an organizational structure for decision making; (2) establish procedures providing for meaningful public participation which shall include establishment of a public advisory group; and (3) establish standards and procedures governing the joint use and administration of all natural resource damage recoveries. A summary of Trustee activities towards accomplishment of these requirements follows.

1. Organizational Structure

Under the Memorandum of Agreement and Consent Decree, the Trustees are responsible for making all decisions regarding injury assessment and restoration activities. The Federal Trustees have designated representatives to an Alaska-based Trustee Council, with the State of Alaska Trustees representing themselves on the Trustee Council. The Trustee Council has approved an organizational structure, which includes the appointment of an interim Administrative Director and a Restoration Team to take on the day-to-day management and administrative functions of the Trustee Council for implementation of the restoration program. The Trustee Council has formed various work-groups from agency staff to work on components of the restoration program, such as restoration planning, finance, public participation, and habitat evaluation and protection.

2. Public Participation

The Trustee Council has established procedures providing for meaningful public participation in the injury assessment and restoration process. Public participation in the restoration process has been identified as an integral part of that process. The goals and objectives of the Trustee Council public participation program are to: (1) invite and encourage public review and comment on the development and implementation of restoration programs; (2) provide the public with information and resources to evaluate restoration proposals and programs independently; (3) involve relevant constituencies; (4) disseminate information in a timely manner; (5) help identify the significant restoration issues; and (6) ensure that the Trustee Council receives and understands the advice from the public.

Federal Register and newspaper notices soliciting public nominations for these interests has been completed with the scheduled formation of the Public Advisory Group proposed before August, 1992.

A charter for the Public Advisory Group has been approved by the Trustee Council and will be filed with the General Services Administration in compliance with the Federal Advisory Committee Act. Additionally, the Trustee Council has approved draft operating procedures for the Public Advisory Group to be used in the solicitation process to help inform the public of the proposed role of the group. The draft operating procedures will be finalized following appointment of members to the Public Advisory Group.

3. Financial Procedures.

The Trustee Council has tentatively approved a set of financial operating procedures to govern the use and administration of the natural resources damage recoveries. The goal of the procedures is to ensure public trust and accountability while maximizing the Trustees' ability to utilize settlement funds for approved restoration activities. General administration expenses by the Trustees will be kept to a minimum, or in some cases foregone altogether, to provide for the largest amount of funds for restoration activities.

4. 1992 Work Plan Activities.

The proposed activities for 1992 fall into two main categories, Damage Assessment and Restoration. Damage assessment projects are those necessary to complete or support the orderly completion of Natural Resources Damage Assessment studies that were begun after the Exxon Valdez oil spill. Most of the proposed damage assessment projects will result in completion of final reports in 1992, which will be used to support future restoration activities. Restoration activities include restoration planning, technical support, recovery monitoring, implementation planning, manipulation/enhancement projects, habitat protection planning and management actions. The costs for damage assessment and restoration, as well as administrative costs including the Administrative Director's office, Restoration Team and Working Groups, for the period March 1 to September 30, 1992, total \$12,879,700. The damage assessment and restoration projects are detailed in the 1992 Draft Work Plan released for public comment in April.

ATTACHMENT C

Payment to the United States

1. Payment should be in the amount of \$6,320,500.
2. The payment instrument should be made payable to the Department of the Interior and must contain the reference: "Exxon Valdez Oil Spill Settlement Funds from Federal/State of Alaska Joint Fund".
3. The check will be picked up at the Clerk's office by a representative of United States Department of Justice.

Payment to the State of Alaska

1. Payment should be in the amount of \$6,559,200.
2. The payment instrument should be made payable to the State of Alaska.
3. The check will be picked up at the clerk's office by a representative of the Department of Law for State of Alaska.

A. Information availability. In early April, the Trustee Council released for review and comments by the general public, the 1992 Draft Work Plan which included a proposed budget for assessment and restoration projects for the period March 1, 1992 through February 28, 1993, totalling \$13,890,800, and a proposed Restoration Framework Plan. These documents were made available for inspection at the Oil Spill Public Information Center ("OSPIC") in Anchorage, and more than 2,000 copies were mailed to members of the public who had expressed an interest in reviewing them.

Comments on these materials were due on June 4, 1992. Approximately 240 comments were received, of which approximately 80 related to the work plan/budget. As the comments submitted were not received until the very end of this period, the Trustee Council has divided the budget into two portions, one for the period of March 1 to September 30, 1992, and the other for the period of October 1, 1992 to February 28, 1993.

The Trustee Council is seeking funding only for the earlier period, in order that the public comments can be carefully evaluated and reflected in a second filing to be made for disbursement of Joint Trust Funds. It is anticipated that this second filing would take place no later than September 1, 1992. The Trustee Council has instructed that the budget comments are to be expeditiously summarized and reviewed by the staff, in order that the Trustee Council can consider any necessary changes to the work plan and budget no later than August 1, 1992. Comments on the Restoration Framework document, along with other comments from the public which have been received by the Council and its working groups, will be utilized in preparing a Draft Restoration Plan and a Draft Environmental Impact Statement for the restoration program.

Information on the proposed completion of the damage assessment activities and restoration program has also been available to the public in the course of the meetings of the Trustee Council. Except for certain very limited purposes, e.g., discussion of confidential personnel matters, all meetings of the Council have been conducted before the public, and only after advance notice of the meeting has been published in appropriate Alaska newspapers. A time for public comment on the matters being discussed has and will be set aside at each meeting. These meetings have generally utilized the state's teleconferencing facilities in order that the public located throughout the spill area can listen and participate in them. In addition, transcripts

of the Council's seven public meetings, handout materials used at these meetings, and other planning documents are routinely made available for inspection by the public at OSPIC, as well as mailed to anyone requesting them.

In addition, on June 1, 1992, the Trustee Council made available to the public at OSPIC information immediately available regarding the NRDA scientific studies, including interim and final reports and detailed study plans. The collection and organization of this information continues, and as new information becomes available it will be added to the public collection. These materials will assist the public in evaluating future restoration proposals from the Trustee Council as well as to formulate their own recommendations.

B. Community Meetings. Since the settlement agreement, the Trustee Council has conducted two rounds of public meetings. In December of 1991, the Trustee Council initiated a process of public meetings and solicitation of written comments regarding public participation. Public meetings began in January of 1992 and were held in Homer, Seward, Valdez, Tatitlek, Cordova, Chenega Bay, Kodiak, Juneau, Anchorage, and Fairbanks. Comments received were evaluated and recommendations given to the Trustee Council regarding the role, structure, and operating procedures for the Public Advisory Group.

The second round of public meetings has just been completed and has provided the public with an opportunity for review and comment on the Restoration Framework, the 1992 Draft Work Plan and the principal interest composition of the Public Advisory Group. Communities visited included Homer, Seward, Valdez, Cordova, Seldovia, Kodiak, Juneau, Tatitlek, Whittier, Anchorage, Chenega Bay, and Fairbanks.

C. Public Advisory Group. In establishing a public advisory group as required by the Memorandum of Agreement and Consent Decree the Trustee Council has decided to follow the Federal Advisory Committee Act. The Public Advisory Group will consist of concerned citizens who are to advise the Trustees on matters specified in the Memorandum of Agreement and Consent Decree. The Trustee Council has identified the following interests and constituencies to be represented on the Public Advisory Group: aquaculture, commercial fishing, commercial tourism, environmentalists, conservationists, forest products, local governments, native landowners, recreational users, sport fishing and hunting, subsistence users, science/academia, and the public-at-large. A large scale mailing,

Insert Vol. I
Tab VIII
FILED

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Acting Assistant Attorney General
WILLIAM D. BRIGHTON
Assistant Section Chief
Environmental Enforcement Section
Environment & Natural Resources Division
United States Department of Justice
Washington, D.C. 20530

JAN 19 1993

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA
Deputy

REGINA R. BELT
Environmental Enforcement Section
Environment & Natural Resources Division
United States Department of Justice
645 G Street
Anchorage, Alaska 99501
(907) 278-8012

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	No. A91-082 Civil
EXXON CORPORATION, EXXON SHIPPING)	
COMPANY, and EXXON PIPELINE COMPANY,)	
<u>et al.</u> , <u>in personam</u> , and the T/V)	NOTICE OF SECOND
EXXON VALDEZ, <u>in rem</u> ,)	WITHDRAWAL FROM
)	<u>SETTLEMENT ACCOUNT</u>
Defendants.)	

Pursuant to this Court's Order of December 6, 1991, the State of Alaska and the United States hereby give notice of a proposed withdrawal in the amount of \$6,567,253.77 from the EXXON VALDEZ Oil Spill Settlement Account established in the Court Registry Investment System administered through the United States District Court for the Southern District of Texas. Of this \$6,567,253.77, the United States seeks payment in the amount of \$3,074,028.46.

61

RESPECTFULLY SUBMITTED this 19th day of January, 1993 at
Anchorage, Alaska.

VICKI A. O'MEARA
Acting Assistant Attorney General
Environment & Natural Resources Division
WILLIAM D. BRIGHTON
Assistant Section Chief
Environmental Enforcement Section
United States Department of Justice
Washington, D.C. 20530

Regina R. Belt

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United States Department of Justice
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FILED

JAN 19 1993

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

Deputy

REGINA R. BELT
Environmental Enforcement Section
Environment & Natural Resources Division
United States Department of Justice
645 G Street
Anchorage, Alaska 99501
(907) 278-8012

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EXXON CORPORATION, EXXON SHIPPING
COMPANY, and EXXON PIPELINE COMPANY,
et al., in personam, and the T/V
EXXON VALDEZ, in rem,

Defendants.

No. A91-082 Civil

JOINT APPLICATION FOR
SECOND DISBURSEMENT FROM
SETTLEMENT ACCOUNT

The State of Alaska and the United States (the "governments") jointly apply for disbursement of \$6,567,253.77 from the "EXXON VALDEZ Oil Spill Settlement Account" (the "Account"). The governments' natural resource trustee agencies will use these funds for purposes consistent with the Memorandum of Agreement and Consent Decree entered by this Court in United States v. State of Alaska, No. A91-081 Civ. (D. Alaska) on August 28, 1991 ("MOA"), over the five month period from October 1, 1992 through February

28, 1993.

On August 28, 1991 the State of Alaska and the United States settled their claims against the Exxon Corporation, Exxon Shipping Company, Exxon Pipeline Company, and the T/V EXXON VALDEZ arising from the EXXON VALDEZ oil spill. All funds resulting from these settlements were subsequently ordered by this Court to be placed in an interest-bearing account in the Court Registry Investment System ("Registry") administered through the United States District Court for the Southern District of Texas. In addition, by order of this Court, an account entitled "EXXON VALDEZ Oil Spill Settlement Account" ("the Account") was established in the Registry specifically for the Exxon settlement proceeds. The Court further ordered that disbursements from the Registry of this Court be made upon joint application of counsel for the United States and the State of Alaska, consistent with the provisions of the MOA.

In April, 1992, the Trustee Council, established by virtue of the MOA, issued for public comment a proposed work plan and budget for the twelve month period from March 1, 1992 through February 28, 1993. On June 15, 1992, because the public comments had not been completely reviewed and evaluated for the entire twelve month period, the governments divided the budget into two portions, and sought disbursement only for the period from March 1, 1992 through September 30, 1992. On June 18, 1992, this Court issued an order releasing funds for expenditures incurred during that period. The Trustee Council has now concluded that an additional disbursement of funds from the joint trust fund is necessary in order to

continue the ongoing damage assessment studies and restoration planning program.

Accordingly, the Governments now seek a disbursement from the Account to fund work through February 28, 1993. Prompt disbursement of these settlement funds will enable existing projects to be completed and will ensure that key personnel employed by the Trustee agencies will continue their restoration work. Completion of the 1992 work is imperative so that 1993 activities can progress with a solid informational base.

Appended to this application as Attachment A is the Trustee Council's resolution certifying its unanimous agreement to expend these funds, as well as a list specifying the amounts sought for disbursement to each of the trustee agencies and the proposed use for those monies. ¹

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¹ For the Court's information, the Governments have appended a summary of the Trustee Council's activities since approval of the settlement as Attachment B. Attachment C contains proposed distribution instructions.

RESPECTFULLY SUBMITTED this 19th day of January, 1993 at
Anchorage, Alaska.

VICKI A. O'MEARA
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WILLIAM D. BRIGHTON
Assistant Chief
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ATTORNEYS FOR THE STATE OF ALASKA

RESOLUTION OF THE
EXXON VALDEZ SETTLEMENT TRUSTEE COUNCIL

We, the undersigned, duly authorized members of the Exxon Valdez Settlement Trustee Council do hereby certify that, in accordance with the Memorandum of Agreement and Consent Decree entered as settlement of United States of America v. State of Alaska, No. A91-081 Civil, U.S. District Court for the District of Alaska, and after public meetings and the opportunity for, and consideration of, any written comments from the public, unanimous agreement has been reached to expend funds received in settlement of United States of America v. Exxon Corporation, et al., No. A91-082 Civil, U.S. District Court for the District of Alaska, and State of Alaska v. Exxon Corporation, et al., No. A91-083 Civil, U.S. District Court for the District of Alaska, for necessary natural resource damage assessment, restoration activities and administration to carry out the 1992 Work Plan from October 1, 1992 to February 28, 1993, and for partial funding of five 1993 Work Plan restoration projects from January 1, 1993 to September 30, 1993. The total approved budget, appended hereto, is \$6,687,900.00.

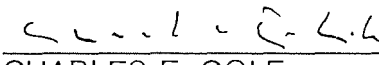
The moneys are to be distributed to the Trustee agencies according to the following schedule:

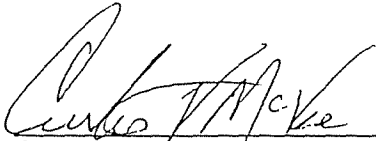
Alaska Department of Fish & Game	\$2,684,800.00
Alaska Department of Natural Resources	419,100.00
Alaska Department of Environmental Conservation	<u>470,100.00</u>
SUBTOTAL TO STATE OF ALASKA	\$3,574,000.00
U.S. Department of Agriculture, Forest Service	\$1,597,000.00
U.S. Department of the Interior	697,400.00
National Oceanic & Atmospheric Administration	<u>819,500.00</u>
SUBTOTAL UNITED STATES OF AMERICA	\$3,113,900.00
TOTAL APPROVED BUDGET	\$6,687,900.00

In accordance with the Financial Operating Procedures adopted by the Trustee Council, the funds requested from the Joint Trust Fund are to be reduced by the amount of interest previously earned from settlement funds held by the Federal and State governments. For the period ending September 30, 1992, the United States and the State of Alaska earned interest in the amounts of \$39,871.54 and \$80,774.69, respectively. Accordingly, the amount to be withdrawn from the fund should be reduced by \$120,646.23.

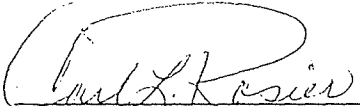
By unanimous consent, we hereby request the Attorney General of the State of Alaska and the Assistant Attorney General of the Environmental and Natural Resources Division of the United States Department of Justice to petition the United States District Court for the District of Alaska for withdrawal of the sum of \$6,567,253.77 from the Court Registry account established as a result of the governments' settlement with the Exxon companies. The amount to be paid to the United States of America is \$3,074,028.46. The amount to be paid to the State of Alaska is \$3,493,225.31.


 Dated 12/29/92
MICHAEL A. BARTON
Regional Forester
Alaska Region
USDA Forest Service

 Dated 1.4.93
CHARLES E. COLE
Attorney General
State of Alaska

 Dated 12/29/92
CURTIS V. McVEE
Special Assistant
U.S. Department of the Interior

 Dated 12/21/92
STEVEN PENNOYER
Director, Alaska Region
National Marine Fisheries
Service

 Dated 12/23/92
CARL L. ROSIER
Commissioner
Alaska Department of Fish &
Game

 Dated 12/24/92
JOHN A. SANDOR
Commissioner
Alaska Department of
Environmental Conservation

EXXON VALDEZ TRUSTEE COUNCIL

APPROVED FIVE MONTH PROJECT BUDGETS
OCTOBER 1, 1992 - FEBRUARY 28, 1993

Agency	Project Number	Project Title	Five Month Budget
ADEC	AD	Administrative Director's Office	\$99.5
ADEC	RT	Restoration Team	351.6
ADEC	AW1	Surface Oil Maps	14.0
ADEC	ST1B	Subtidal Microbial	0.0
ADEC	ST3B	Sediment Traps Damage Assessment	5.0
Subtotal			\$470.1
ADF&G	AD	Administrative Director's Office	\$0.0
ADF&G	RT	Restoration Team	218.2
ADF&G	B11	Harlequin Ducks Damage Assessment Closeout	0.0
ADF&G	FS1	Spawning Area Injury	8.9
ADF&G	FS2	Pre-emergent Fry	3.7
ADF&G	FS3	Coded-Wire Tags Damage Assessment	44.6
ADF&G	FS4A	Early Marine Salmon Damage Assessment	51.1
ADF&G	FS5	Dolly Varden Damage Assessment	0.6
ADF&G	FS11	Herring Injury	84.5
ADF&G	FS13	Clam Injury	11.8
ADF&G	FS27	Sockeye Salmon Overescapement	244.3
ADF&G	FS28	Run Reconstruction	81.2
ADF&G	FS30	Database Management	75.8
ADF&G	R47	Stream Habitat Assessment	148.3
ADF&G	R53	Kenai River Sockeye Salmon Restoration	303.1
ADF&G	R59	Genetic Stock ID	105.6
ADF&G	R60AB	Prince William Sound Pink Salmon	607.8
ADF&G/(NOAA)	R60C	Pink Salmon Egg/Fry	210.2
ADF&G	R71	Harlequin Ducks Restoration and Monitoring	143.0
ADF&G	R73	Harbor Seals	12.5
ADF&G	R90	Dolly Varden Char Monitoring	0.0
ADF&G	R102	Coastal Habitat Restoration	109.9
ADF&G/(NOAA/ DOI-NPS&FWS)	R103	Oiled Mussels	27.5

1992

FORM 1B
AGENCY SUMMARY

EXXON VALDEZ TRUSTEE COUNCIL
 APPROVED FIVE MONTH PROJECT BUDGETS
 OCTOBER 1, 1992 - FEBRUARY 28, 1993

Agency	Project Number	Project Title	Five Month Budget
ADF&G/(USFS)	R105	Instream Survey Restoration Implementation Planning	103.0
ADF&G	R106	Dolly Varden Restoration	0.0
ADF&G	R113	Red Lake Sockeye Salmon Restoration	27.9
ADF&G	ST2A	Shallow Benthic	42.1
ADF&G	ST2B	Deep Water Benthos	0.0
ADF&G	ST5	Shrimp	0.0
ADF&G	ST6	Rockfish Damage Assessment	8.3
ADF&G	TM3	River Otter & Mink Damage Assessment in Pr. Wm. Sound	2.9
		Subtotal	\$2,576.8
ADNR	AD	Administrative Director's Office	\$0.0
ADNR	RT	Restoration Team	179.4
ADNR	ARC1	Archaeological Survey	88.8
ADNR/(DOI-FWS)	R92	GIS Mapping and Analysis; Restoration	25.1
ADNR/(DOI-FWS USFS)	R104A	Site Stewardship	19.5
ADNR/(DOI-FWS)	TS3	GIS Mapping and Analysis; Damage Assessment	106.3
		Subtotal	\$419.1
NOAA	AD	Administrative Director's Office	\$0.0
NOAA	RT	Restoration Team	137.2
NOAA	CH1B	Hydrocarbons in Mussels	20.2
NOAA	FS4B	Juvenile Pinks	52.5
NOAA	MM1	Humpback Whales Damage Assessment	12.3
NOAA	MM2	Killer Whales Damage Assessment	28.8
NOAA/(ADF&G)	R60C	Pink Salmon Egg/Fry	54.2
NOAA/(DOI-NPS& FWS/ADF&G)	R103	Oiled Mussels	263.6
NOAA	ST1A	Subtidal Sediments	31.3

ATTACHMENT A - Page 5 of 7

1992

FORM 1B
AGENCY SUMMARY

EXXON VALDEZ TRUSTEE COUNCIL
 APPROVED FIVE MONTH PROJECT BUDGETS
 OCTOBER 1, 1992 - FEBRUARY 28, 1993

Agency	Project Number	Project Title	Five Month Budget
NOAA	ST3A	Caged Mussels Damage Assessment	15.8
NOAA	ST4	Fate and Toxicity Damage Assessment	24.4
NOAA	ST7	Demersal Fishes Damage Assessment	21.2
NOAA	ST8	Sediment Data Synthesis	92.5
NOAA/(DOI-FWS)	TS1	Hydrocarbon Analysis	65.5
		Subtotal	\$819.5
USFS	AD	Administrative Director's Office	\$513.6
USFS	RT	Restoration Team	20.4
USFS	CH1A	Coastal Habitat Damage Assessment	943.5
USFS/(DOI-FWS)	R15	Marbled Murrelet Restoration	15.3
USFS/(DOI-FWS/ ADNR)	R104A	Site Stewardship	0.0
USFS	R105	Instream Survey	18.0
		Subtotal	\$1,510.8
DOI	AD	Administrative Director's Office	\$76.9
DOI	RT	Restoration Team	106.9
DOI-NPS/(ADF&G/ NOAA/DOI-FWS)	R103	Oiled Mussels	0.0
DOI-FWS	B2	Boat Surveys	0.0
DOI-FWS	B3	Murres Damage Assessment Closeout	0.0
DOI-FWS	B4	Eagles Damage Assessment Closeout	0.0
DOI-FWS	B6	Marbled Murrelets Damage Assessment Closeout	0.0
DOI-FWS	B7	Storm Petrels Damage Assessment Closeout	0.0
DOI-FWS	B8	Kittiwakes Damage Assessment Closeout	0.0
DOI-FWS	B9	Pigeon Guillemots Damage Assessment Closeout	0.0
DOI-FWS	B12	Shorebirds Damage Assessment Closeout	0.0
DOI-FWS	MM6	Sea Otters Damage Assessment	53.9
DOI-FWS	R11	Murre Restoration Recovery Monitoring	56.5

1992

FORM 1B
 AGENCY SUMMARY

EXXON VALDEZ TRUSTEE COUNCIL

APPROVED FIVE MONTH PROJECT BUDGETS
OCTOBER 1, 1992 - FEBRUARY 28, 1993

Agency	Project Number	Project Title	Five Month Budget
DOI-FWS/(USFS)	R15	Marbled Murrelet Restoration	66.1
DOI-FWS/(ADNR)	R92	GIS Mapping and Analysis Restoration Technical Support	29.2
DOI-FWS/(NOAA/ DOI-NPS/ADF&G)	R103	Oiled Mussels	12.7
DOI-FWS/(USFS/ ADNR)	R104A	Site Stewardship	32.8
DOI-FWS/(NOAA)	TS1	Hydrocarbon Analysis	0.0
DOI-FWS/(ADNR)	TS3	GIS Mapping and Analysis Damage Assessment	0.0
		Subtotal	\$435.0
		Approved Five Month Project Budget Total	\$6,331.3
		1993 WORK PLAN PROJECTS	
			Jan 1, 1993 to Sept 30, 1993
ADF&G	93032	Cold Creek Pink Salmon Restoration (NEPA Compliance Only)	\$5.0
ADF&G	93046	Habitat Use, Behavior, & Monitoring of Harbor Seals in PWS (NEPA Compliance Only)	3.0
		Subtotal	\$8.0
USFS	93059	Habitat Identification Workshop	\$42.3
USFS	93060	Accelerated Data Acquisition	43.9
		Subtotal	\$86.2
DOI-FWS	93045	Marine Bird/Sea Otter Surveys	\$262.4
		Approved Five Month Project Budget and 1993 Work Plan Total	\$6,687.9

ATTACHMENT A - Page 7 of 7

1992

FORM 1B
AGENCY SUMMARY

SUMMARY OF POST-SETTLEMENT TRUSTEE ACTIVITIES

On June 15, 1992 the United States and the State of Alaska filed their Joint Application for First Disbursement from Settlement Account, accompanied by a report on the Trustee Council's post-settlement activities. Since that time, the Trustees¹ have created and are implementing (1) a post-settlement organizational structure for decision making; (2) procedures for meaningful public participation; and (3) procedures and standards for using and administering the natural resource damage recoveries received pursuant to the Agreement and Consent Decree ("Exxon Consent Decree"). In addition, the Trustees adopted a final work plan for 1992 for the period March 1, 1992 through February 28, 1993, and, on October 20, issued a proposed 1993 work plan for the period March 1, 1993 through September 30, 1993 for a thirty day public comment period. Further, the Trustees have established procedures for identifying and acquiring habitat, including those for "imminent threat" analysis and interim protection pending completion of a restoration plan.

This status report describes those activities and expands upon the June 15, 1992 report.

¹ The Trustees include the Secretary of the Interior, the Secretary of Agriculture, the Administrator of the National Oceanic and Atmospheric Administration, the Attorney General of the State of Alaska, the Commissioner of the Alaska Department of Fish and Game, and the Commissioner of the Alaska Department of Environmental Conservation.

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FUNDS RECEIVED BY THE TRUSTEES

On December 13, 1991, \$36,837,110.96 was deposited in the Court Registry from the initial payment received from Exxon under the Exxon Consent Decree. The remaining \$53,994,121.54 from the initial Exxon payment was allocated to the Governments for reimbursement of costs associated with the oil spill as provided by Section VI.B.1 of the August 28, 1991 Memorandum of Agreement and Consent Decree ("MOA"), and therefore was not deposited in the Court Registry.

On June 18, 1992, this Court ordered that \$6,320,500 be disbursed to the United States, and \$6,559,200 be disbursed to State of Alaska. The funds disbursed to the United States were deposited in the Natural Resource Damage Assessment and Restoration Fund, and appropriate amounts were transferred to the federal trustee agencies to cover each agency's costs of implementing 1992 activities through September 30, 1992. The funds disbursed to the State of Alaska were deposited in a special interest-bearing account in the state treasury, and are being expended by the state trustee agencies to cover the cost of implementing 1992 activities through September 30, 1992.

On December 1, 1992, Exxon made its second settlement payment of \$110,086,311.82. This amount was derived from the formula set forth in paragraph 8(b) of the Exxon Consent Decree; that is, \$150,000,000 minus an amount equal to Exxon's expenditures for work done after December 31, 1990 in preparation for and conduct of clean-up of the oil spill in accordance with directions

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2
3 of the Federal On-Scene Coordinator or for clean-up work done after
4 the effective date of that agreement at the direction of the State
5 On-Scene Coordinator. The Federal On-Scene Coordinator determined
6 that these expenditures totaled \$39,913,688.18, leaving
7 \$110,086,311.82 due to the Governments. Of that payment,
8 \$56,586,311.82 was paid into the Court Registry, \$29,000,000 was
9 paid to the State of Alaska, and \$24,500,000 was paid to the United
10 States for reimbursements in accordance with Section 10 of the
11 Exxon Consent Decree.

12 13 ORGANIZATIONAL STRUCTURE

14 The MOA requires that all decisions relating to the use
15 of trust funds be made by unanimous agreement of all Trustees.
16 Although the MOA required the organizational structure for decision
17 making to be in place within 90 days, it did not provide the
18 specific means for implementing that requirement. The Trustees,
19 through the Trustee Council,² accomplished the major portion of

20
21 ² On October 5, 1992, the Trustees entered into a Memorandum of
22 Understanding ("MOU") through which the Trustee Council was
23 formally designated. This agreement confirmed the establishment
24 of the Trustee Council by the Trustees and described its
25 membership. The Trustee Council was specifically authorized to
26 "take any action, consistent with applicable law, the MOA, the
Consent Decree and this MOU, necessary to restore the natural
resources injured, lost, or destroyed as a result of the oil
spill." The MOU provides a clear description of the procedures
that the Trustee Council must utilize to obtain approval of the
budgets required to implement annual work plans, including
specific protection from undue delay in the approval process
engendered by either government. Through these procedures, the
MOU ensures that the critical decisions affecting the use of the
trust fund will be made expeditiously by persons who are most

(continued...)

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3 this task on January 10, 1992 when they adopted a set of operating
4 procedures, created a Restoration Team, and provided the team with
5 guidelines for its work.

6 The Trustee Council further refined its organizational
7 structure at its May 20, 1992 meeting, when it approved the
8 formation of work groups composed of agency staff members and
9 defined the following tasks for each group:

10 1) Restoration Planning Work Group. Develop the
11 comprehensive Restoration Plan, and coordinate public comments
12 received on documents related to the drafting and release of
13 the final Restoration Plan.

14
15 2) Public Participation Work Group. Develop a strategy for
16 involving the public, including identification of a process
17 for nominating members to a Public Advisory Group, review and
18 analyze public comments on the establishment of such a Group,
19 assurance that the Group's structure and membership are
20 consistent with the Federal Advisory Committee Act and other
21 relevant law, and draft guidelines for the Group's operations.

22
23 3) 1992 Work Plan Work Group. Develop procedures for
24 distribution of restoration studies and projects to the public
25

26 ²(...continued)
familiar with the issues and problems surrounding the restoration
effort and public comment. A copy of the MOU is attached as
Appendix A.

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3 for review, coordinate public comments, prepare the draft and
4 final 1992 Work Plans with detailed study and project
5 descriptions, prepare associated budgets, and coordinate
6 public comments on the draft and final 1992 Work Plans.
7

8 4) 1993 Work Plan Work Group. Identify studies and projects
9 for inclusion in the 1993 Restoration Framework Document,
10 prepare requests for restoration proposals from the public,
11 evaluate project proposals, prepare the draft and final 1993
12 Work Plans with detailed study and project descriptions,
13 prepare associated budgets, and coordinate public comments on
14 the draft and final 1993 Work Plans.
15

16 5) Habitat Protection Work Group. Develop objectives for
17 habitat protection, develop criteria for selecting and
18 evaluating lands nominated for protection, draft Requests for
19 Proposals for lands nominated for acquisition, review
20 proposals and nominations, analyze public comments on the
21 criteria and nomination list, apply the criteria to lands
22 nominated for protection, and manage the negotiations and
23 acquisition process.
24

25 6) Environmental Compliance Work Group. Review the proposed
26 studies and projects to ensure compliance with the National
Environmental Policy Act ("NEPA"), the Alaska Coastal Zone
Management Act, and other applicable environmental laws and

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regulations, and manage the NEPA analysis for the draft and final Restoration Plans.

7) Process Work Group. Establish a procedure for maintaining an administrative record of the damage assessment and restoration process, and develop and implement tracking procedures for incoming public correspondence.

8) Cultural Resources Work Group. Review and screen proposed studies and projects to ensure compliance with applicable laws for the protection of cultural and historic properties, and provide proposed studies or projects to the 1993 Work Plan Work Group for cultural resources restoration.

9) Geographic Information System ("GIS") Work Group. Review and approve requests for data sets and GIS products and provide oversight of GIS projects and products.

10) Financial Committee. Develop standards and procedures governing the use and administration of the joint trust fund, develop consistent state and federal budget accounting and reporting procedures, and develop auditing procedures.³

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³ The Financial Committee reports directly to the Trustee Council.

APPROVAL OF THE 1992 WORK PLAN AND BUDGET

On June 29, 1992, the Trustee Council approved a work plan and budget for the period March 1, 1992 through February 28, 1993. A chronology of the decision-making and approval process follows:

December, 1991 to May, 1992: The Restoration Team, working with the 1992 Work Plan Work Group, solicited and reviewed proposals for restoration and assessment activities for the 1992 field season from the public as well as from state and federal agencies. Those proposals, totaling in excess of \$30 million, were analyzed, evaluated and presented to the Trustee Council on January 10, 1992. After five public Trustee Council meetings during which the various proposals were discussed, the Trustee Council ultimately decided that 58 project proposals, at a total cost of \$13,890,800, would be issued for public review.

March 26, 1992: The Trustee Council published the 1992 Draft Work Plan and requested public comment. This Draft Work Plan contained a budget for proposed damage assessment and restoration projects (other than administrative costs) for the twelve month period from March 1, 1992 through February 28, 1993. The Draft Work Plan was distributed to over 1900 persons and entities

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3 known to be interested in the oil spill and the
4 restoration effort.

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6 May 20, 1992: The Trustee Council approved the 1992 Work
7 Plan and administrative budget, subject to public
8 comment.

9
10 June 4, 1992: The public comment period for the draft
11 Work Plan ended. The 98 comments were summarized and
12 responses were prepared in a document available in the
13 Oil Spill Public Information Center.

14
15 June 12, 1992: The Trustee Council members unanimously
16 agreed to petition the Court for disbursement of Joint
17 Trust Fund monies for the seven month period from March
18 1, 1992 through September 30, 1992.

19
20 June 18, 1992: The Court approved the joint petitions
21 for disbursement. The proposed administrative budget was
22 sent to the eleven community teleconference sites to
23 which the Council meetings are routinely made available,
24 to the Oil Spill Public Information Center, and to
25 fourteen public libraries within and outside the State.
26 The Council established July 20, 1992 as the deadline for
comments on this proposed administrative budget.

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3 June 29, 1992: Following analysis by the Restoration
4 Team and the 1992 Work Plan Work Group of public
5 comments, the Trustee Council adopted the Final 1992 Work
6 Plan.

7
8 July 20, 1992: The public comment period for the
9 proposed administrative budget ended; no public comments
10 were submitted, and the administrative budget was
11 approved in the same form as had been presented to the
12 Trustee Council on May 20.

13
14 THE 1992 WORK PLAN

15 Because essential information for restoration planning
16 was still being analyzed and, in some cases, collected, the Trustee
17 Council recognized that it would be unable to have a complete
18 restoration plan in effect before the 1992 field season began.
19 Therefore, 1992 work needed to be limited to projects that would
20 contribute to the efficient performance of restoration in the long
21 term, or that were needed to prevent or abate continuing damage or
22 imminent threat to natural resources. For that reason, the Trustee
23 Council focused on projects involving: first, the timely close-out
24 of damage assessment activities for which no further field work was
25 needed; second, the continuation of damage assessment activities
26 required to support the close-out activities or to ascertain the
level of injuries; and third, restoration activities that were

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3 considered essential because any delay could be harmful to the
4 environment.

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6 A. Damage assessment close-out

7 Damage assessment information provides the basis for
8 identifying restoration activities that are linked to injured
9 resources and services. For this reason, the Trustee Council's
10 first priority was to bring the damage assessment work conducted in
11 1989, 1990 and 1991 to an orderly completion. The Council funded
12 the preparation of final reports for thirty-five studies.⁴ The
13 vast majority of this work was completed in 1992, with
14 remaining final reports scheduled for release in 1993.

15
16 B. Damage assessment continuation

17 In addition, the Trustee Council sought to define more
18 precisely the extent of certain natural resource injuries. Six
19 damage assessment studies either required additional work because
20 they supported the close-out efforts or required further analysis
21 to complete the documentation of injuries. Projects supporting the
22 close-out efforts included hydrocarbon analysis, geographic
23 information system (GIS) mapping and analysis, mussel tissue and
24 sediment hydrocarbon data synthesis, and database management.
25 Other projects are continuing because the impacts to population
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⁴ Forty-two damage assessment studies were conducted in 1991.

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3 levels and life histories of some species, such as sockeye salmon,
4 will not become apparent for several years.
5

6 C. Restoration projects

7 Because the restoration plan remained incomplete,
8 restoration projects conducted in 1992 will provide information
9 necessary to support future decisions about restoration options.
10 The Trustee Council's intent was to limit funding to those
11 activities that (1) were time-critical, because a delay would lead
12 to further injury to a resource or service, (2) required no long-
13 term commitment of funds, and (3) linked injury to species with
14 population level effects.

15 Restoration projects funded in 1992 included, among other
16 activities, (1) monitoring the natural recovery of murrelets (the most
17 heavily impacted marine bird); (2) monitoring pink salmon egg and
18 fry survival in the heavily impacted intertidal area; (3)
19 collecting additional upland habitat information about marbled
20 murrelets, harlequin ducks and anadromous fish streams on private
21 lands where that information was needed to support future habitat
22 protection decisions; and (4) conducting restoration activities
23 necessary for managing injured resources and preventing possible
24 further impacts on such resources as pink and sockeye salmon,
25 mussel beds, archaeological resources, and harbor seals.
26

HABITAT ACQUISITION ACTIVITIES

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4 Significant public comment was received concerning the
5 acquisition of land and timber rights and other habitat protection
6 measures. Because of those expressions, as well as the Trustee
7 Council's own belief that habitat acquisition is an important
8 component of restoration, the Council has devoted considerable
9 effort to evaluating existing habitat information and devising
10 procedures for evaluating the proposed options to ensure that funds
11 available for habitat acquisition are used most effectively and
12 prudently.

13 The cumulative value of private land in the oil spill
14 area is extraordinarily high. Members of the public have proposed
15 that virtually all privately owned land within the spill area, with
16 an estimated value of nearly one billion dollars, be acquired. The
17 Trustee Council staff estimates that, within the next two years,
18 14,000 acres of privately held land, with a total estimated value
19 between \$128,000,000 and \$588,000,000, may be subject to logging
20 and other activities.

21 The Trustee Council can not, of course, acquire all of
22 these lands. While virtually all of this land undeniably is of
23 ecological value, much of it has no direct relationship with the
24 resources injured by the oil spill. Responding wholesale to the
25 imminent threats could use between 50% and 90% of the funds
26 available over the next ten years. Moreover, a program that
blindly acquires all potentially threatened land may provide
landowners with incentives to accelerate threatening activities.

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Therefore, the Trustee Council has undertaken a process to determine which of these threatened lands will contribute most to the restoration of resources and services injured or lost as a result of the oil spill and should be proposed for acquisition.⁵ Thus far, the Trustee Council has been unable to complete this process because it has lacked certain critical information. First, the extent of injuries to some species and the prospects for their natural recovery are not fully known. Second, little historical data exists concerning the habitat requirements of several of the injured species, such as marbled murrelets and harlequin ducks. This information is being compiled from damage assessment and restoration studies that are now being completed. With this information, the Trustee Council has begun the complex process of identifying specific parcels for acquisition.

Although these studies are not yet complete, the Trustee Council has moved to develop a workable strategy to protect habitat through acquisition when the necessary information is available. In July 1992, in direct response to the public's comments regarding habitat protection and acquisition, the Trustee Council released for public review a Restoration Framework Supplement which specifically addressed the issue of habitat acquisition. This Supplement set forth a proposed habitat protection and acquisition process which identified and sought to protect strategic lands and

⁵ The Trustee Council may also ultimately consider land acquisition as "acquisition of the equivalent" of injured resources, but believes that the initial focus should be on restoration or replacement.

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3 habitats in order to benefit the long term recovery of resources
4 and services injured by the oil spill. Significantly, the
5 Supplement also set forth a procedure to evaluate habitat
6 identified as potentially subject to an "imminent threat" for which
7 some form of "emergency" action by the Council may be necessary.
8 Public comments on the Supplement were due on August 31, 1992, and
9 sixteen comments were received. Those comments are now being
10 analyzed by the Land/Habitat Protection Work Group in conjunction
11 with the Restoration Team, and they will be incorporated into the
12 Draft Restoration Plan.

13 Habitat protection proposals received during the summer
14 of 1992 in response to the Trustee Council's request for 1993
15 restoration proposals are also being analyzed. To facilitate this
16 analysis, two projects relating to habitat protection were approved
17 at the September 14, 1992 Trustee Council meeting. These projects
18 include a contract with The Nature Conservancy to conduct a series
19 of workshops to further refine and document current information
20 concerning habitat requirements and the degree of recovery for
21 resources and services injured by the oil spill. In addition, the
22 Nature Conservancy will assist the Restoration Team in collecting
23 and organizing data that will be needed for both an imminent threat
24 analysis and a long term evaluation process. The first phase of
25 these projects has been completed. The Trustee Council anticipates
26 that recommendations for specific short-term protection measures
for specific parcels will be provided by this month. Accordingly,
at its September 21, 1992 meeting, the Trustee Council approved a

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3 project for inclusion in the 1993 Draft Work Plan that may utilize
4 up to \$20 million for protection of habitat imminently threatened.

5 Finally, at its December 11, 1992 meeting, the Trustee
6 Council unanimously passed a resolution stating that expenditure of
7 \$7,500,000 for the purchase of inholdings in Kachemak Bay State
8 Park met the criteria for the expenditure of restoration funds.
9 The Restoration Team is currently addressing the requirements of
10 the National Environmental Policy Act prior to final action on this
11 expenditure. Further action on this proposed acquisition is
12 expected at the January 19, 1993 Trustee Council meeting.

13
14 DEVELOPMENT OF THE 1993 WORK PLAN AND BUDGET

15 Previously, the Trustee Council's fiscal year was from
16 March through February (the so-called "oil year"), and therefore
17 conflicted with the federal fiscal year, which runs from October 1
18 through September 30. The Trustee Council has now adjusted its
19 fiscal year to coincide with the federal government's.

20 To facilitate this shift, the proposed budget for
21 federal fiscal year 1993 has been divided into two components. The
22 first component, for which the Trustee Council has already sought
23 and obtained public comment in the Draft 1992 Work Plan, includes
24 the five month period from October 1, 1992 through February 28,
25 1993.⁶ The remaining component of the budget, which runs through
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⁶ The Governments are now applying to this Court for funds for this component of the budget.

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3 September 30, 1993, is contained in the Draft 1993 Work Plan and
4 has been released for public comment.⁷

5 Development of the 1993 Work Plan began on May 1, 1992,
6 when the Trustee Council formally solicited ideas from the public
7 for projects to be included in the 1993 Draft Work Plan. The
8 Restoration Team, in conjunction with the 1993 Work Plan Work
9 Group, analyzed and evaluated over 450 proposed projects. One
10 hundred and three of these were then combined into 49 project
11 proposals which the Trustee Council considered at a public meeting
12 on September 14, 1992. On September 21, 1992, the Council
13 authorized release of most of the proposals to the Public Advis
14 Group and to the general public in draft form for comment.

15 The 1993 Draft Work Plan was compiled and distributed for
16 a thirty day public review period on October 20, 1992. In
17 response, the Trustee Council received 216 public comments. On
18 December 11, 1992, the Trustee Council deferred action on all but
19 three time-critical projects pending review by the Public Advisory
20 Group on January 6-7, 1993.

21
22 PUBLIC PARTICIPATION

23 The MOA requires the Trustees to establish procedures to
24 provide for meaningful public participation in the injury
25 assessment and restoration process. MOA § V.A.4. Accordingly, the
26 Trustee Council has consistently encouraged broad public

⁷ Funds for this period will be requested later.

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3 participation in all phases of the restoration planning process.
4 The term "public participation" includes all forms of exchange of
5 information and ideas between the public and the Trustee Council or
6 their staff. The primary means which have been used or are
7 currently planned are:

- 8 A. Open meetings of the Trustee Council, which include
9 public comment sessions;
10 B. Public access to information through public libraries,
11 formal planning documents requiring public review, and
12 specially planned community meetings, symposia and workshops;
13 C. Public Advisory Group;
14 D. Oil Spill Symposium.

15 Public participation in restoration planning has evolved quickly in
16 the year since the settlement was signed. The Draft Restoration
17 Plan, which the public will review, will further define long-range
18 approaches which will be used in the coming years.

19
20 A. Meetings of the Trustee Council

21 The Trustee Council has held fourteen public meetings,
22 including the initial December 5, 1991 meeting which established an
23 organizational and operating structure for the post-settlement
24 implementation phase of the oil spill activities. The Council's
25 practice of open meetings is now codified under Alaska law. 1992
26 SLA Ch. 1 (1st SS), June 18, 1992. With certain limited
exceptions, the time and place of all of the Council's meetings has
been publicized, and each meeting has included a public audience.

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3 Most of these sessions have included a public comment session and
4 have used the State's teleconferencing facilities that permit
5 citizens located at Chenega Bay, Cordova, Fairbanks, Homer, Juneau,
6 Kenai, Kodiak, Seward, Tatitlek, Valdez and Whittier to
7 participate.

8 In addition, the Trustee Council staff conducted two
9 series of public meetings during 1992. The purpose of the first
10 series, which was held in January and February, was to solicit
11 comments regarding public participation in the injury assessment
12 and restoration process with special emphasis on the operations of
13 the Public Advisory Group. Public meetings were held in Anchorage,
14 Chenega Bay, Cordova, Homer, Juneau, Kenai, Kodiak, Seward,
15 Tatitlek and Valdez. Comments from these meetings were summarized
16 by staff and recommendations concerning the role, structure, and
17 operating procedures for the Public Advisory Group were
18 subsequently made available to the Trustee Council.

19 The second series of meetings was held between May 4 and
20 19, 1992, and provided the public with an opportunity to comment on
21 the Restoration Framework, the 1992 Draft Work Plan, and the
22 composition of the Public Advisory Group. These meetings were held
23 in Anchorage, Chenega Bay, Cordova, Fairbanks, Homer, Juneau,
24 Kenai, Kodiak, Seward, Tatitlek, Valdez, and Whittier. Comments
25 from these meetings were also summarized and provided to the
26 Trustee Council.

B. Public Access to Oil Spill Information

Similarly, the Trustee Council has shown its commitment to broad public access to oil spill information since its initial meetings. For example, virtually all documents discussed during the Trustee Council's public meetings are provided to the public at the meetings, at teleconference sites, or through the Oil Spill Public Information Center (OSPIC) in Anchorage. A transcript of the proceedings at each meeting is prepared and, along with the complete administrative record of the Trustee Council, is available at the OSPIC.

In addition, on June 1, 1992, the Trustee Council made available to the public at OSPIC the Natural Resources Damages Assessment scientific studies, including interim and final reports and detailed study plans. Copies of the studies have been provided to fifteen libraries around the state and nation. New information is continually added to the materials available at OSPIC and the participating libraries. Annual work plans and budgets, the Restoration Framework Document, and the Restoration Framework Supplement on habitat protection have been made available at the OSPIC, other libraries, and to the public generally through large mailings. On January 11, 1993, a copy of the State of Alaska's economic studies, including a contingent valuation of the loss of intrinsic value of natural resources, was also placed at the OSPIC.

Finally, the Trustee Council has consistently invited the public to comment on various processes and critical decisions, such

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3 as the organizational structure and nomination process for the
4 Public Advisory Group.
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6 C. Establishment of the Public Advisory Group

7 Consistent with its commitment to meaningful public
8 participation and the terms of the MOA, the Trustee Council has
9 established a public advisory group. This group advises the
10 Trustees with respect to, among other things, all decisions
11 relating to injury assessment, restoration activities, or other use
12 of the natural resource damage recoveries obtained by the
13 Governments. The group also provides advice concerning all funding
14 decisions. MOA Sec. V.A.1 and V.A.4.

15 At its February 28, 1992 meeting, the Council determined
16 that the Public Advisory Group would include twelve members
17 representing specific interests, three members representing the
18 public at large, and two ex officio members, one from the Alaska
19 State Senate and one from the Alaska House of Representatives.
20 Nominations for the Public Advisory Group, including a conflict of
21 interest statement for each nominee, were solicited and reviewed.
22 During a public meeting on August 31, 1992, the Trustee Council
23 filled ten of the fifteen appointed positions on the Public
24 Advisory Group. A new solicitation for nominees to the remaining
25 positions (recreational users (1), sport hunting and fishing (1)
26 and public at large (3)) was published on September 1, 1992, and,
at a public meeting on September 14, 1992, those positions were
filled. At that meeting, the Council decided to expand the number

of public at large members to five, bringing the total membership in the Group to nineteen, and these additional positions were also filled. The Council selected the following persons to serve on the Public Advisory Group:

PUBLIC ADVISORY GROUP MEMBER	INTEREST REPRESENTED
John McMullen	Aquaculture
Gerald McCune	Commercial Fishing
Brad Phillips	Commercial Tourism
James King	Conservation
Pamela Brodie	Environmental
John Sturgeon	Forest Products
Donna Fisher	Local Government
Charles Totemoff	Native Landowners
James Diehl	Recreation Users
Rupert Andrews	Sport Fishing/Hunting
John French	Science/Academic
Richard Knecht	Subsistence
James Cloud	Public At Large
Richard Eliason	Public At Large

PUBLIC ADVISORY GROUP MEMBER	INTEREST REPRESENTED
Llewellyn Williams	Public At Large
Paul Gavora	Public At Large
Vern McCorkle	Public At Large

The two ex officio members have not yet been appointed by the 1993 legislature. The Public Advisory Group has elected Brad Phillips and Donna Fisher to serve as Chair and Vice Chair, respectively, and has met three times, on October 29, 1992, December 2, 1992, and January 7 - 8, 1993.

D. Oil Spill Symposium

The Trustees will hold a symposium on February 2 - 5, 1993, in Anchorage, to present results of the scientific studies conducted following the oil spill. The first day will be free of charge and will be devoted to overview presentations for the general public. Attendance during the remaining days, which will be designed for in-depth discussion of results, will require a registration fee. The Trustee Council has allocated \$25,000 towards the costs of the symposium. Its proceedings will be published.

PREPARATION OF THE RESTORATION PLAN

In April, 1992, the Trustee Council released the Restoration Framework document for public comment. The Framework outlines overall restoration options and serves as a scoping document for the environmental impact statement to be prepared in connection with the draft and final restoration plans. The public comments received in response to this document, as well as comments submitted at numerous public meetings held by Council staff in the area impacted by the spill, will be considered for incorporation into the draft restoration plan that is expected to be released to the public for comment in June, 1993.

ADOPTION OF FINANCIAL OPERATING PROCEDURES

On September 21, 1992, the Trustee Council adopted written financial operating procedures. The objective of these procedures is to ensure public trust and accountability while maximizing the Trustees' ability to use settlement funds for approved restoration activities. The procedures specify a method for preparing an annual budget, provide guidelines for calculating administrative costs for projects by the trustee agencies, provide procedures for the transfer of settlement funds from the court registry, provide for accounting and audits in accordance with

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3 established state and federal procedures, and provide procedures
4 for managing equipment.

5 To facilitate public review and comment, the Council
6 provided a draft of the procedures to the OSPIC, to public
7 libraries, and to the teleconference sites prior to the July 20,
8 1992 Trustee Council meeting. The procedures were further reviewed
9 and revised by the Trustee Council and adopted on September 21,
10 1992. A copy of the procedures as adopted is attached as Appendix
11 B.

12
13 EXPENDITURE OF THE CRIMINAL RESTITUTION FUNDS

14 As a result of the judgments entered on October 8, 1991
15 in United States v. Exxon Shipping Company and Exxon Corporation,
16 No. A90-015 CR, Exxon paid the State of Alaska and the United
17 States fifty million dollars each in restitution for damages caused
18 by the EXXON VALDEZ oil spill. To date, neither of the governments
19 has expended any of the restitution funds.

20 In its judgments, the Court limited the use of the funds
21 as follows:

22 The monies paid in restitution are to be used
23 by the State of Alaska and the United States
24 of America exclusively for restoration
25 projects, within the State of Alaska, relating
26 to the "Exxon Valdez" oil spill. Restoration
includes: restoration, replacement, and
enhancement of affected natural resources;
acquisition of equivalent resources and
services; and long-term environmental

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3 monitoring and research programs directed to
4 the prevention, containment, cleanup, and
5 amelioration of oil spills.

6 Use of these funds was also limited by the terms of the MOA which
7 provides for the joint use of natural resource damage recoveries
8 from the EXXON VALDEZ oil spill for purposes substantially similar
9 to those permitted by the Court's judgment. In accordance with the
10 MOA, the State and the United States agreed, prior to the receipt
11 of these funds from Exxon, to manage them separately.

12 A. Expenditure of the Federal Portion of the
13 Restitution Funds

14 In accordance with Section 207 of the fiscal year 1992
15 Dire Emergency Supplement Appropriations Act, P.L. 102-229
16 (December 12, 1991), the fifty million dollars in criminal
17 restitution received by the United States has been deposited in the
18 Natural Resource Damage Assessment and Restoration Fund managed by
19 the Department of Interior. Section 207 of the Act authorized
20 interest to be earned on this payment,⁸ and appropriated the
21 principal and interest to the Federal Trustees for necessary
22 expenses in accordance with the Criminal Plea Agreement.

23 No federal restitution funds have yet been expended. The
24 federal Trustees, however, have assigned the federal Trustee
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⁸ As of September 30, 1992, these funds had earned approximately \$1,200,000 in interest.

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3 Council members the task of establishing appropriate procedures for
4 the development of annual or emergency budgets for restoration
5 project expenditures from the federal restitution funds.
6 Currently, the federal Trustee Council members are exploring the
7 use of these funds within the context of the overall restoration
8 plan being developed by the Trustee Council. The United States
9 intends to coordinate decisions regarding expenditure of the
10 restitution funds through the Trustee Council. The federal
11 Trustees will, however, seek public comment regarding expenditure
12 of the federal portion of the restitution funds, including those
13 for restoration projects of an emergency nature.

14
15 B. Expenditure of the State Portion of the Restitution
16 Funds

17 The fifty million dollars in criminal restitution were
18 paid to the State on November 7, 1991 and deposited in a segregated
19 account within the State's General Fund. The funds have been
20 earning interest which will be credited to the separate account.
21 To date, the funds have earned in excess of \$2.8 million in
22 interest; thus, approximately \$52.8 million are now available in
23 that account.

24 Under State law, use of the restitution funds requires an
25 appropriation by the legislature and approval by the Governor.
26 During the 1992 legislative session, two bills were introduced

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3 which were directed at expenditure of the restitution funds. House
4 Bills No. 579 and 580 were introduced at the request of the
5 Governor and provided for the creation of an endowment to finance
6 restoration projects, including "restoration, replacement, and
7 enhancement of affected resources, acquisition of equivalent
8 resources and services, and long-term environmental monitoring and
9 research programs directed to the prevention, containment, cleanup,
10 and amelioration of oil spills." The administration proposed that
11 one half of the earnings of the endowment over the next ten or more
12 years be used for purchase of inholdings in Kachemak Bay State
13 Park, and that other earnings this fiscal year be used to restore
14 red salmon stocks damaged as a result of the oil spill. The
15 legislature did not act on these bills.

16 A separate bill, HB 411, was introduced in the House by
17 several legislators. That bill, as subsequently amended, did not
18 pass during the regular session of the legislature, but was enacted
19 as part of the capital budget (SB 483) during the special session.
20 The provisions of SB 483 relating to the EXXON VALDEZ criminal
21 restitution funds provided for over thirty-five separate projects
22 to be funded. These projects, in many cases, did not comply with
23 the restrictions placed on the expenditure of the funds by this
24 Court.

25 Many projects proposed in HB 411 were viewed by the
26 Attorney General as not being within the limitations contained in

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3 the criminal judgments. Some projects were remote, in location and
4 concept, from the restoration plan. These include, for example, an
5 appropriation to build fish hatcheries on the Noatak River and at
6 Clear, Alaska; the installation of oil and grease separators in
7 storm drains in Valdez; a grant to the Bristol Bay Buy-Back
8 Coalition; and the purchase of lands at Cape Suckling, some 125
9 miles east of the nearest point reached by the oil. Others, upon
10 investigation, were either ill-conceived or were largely
11 duplicative of existing services. Examples range from an
12 appropriation to the Alaska Department of Natural Resources for
13 archaeological work to a grant to Prince William Sound Science
14 Center for a geographical information system.

15 A number of the projects, particularly those relating to
16 the acquisition of habitat, initially appeared to have merit, but
17 insufficient information was available to permit their approval.
18 These included the acquisition of land in Southwestern Prince
19 William Sound and on Afognak Island. In each of these cases, the
20 Attorney General determined that there was not an imminent threat
21 that justified acting without a better understanding of the
22 relationship of the land to the restoration efforts.

23 The Attorney General was concerned about a potential
24 imminent threat in the Cordova area. In that case, a legal
25 determination was made that, even though substantial doubt existed
26 regarding the ultimate legality of such an acquisition, the

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3 exigency of the situation justified the use of some funds to
4 purchase a moratorium on the property if one could reasonably be
5 obtained. To that end, Attorney General Charles Cole and
6 Commissioner of the Department of Environmental Conservation John
7 Sandor visited the site and talked to the principals to determine
8 the practicality of such a moratorium. In addition, the habitat
9 subgroup of the Restoration Team was asked to research the problem.
10 What was learned is instructive. The total appropriation for the
11 purchase of lands near Cordova was \$4,350,000, yet the asking price
12 for a three month moratorium was \$500,000. At that rate, simply
13 delaying the project for a year to gather more information would
14 have required the expenditure of half of the appropriation. This
15 was not viewed as an appropriate use of the funds.

16
17 A look at other land acquisition provisions in SB 483
18 reveals that the under-funding of the Cordova acquisition was not
19 isolated. For example, section 161 of SB 483 would have
20 appropriated approximately \$11,500,000 for the purchase of
21 inholdings in Kachemak Bay State Park, although the asking price
22 was double that figure. The appropriation for the purchase of
23 lands near Cape Suckling in section 160 was \$8,000,000, and the
24 asking price was more than four times that amount. In neither of
25 these cases did the legislature appropriate additional funds from
26 another source, and in neither case was any other source
identified. In essence, the legislature simply spread the largess

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3 around thinly to a number of different political interests. While
4 this approach may have been politically expedient, it did not make
5 good sense for restoration of the injured environment.

6 Although some projects included in the appropriation
7 passed legal scrutiny, the Attorney General felt that fairness to
8 the legislature and to the people who participated in the
9 legislative process suggested that the entire appropriation should
10 be re-examined. Accordingly, the appropriation of restitution
11 funds was vetoed by Governor Hickel in its entirety. New
12 legislation concerning use of the criminal restitution funds is
13 expected to be introduced in the 1993 legislature.
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P. 2/4

MEMORANDUM OF UNDERSTANDING
AMONG THE STATE AND FEDERAL
NATURAL RESOURCE TRUSTEES FOR THE
EXXON VALDEZ OIL SPILL

I. INTRODUCTION

This Memorandum of Understanding ("MOU") among the State and Federal natural resource trustees for the Exxon Valdez Oil Spill ("Oil Spill") is entered into to ensure the coordination and cooperation among the Trustees in the restoration of the natural resources injured, lost or destroyed as a result of the Oil Spill.

II. PARTIES

The following officials ("Trustees") are parties to this MOU and act on behalf of the public as trustees for the natural resources injured, lost or destroyed as a result of the Oil Spill:

- Attorney General of the State of Alaska;
- Commissioner, Alaska Department of Environmental Conservation;
- Commissioner, Alaska Department of Fish and Game;
- Secretary of Agriculture;
- Secretary of the Interior; and
- Administrator, National Oceanic and Atmospheric Administration, Department of Commerce.

III. PURPOSE

The purpose of this MOU is to confirm the establishment by the Trustees of, and the authorities granted to, the Exxon Valdez Oil Spill Trustee Council ("Trustee Council" or "Council") located in Alaska.

IV. AUTHORITIES

The Trustees enter into this MOU in accordance with the authorities provided to each Trustee by Section 311(f) of the Federal Water Pollution Control Act, 33 U.S.C. 1321(f); the Memorandum of Agreement and Consent Decree ("MOA") approved and entered on August 28, 1991, in United States v. State of Alaska, No. A91-081 CV, and the Agreement and Consent Decree ("Consent Decree") approved and entered on October 8, 1991, in United States v. Exxon Corporation, et al., No. A91-082 CV and State of Alaska v. Exxon Corporation, et al., No. A91-083 CV; and Section 207 of the Dire Emergency Supplemental Appropriations Act and Transfer for Relief from the Effect of Natural Disasters, for Other Urgent Needs, and for Incremental Cost of 'Operation Desert Shield/Desert Storm' Act of

1992, P.L. 102-229 (12/12/91).

V. TRUSTEE COUNCIL

The Trustees hereby confirm in writing the establishment by the Trustees of the Trustee Council located in Alaska, whose membership is comprised of either a designee of each Trustee or the Trustee himself. The Trustee Council may take any action, consistent with applicable law, the MOA, the Consent Decree and this MOU, necessary to restore the natural resources injured, lost, or destroyed as a result of the Oil Spill. To carry out its responsibilities, the Council shall establish appropriate policies and procedures, including standards and procedures (a) governing the joint use and expenditure of moneys from the Joint Trust Fund in the Registry of the District Court, as it determines are necessary; and (b) for meaningful public participation, including the receipt of advice by the Council of advice from the public advisory group on behalf of the Trustees.

Upon completion of public review and comment on the proposed annual work plan, the Federal members of the Trustee Council shall submit to their Departments, through normal channels, the Federal portion of the budget then agreed upon by the Trustee Council for appropriate review and approval. It is expected that such review, including that of the Office of Management and Budget, will be completed within 30 days of receipt in Washington. Similarly, with respect to the State portion of the budget, State members of the Trustee Council will take appropriate action to comply with State requirements. Upon notification of Federal Executive Branch approval of the Federal portion of the budget and similar notification from the State Executive Branch, the Trustee Council will request the State of Alaska Department of Law and the U.S. Department of Justice to petition the Court for release of settlement funds and the transfer of these funds, respectively, to the U.S. Department of the Interior Natural Resource Damage Assessment and Restoration (NRDA&R) Fund and to an account designated by the State of Alaska.

If the review process of either government results, in the opinion of one government, in an undue delay in filing a petition with the Court which would adversely impact it, the Trustee Council will, upon written request of the concerned government, provide appropriate consent for a joint petition to the Court for funds to be used for the activities identified in the budget approved by the Trustee Council for that concerned government.

VI. MISCELLANEOUS

This MOU supersedes and replaces all previous interagency agreements regarding the organization and coordination of Oil Spill activities of the Federal Trustees, including the Memorandum Agreement dated April 28, 1989.

Nothing herein is intended to void any actions taken by the Trustee Council prior to the execution of this MOU, and such actions are hereby ratified to the extent they are consistent with this MOU, the MOA and the Consent Decree.

Nothing in this MOU shall be construed as obligating the United States or the State of Alaska to expend any funds in excess of appropriations authorized by law.

The designation of a substitute or successor Trustee by either Government shall not affect the rights and responsibilities under this MOU.

The rights and responsibilities contained in this MOU shall not be the basis of any third party challenges or appeals.

VII. AMENDMENTS AND TERMINATION

Amendments, modifications or termination of the MOU may be proposed by any Trustee and shall become effective upon unanimous written approval of the Trustees. This MOU shall otherwise terminate upon the earlier of the completion of the restoration program resulting from the Oil Spill, or the expenditure of all Joint Trust Fund monies.

VIII. EXECUTION

This MOU may be executed in counterparts. A copy with all original executed signature pages affixed shall constitute the original MOU. The date of execution shall be the date of the final Trustee's signature.

Edward Madigan
Secretary of Agriculture

Date: September 21 1992

Manuel Lujan Jr.
Secretary of the Interior

Date: SEP 10 1992

John A. Krause
Administrator, National Oceanic
Atmospheric Administration,
Department of Commerce

Date: SEP 25 1992

William C. Uhl
Attorney General of Alaska

Date: 10.1.92

John J. Suter
Commissioner, Alaska
Department of Conservation

Date: 10/1/92

John J. Suter
Commissioner, Alaska
Department of Fish and
Game

Date: 10.1.92

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
FINANCIAL OPERATING PROCEDURES

Attached are the Exxon Valdez Oil Spill Trustee Council Financial Operating Procedures. The affixed pages shall constitute the initial procedures for financial management to ensure coordination and cooperation among the Trustee Council members. Approved by the members of the Trustee Council.

Charles E. Cole Date 9-21-92 Michael Barton Date 9/21/92

CHARLES E. COLE
Attorney General
State of Alaska

MICHAEL A. BARTON
Regional Forester
Alaska Region - USDA Forest Service

Carl L. Rosier Date 9-21-92

Curtis V. McVee Date 9-21-92

CARL L. ROSIER
Commissioner
Alaska Department of Fish and Game

CURTIS V. MCVEE
Special Assistant to the Secretary
U.S. Department of the Interior

John A. Sandor Date 9-21-92

Steven Pennoyer Date 9-21-92

JOHN A. SANDOR
Commissioner
Alaska Department of Environment
Conservation

STEVEN PENNOYER
Director, Alaska Region
National Marine Fisheries Service

EXXON VALDEZ OIL SPILL RESTORATION PROGRAM

FINANCIAL OPERATING PROCEDURES

September 14, 1992

PREFACE

The objective of the Financial Operating Procedures is to ensure public trust and accountability while maximizing the Trustees' ability to use Exxon settlement funds for approved restoration activities. A flow chart of the Financial Operating Procedures is included as Appendix A. The principles and processes stated herein are based on the authorities conveyed by the Exxon Valdez Consent Decrees and all memoranda of agreement between the State and Federal governments. Financial management of Exxon settlement funds will be accomplished based on the following principles:

Maximum use will be made of existing agency administrative structures. Each of the Trustee agencies has established administrative personnel and financial management systems that will be used to the maximum extent possible. In addition to these procedures, activities carried out by a State or Federal agency will be conducted in accordance with existing agency operating procedures. Detailed Federal procedures are contained in Appendix F.

Federal and State agencies will use their administrative structures and process in support of the Administrative Director's office. These administrative services include such functions as contracting for office space, personnel services, payment of utilities, purchasing, and so on. Memoranda of agreement will be established, as necessary, between State and Federal agencies to ensure support is provided without interruption to the office of the Administrative Director. Additional memoranda for other purposes will be negotiated when necessary.

General administration expenses will be kept to a minimum and applied in a consistent manner by the Trustee agencies.

ANNUAL BUDGET

The Trustee Council will annually prepare and approve a current-year budget based on the Federal fiscal year (October 1-September 30). It is recognized that the 1992 expenditure work plan is a transition to the federal fiscal year; it is intended that budget decisions will conform to the federal fiscal year beginning October 1, 1992.

The following constitutes the annual Trustee Council expenditure work plan:

- a) A budget for the office of the Administrative Director that includes salaries, benefits, travel, office space, supplies and materials, contractual services, utilities, general administration expenses, and such other items as may be necessary for the efficient operation of the Trustee Council, and the Restoration Team and its working groups. The proposed budget will be presented on the same budget forms as those used by any other project (for example, Forms 2A and 2B, shown in Appendix B).
- b) A budget for the Restoration Team and all working groups will be presented as one project. Under that project, the Restoration Team and each standing working group will be budgeted as sub-projects. Each sub-project will show the cost of personnel, travel, contractual services, commodities, equipment,

and general administration expenses. Authorized personnel will be identified by position title, the number of months budgeted, and the total salary and benefit costs for those months budgeted. In addition, a budget for the Finance Committee will be prepared separate from the Restoration Team and its working groups. The proposed budgets will be presented on the same budget forms as those used by any other project (shown in Appendix B).

c) A budget for each field project will be summarized on budget forms shown in Appendix B.

While some projects may be completed in one year, others require funding over multiple years. Information must be provided on budget forms showing total estimated costs for completing the project. Expenditures are authorized by the Trustee Council annually. Funding a project for one year does not obligate the Trustee Council to provide funding for the same project in future years.

Instructions will be prepared by the Finance Committee for distribution to State and Federal agencies involved in developing project budgets explaining how to complete the budget forms. These forms are intended to collect information necessary for the Trustee Council and staff members to evaluate all funding proposals, and to meet standards of accountability customary to the State and Federal governments during and after implementation of the proposed project.

CALCULATION OF PROJECT COSTS

Proposals for expenditure made to the Trustee Council will be presented on the budget forms established by the Finance Committee, including budgets for the Administrative Director, the Restoration Team and its working groups, and all other projects.

General administration costs may be included for all separate budgets funded through the Trustee Council. There are two types of general administration costs that may be incorporated into project budgets:

1. 15 percent of each project's direct personnel cost, and
2. Up to 7 percent of the first \$250,000 of each project's contract costs, plus 2 percent of project contract costs in excess of \$250,000.

These general administration funds are intended to pay indirect costs, such as office space, office utilities, fixed telephone charges, and all normal agency services for administering procurement, personnel, payroll, accounting, auditing and so on. A rate is used because measuring specific use of these services is expensive. For Trustee agencies which are actively involved in the restoration activities but do not have projects, the Trustee Council may approve a budget to cover agency services necessary to fund their involvement.

The rates for contracts relate to the costs for monitoring and supervising contractors, a cost that does not increase proportionally with the size of the contract. These rates are somewhat less than normal for Federal agencies.

In addition, project budgets may include proposed expenditures in specific line items: personnel, travel, contractual, commodities/supplies, equipment and capital outlay. All budgets, including those for the Restoration Team and its working groups, may have such costs. The Restoration Team will evaluate each budget proposal to determine if the expenditures listed in the specific line items are acceptable in nature and amount.

ANNUAL BUDGET FORMULATION PROCESS

Formal proposals for funding must be made in the following manner. Forms 2A and 2B must be used to describe the costs associated with a proposed project. If more than one agency is involved, or if there are distinct sub-projects (such as working groups associated with the Restoration Team), then a 2A form must be used (excluding the detailed position information) to summarize the project costs, and the 3A and 3B form must be used to describe the portion of the project assigned to each agency or to each sub-project. Such detail is essential for financial accountability.

The standards and format for justifying a project are the responsibility of the Restoration Team, working in conjunction with the Finance Committee. Such information must be attached behind the budget forms. Project plans supporting project budgets should include appropriate measures of performance to ensure intended results are achieved.

Each agency shall prepare budget documents for all spending for which it will be responsible. This includes projects or sub-projects related to field projects; the Administrative Director and associated staff, and any means for providing support for the Administrative Director or the Trustee Council; the Restoration Team and its working groups; and the Finance Committee. These rules also apply when a project is proposed by a member of the public.

Prior to the presentation of the proposed projects to the Trustee Council, the Financial Committee will review them. This review will include an evaluation of compliance with these Financial Operating Procedures, and will be limited to the budget and fiscal management aspects of the proposed projects. The Finance Committee may submit its written comments and recommendations to both the Restoration Team and the Trustee Council.

In a public meeting, annually, the Trustee Council will consider projects proposed for funding and issue a proposed work plan for public review and comment. After the expiration of the period for public review and comment, the Trustee Council, in open session and with opportunity for comment, will review the proposed work plan and may make such changes in it as the Trustee Council deems appropriate. The Trustee Council will annually approve a final work plan.

Upon final approval of the budget by the Trustee Council, approved budget documents will be available to the public through the offices of the Administrative Director. Approved budget information will also be available through review and notification procedures adopted by the State and Federal governments.

BUDGET IMPLEMENTATION

Both the State and Federal governments allow for certain adjustments in funding amounts during the budget period. The Trustee Council agrees that a certain amount of funding flexibility is necessary when projects are being carried out, and that limited amount of funding transfers between projects may be appropriate. The rules governing transfers are as follows:

- a) The Trustee Council authorizes agencies to transfer funds between projects up to the cumulative amount of \$25,000 or up to 10% of the annual spending level for each affected project, whichever is less. Calculation of these limits is based on the amounts authorized by the Trustee Council. The limits on funding transfers are set with the understanding that such transfers will not alter the underlying scope or objectives of the project, and

apply to both increasing and decreasing project funding. In addition, it is the responsibility of each agency, for future verification and audit, to record authorization to make such transfers and the purpose of each funding change.

For multi-agency projects, the concurrence of the lead agency must be obtained before moving funding into or out of a sub-project. Funding may be moved among the three State agencies and the three Federal agencies, and between State and Federal agencies, according to the limits shown above, if agencies responsible for projects gaining and losing funds agree to the transfer. Changes in authorized funding for each project must be reported on the next quarterly expenditure report, using Form 4, shown in Appendix B.

b) The Trustee Council may approve transfers in amounts greater than that authorized in a) above, without public notification other than a general agenda item in its public meetings, so long as such transfers do not change the scope or objectives of the projects. Transfers are subject to current State or Federal financial operating procedures and laws. Agencies must send requests for such transfers, using Form 5, shown in Appendix B, to the Administrative Director for submission to the next Trustee Council meeting. Approval must be obtained before the transfer is made.

c) The Trustee Council may increase or decrease the funding for an approved project that changes the scope or objective of the project, create a new project, or terminate an approved project during the budget year only after public notification of the proposed changes prior to the meeting. Such decisions by the Trustee Council will be made in a public meeting after giving the public an opportunity to comment on proposed changes, both at the meeting and through written comments submitted prior to the meeting. Public notification of the meeting will include a brief description of the project and the proposed change.

d) Project managers may transfer, within a single project, budgeted funds between object classes (such as personnel, travel, and contractual costs), and may change detailed items of expenditure, including specific personnel, to accommodate circumstances encountered during budget implementation. Such transfers are reported by agencies in the quarterly expenditure reports, simply by recording expenditures in the object classes where each expenditure was actually made. However, agencies may be subject to normal budget and administrative procedures regarding transfers established by the State or Federal government.

TRANSFER OF EXXON SETTLEMENT FUNDS FROM THE COURT REGISTRY

Upon completion of public review and comment on the proposed annual work plan, the Federal members of the Trustee Council shall submit to their Departments, through normal channels, the Federal portion of the budget then agreed upon by the Trustee Council for appropriate review and approval. It is expected that such review, including that of the Office of Management and Budget, will be completed within 30 days of receipt in Washington. Similarly, with respect to the State portion of the budget, State members of the Trustee Council will take appropriate action to comply with State requirements. Upon notification of Federal Executive Branch approval of the Federal portion of the budget and similar notification from the State Executive Branch, the Trustee Council will request the State of Alaska Department of Law and the U.S. Department of Justice to petition the Court for release of settlement funds (See

Appendix E) and the transfer of these funds, respectively, to the U.S. Department of the Interior Natural Resource Damage Assessment and Restoration (NRDA&R) Fund and to an account designated by the State of Alaska.

If the review process of either government results, in the opinion of one government, in an undue delay in filing a petition with the Court which would adversely impact it, the Trustee Council will, upon written request of the concerned government, provide appropriate consent for a joint petition to the Court for funds to be used for the activities identified in the budget approved by the Trustee Council for that concerned government.

When calculating the amount of funds requested from the Court, interest previously earned from settlement funds held by the Federal and State governments and unobligated balances will be subtracted from the spending plans approved by the Trustee Council.

ACCOUNTING AND REPORTING

Trustee agencies will maintain accountability for the expenditure of Exxon settlement funds using generally accepted accounting principles and Federal and State accounting procedures. As a minimum, these procedures will identify expenditures as approved in the annual work plan with supporting documentation. State and Federal agencies shall account separately for their respective portion of each project.

Within thirty days following the end of each calendar quarter, State and Federal agencies will report expenditures and obligations recorded at the end of the quarter to the Administrative Director. Agencies will submit expenditure/obligation reports (Form 4, shown in Appendix B) to the Administrative Director's office (where multi-agency or multi-sub projects will be consolidated) for review by the Finance Committee. Following review and approval by the Finance Committee, the Administrative Director will submit this information to the Trustee Council at its next meeting. The first report should be for the quarter ending September 30, 1992.

By November 30 of each year, agencies will report to the Administrative Director expenditures/obligations for the twelve month period ending September 30. The expenditure report should be generated from normal computerized accounting reports and must include at least the same level of detail as provided on the budget forms 2A and 2B. This requirement is in addition to the audit requirements described below. If an agency is responsible for a portion of a project, it will report on the sub-project assigned to it.

The Administrative Director, with assistance of the Restoration Team and the Finance Committee, will submit to the Trustee Council, by December 31, an annual accomplishment and expenditure report; reports of cash balances as of September 30 of the NRDA&R Fund, Federal agency and equivalent State accounts; and interest earned for the Federal fiscal year from funds contained within those accounts. In addition, the Finance Committee will report the September 30 balance of the Federal/State of Alaska Joint Fund held by the Registry of the Court.

The Federal government will adopt internal rules governing the information required to transfer cash received from the Court Registry, through the NRDA&R Fund, to Federal agencies incurring expenditures. The estimated expenditures will provide the basis for transfer of Exxon settlement funds from the NRDA&R Fund to the appropriate agency accounts. Money held in the NRDA&R Fund will earn, and retain, interest.

State agencies, operating under a unified accounting system, will draw from the account containing funds transferred from the Court Registry. Quarterly disbursements will not be necessary, and all unexpended funds received from the court will earn interest and be retained in the fund established to account for the settlement funds.

AUDITS

Accountability for the expenditure of settlement funds is of critical importance to maintaining public trust and confidence. Each Federal agency and the State of Alaska have Federally and State-approved audit functions, respectively. Periodic audits of Exxon settlement expenditures and financial controls will be conducted in accordance with established policy. The Finance Committee will report to the Trustee Council an annual schedule of audits, and any complaints by auditors of lack of cooperation from agencies being audited. The Finance Committee will recommend audits be performed by private accounting firms, when necessary. Further, the Finance Committee will review completed audits to bring significant issues, or the absence of such issues, to the attention of the Trustee Council. The Finance Committee will deliver at least one copy of all completed audits to the Administrative Director's office, which will be available to the public. Additional Federal procedures are contained in Appendix F.

MANAGEMENT OF EQUIPMENT

Generally, all equipment purchased with Exxon Valdez settlement funds, at a cost of \$500 or more, and other sensitive items as defined by State and Federal procedures, will be monitored by the Trustee Council.

Agencies shall use normal agency procedures for identifying equipment. By December 31 of each year, agencies must report to the Administrative Director all such equipment which is still functioning or has value. Agencies must also report all such equipment which during the previous fiscal year ceased to function or have value. These pieces of equipment need not be reported in future years.

Pending legal consultation, additional detailed provisions governing the use and disposal of such equipment will be forthcoming.

FINANCE COMMITTEE CHARTER

Membership is composed of three State representatives, three Federal representatives, and the Administrative Director (ex officio). A representative is appointed by each Trustee Council member.

The Finance Committee reports to the Trustee Council. The Finance Committee is to develop necessary financial procedures, enforce adherence to those procedures adopted by the Trustee Council, and ensure that specific actions of the Administrative Director, Restoration Team and its working groups, and State and Federal agencies conducting activities funded through the Trustee Council, meet or exceed financial management standards for accountability, efficiency and effectiveness. Such standards may be customary or specifically established by the Trustee Council, but must be sufficient to maintain public trust.

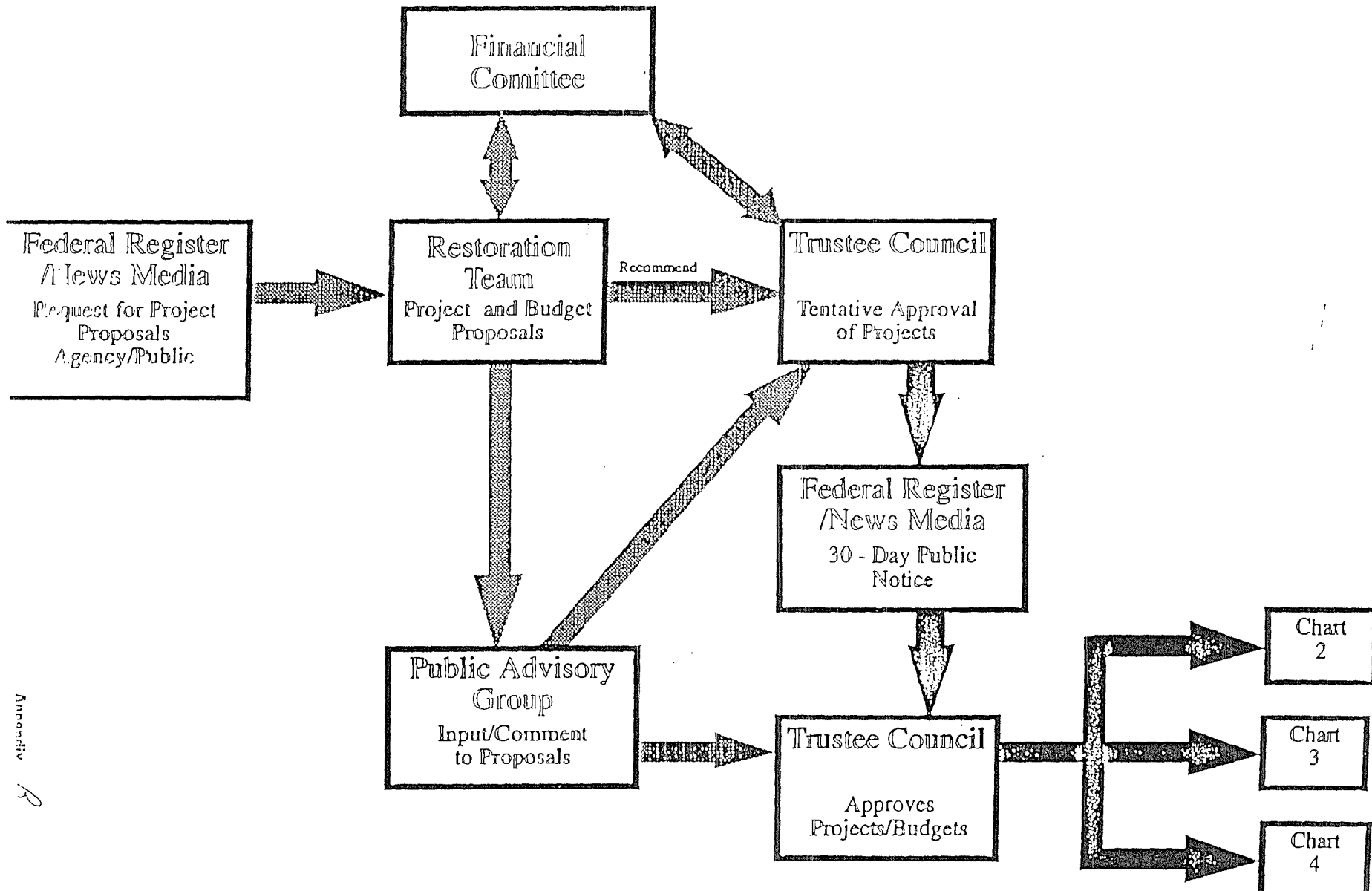
It is in the best interest of the Trustee Council that the Finance Committee, though independent of the Restoration Team, work cooperatively with the Restoration Team. The Restoration Team, whenever appropriate, will be informed of Finance Committee concerns and will be involved in remedying conditions giving rise to those concerns.

The Finance Committee is responsible for reporting directly to the Trustee Council on the following issues:

<u>Issue</u>	<u>When</u>
1. Recommend audits for scheduling, present a schedule of audits, report presence or absence of problems warranting Trustee Council attention.	Annually, by December 31
2. Ensure the proposed annual budget, information and documentation are reasonably complete, and agencies can reasonably carry out financial management of the project.	Annually, at the same time as the Restoration Team presents the proposed budget.
3. Ensure expenditure reporting is occurring as required, and there are no obvious discrepancies or difficulties with project implementation.	Quarterly, and annually
4. Report interest earned in NRDA&R Fund and State accounts.	Annually, by Dec. 31, and when funds are requested from the Court.
5. Propose amounts agencies should be reimbursed for past oil spill related costs, and required documentation on those costs.	1992

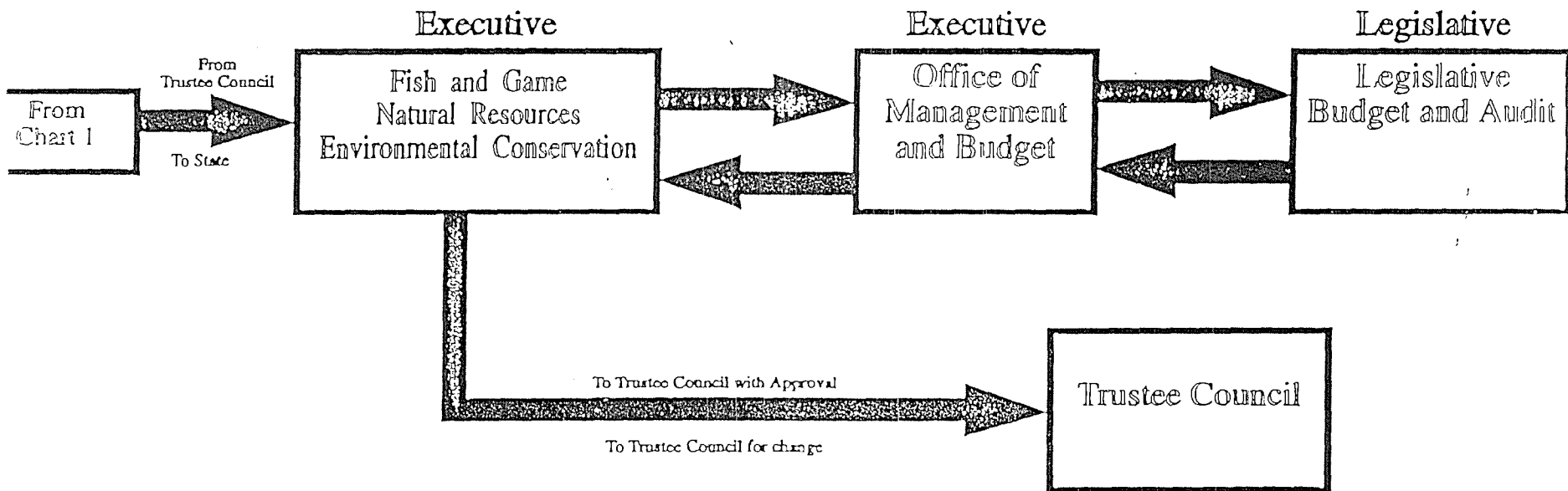
APPENDIX A
FINANCIAL OPERATING PROCEDURES
FLOW CHARTS

APPENDIX A
FINANCIAL OPERATING PROCEDURES
(CHART 1)

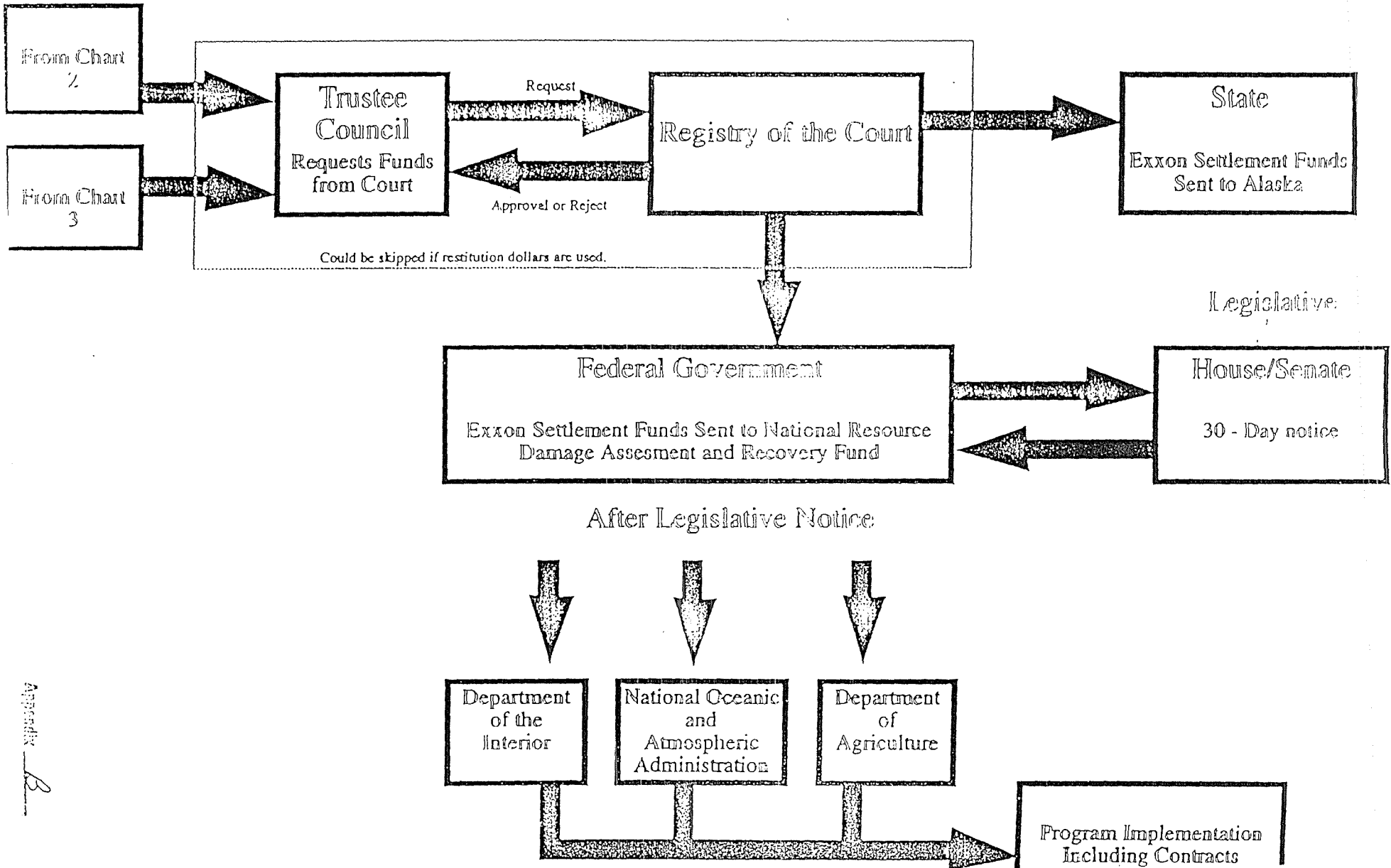


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APPENDIX A
FINANCIAL OPERATING PROCEDURES: STATE PROCESS
(CHART 3)

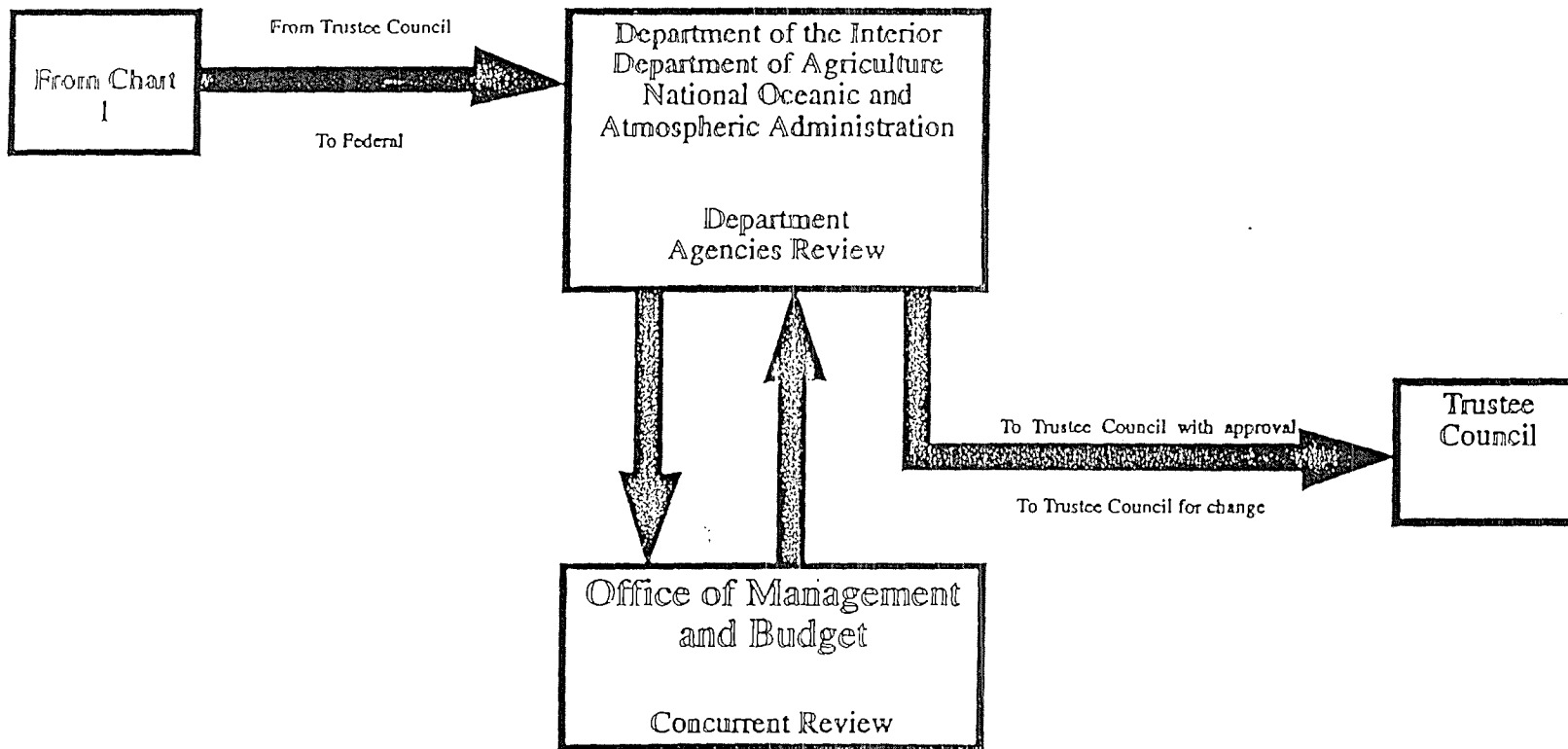


APPENDIX A
FINANCIAL OPERATING PROCEDURES
(CHART 4)



APPENDIX A
FINANCIAL OPERATING PROCEDURES: FEDERAL PROCESS
(CHART 2)

Executive



APPENDIX B

BUDGET FORMS

Budget forms, which will be used to display information for all projects proposed for funding through the Trustee Council, are shown on the following pages. Appropriate technical adjustments will be made every year.

EXXON VALD RUSTEE COUNCIL

Project Number	Project Title	Agency	Approved 1-Oct-92 28-Feb-93	Proposed 1-Mar-93 30-Sep-93	Total FY 93	

17-Jul-92

1993

page of

FORM 1A
PROJECT SUMMARY

EXXON VALL RUSTEE COUNCIL

Agency	Project Number	Project Title	Approved 1-Oct-92 28-Feb-93	Proposed 1-Mar-93 30-Sep-93	Total FY 93	

17-Jul-92

1993

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FORM 1B
AGENCY SUMMARY

EXXON VALD. TRUSTEE COUNCIL

Project Description:

Budget Category	Approved 1-Oct-92 28-Feb-93	Proposed* 1-Mar-93 30-Sep-93	Total FY 93	FY 94	FY 95	FY 96	FY 97	Sum FY 98 & Beyond
Personnel			\$0.0					
Travel			\$0.0					
Contractual			\$0.0					
Commodities			\$0.0					
Equipment			\$0.0					
Capital Outlay			\$0.0					
Sub-total	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0
General Administration			\$0.0					
Project Total	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0
Full-time Equivalents (FTE)								

Amounts are shown in thousands of dollars.

Budget Year Proposed Personnel:

Position	Months Budgeted	Cost	Comment
----------	--------------------	------	---------

* FY 93 is a transition year from the previously used oil fiscal year to the federal fiscal year. This new project also includes proposed funding for January and February, 1993.

17-Jul-92

1993

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Project Number:

Project Title:

Agency:

FORM 2A
PROJECT
DETAIL

EXXON VALD. RUSTEE COUNCIL

Travel:

Contractual:

Commodities:

Equipment:

17-Jul-92

1993

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Project Number:
Project Title:
Agency:

FORM 2B
PROJECT
DETAIL

EXXON VALD RUSTEE COUNCIL

Project Description:								
Budget Category	Approved 1-Oct-92 28-Feb-93	Proposed* 1-Mar-93 30-Sep-93	Total FY 93	FY 94	FY 95	FY 96	FY 97	Sum FY 98 & Beyond
Personnel			\$0.0					
Travel			\$0.0					
Contractual			\$0.0					
Commodities			\$0.0					
Equipment			\$0.0					
Capital Outlay			\$0.0					
Sub-total	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0
General Administration			\$0.0					
Project Total	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0
Full-time Equivalents (FTE)								
Amounts are shown in thousands of dollars.								

Budget Year Proposed Personnel:

Position	Months Budgeted	Cost	Comment

* FY 93 is a transition year from the previously used oil fiscal year to the federal fiscal year. This new project also includes proposed funding for January and February, 1993.

17-Jul-92

1993

page of

Project Number:
 Project Title:
 Sub-Project:
 Agency:

FORM 3A
 SUB-
 PROJECT
 DETAIL

EXXON VALC RUSTEE COUNCIL

Travel:

Contractual:

Commodities:

Equipment:

17-Jul-92

1993

page of

Project Number:
Project Title:
Sub-Project:
Agency:

FORM 3B
SUB-
PROJECT
DETAIL

Appendix 8

APPENDIX C

STATE OF ALASKA PROCEDURES FOR PUBLIC NOTIFICATION AND REVIEW OF ANNUAL BUDGET

The State of Alaska adheres to an annual budget process, with the Governor required to release a draft annual budget plan on December 15 preceding the beginning of the fiscal year on July 1. Since the Trustee Council will approve projects for the period October 1 to September 30, the State will include in its budget process three months of one Federal fiscal year (July 1 to September) and nine months of the second Federal fiscal year (October 1 to June 30).

State of Alaska institutions are involved in the operations of the Trustee Council and the spending of settlement funds in three respects. First, heads of three executive branch agencies serve on the six-member Trustee Council. Second, members of the Alaska State Legislature have an interest in particular projects proposed for funding by the Trustee Council. Third, the Alaska State Legislature, in practice, authorizes all spending made by an executive branch agency, regardless of the source of the funds. The following process relates to the third aspect only.

After the Trustee Council makes its final budget decisions, the Alaska Office of Management and Budget will prepare, assisted if necessary by State agencies, documents reflecting Trustee Council approved spending plans for projects or sub-projects to be carried out by State agencies. These documents will include a project description, line-item proposed expenditures, and information on state employees to be paid from the project. No projects to be carried out by Federal agencies will be subject to the State review and notification process.

The budget documents will be submitted for approval to the Legislative Budget and Audit Committee, as prescribed in Alaska Statute 37.07.080 (h). Authorization to spend will be recorded in the Alaska State Accounting System. Accounting documents establishing authorization to spend will be prepared by the State agency responsible for carrying out the project or sub-project, and approved by the Office of Management and Budget.

Data on expenditures made in the prior budget year, the current year authorization to spend, and spending approved by the Trustee Council for the upcoming budget year will be provided to the Alaska State Legislature, for information, through the normal budget process. Normal budget documents will identify such past and proposed expenditures with a unique funding source code, and State employees to be paid from settlement funds will be identified along with the amount they will be paid from the settlement funds. Budget structure changes, such as new budget request units or budget components, may be created with approval from the Office of Management and Budget to consolidate Trustee Council projects and sub-projects.

APPENDIX D

FEDERAL GOVERNMENT PROCEDURES FOR PUBLIC NOTIFICATION AND REVIEW OF ANNUAL BUDGET

During budget formulation, the President establishes general budget guidelines (OMB annual guidance) and fiscal policy guidelines. Under a multi-year planning system, policy guidance and planning ceilings are given to agencies for both the upcoming budget year and for the four following years. The budget guidelines also provide the initial guidelines for preparation of agency budget requests.

ANNUAL BUDGET FORMULATION PROCESS

As a subset of this procedure, the Restoration Team will provide budget/program recommendations to the Trustee Council for consideration that will reflect the requirements for the upcoming fiscal year. (For the 1994 Federal budget, it is expected that budgetary information will be received from the Trustee Council beginning in June 1992.) These recommendations will include for each agency, a list of projects and their associated project numbers and costs, including multi-year costs. The project list will be used by the Restoration Team in making recommendations to the Trustee Council.

Upon approval of the projects by the Trustee Council, the Financial Committee will ensure that the preparation and submission of all Federal budget estimates are in accordance with OMB Circular A-11.

PRESENTATION

Presentation of the annual budget request should be consistent across Federal Trustee Agencies and in accordance with OMB Circular A-11. A new title and code will be established within the Departments of Agriculture, Commerce, and Interior. These title and code designations (referred to as "Budget Activity") will be solely dedicated to Exxon Valdez oil spill assessment and restoration activities.

The Budget Activity will have three sub-activities that will provide detailed justification required by OMB for inclusion in the Congressional budget submission. Exxon Valdez oil spill budgetary requirements will be displayed by the Federal Trustee Agencies in the budget justification materials as follows:

- * Activity: Exxon Valdez Restoration Program
- * Subactivity: Damage Assessment Program
- * Subactivity: Restoration Program
- * Subactivity: Administration

TRANSFER OF EXXON SETTLEMENT FUNDS FROM THE COURT REGISTRY

Federal funds from the Court Registry will initially be transferred to and deposited in the Department of the Interior's (DOI) Natural Resource Damage Assessment and Restoration (NRDA&R) Fund. Therefore, the DOI annual budget estimate will reflect all Federal budgetary requirements anticipated at the time of submission for continuing activities, new activities, amounts necessary to meet specific financial liabilities imposed by law, and amounts to be transferred to Federal Trustees for Exxon Valdez oil spill-related program activities. The Federal Trustees will reflect in their individual budgets, the amount of the transfer from the NRDA&R Fund account, and will submit all required budget justification materials to OMB for clearance prior to transmittal to Congress.

CONTENT

Required budget materials for the initial and subsequent budget submissions are listed in OMB Circular A-11. These materials will be submitted in accordance with the detailed instructions in the sections indicated and the arrangements made by OMB representatives. OMB guidelines specify requirements that apply only to certain Federal Agencies or under certain circumstances.

FORMAT

As a general rule, approval for changes in budget structure should be requested by October 1, unless OMB specifies an earlier date. Changes in budget structure include establishment of new accounts, changes in account titles, account mergers, changes in the sequence of existing accounts, and new methods of financing. Specific information and format requirements will be determined in consultation with OMB representatives. Advance approval must be obtained before modifications are made to the standard justification material requirements used to present program and financial information.

CONGRESSIONAL NOTIFICATION

According to Public Law 102-229, which is dated December 12, 1991, "Making dire emergency supplemental appropriations...", among other provisions, provided "...That, for fiscal year 1992, the Federal Trustees shall provide written notification of the proposed transfer of such amounts to the Appropriations Committees of the House of Representatives and the Senate thirty days prior to the actual transfer of such amounts..."

"Such amounts" refers to amounts received by the United States for restitution and future restoration in settlement of United States v. Exxon Corporation and Exxon Shipping Company and deposited into the NRDA&R Fund prior to the transfer of funds to the other Federal Trustees and notice to OMB. Congressional notification will be by letter from the Federal Trustees to the Chairpersons of the House and Senate Appropriations Committees.

The notification will include, in summary form, an estimate of the Exxon settlement funds that are to be expended from the NRDA&R Fund by the Federal Trustees and the projects and activities for which the funds are to be used.

PL 102-229 also required "...That, for fiscal 1993 and thereafter, the Federal Trustees shall submit in the President Budget for each fiscal year the proposed use of such amounts."

Because this requirement was not incorporated into the President's 1993 Budget, due to time constraints, it is anticipated that the same requirement that was made for the Federal Trustees in 1992 will also be required by the Congress in 1993.

APPENDIX E

PROCEDURE FOR REQUESTING MONEY FROM THE COURT REGISTRY

The memorandum of agreement between the State and Federal governments requires a joint application to the Court for funds. The U.S. Department of Justice and the Alaska Department of Law will make the application upon authorization to do so by a unanimous vote of the Trustee Council. The Trustee Council will specify, in its vote, the amount to request from the Court for deposit in the Natural Resource Damage Assessment and Recovery (NRDA&R) Fund and the fund established by the State of Alaska. The Court will be asked to deliver monies separately to the two governments.

The Administrative Director shall assist, if necessary, the Department of Justice and the Department of Law prepare documents (primarily those concerning project descriptions) comprising the application for funds.

The Resolution Form (w/blanks) developed by State and Federal Attorneys is as follows:

RESOLUTION OF THE
EXXON VALDEZ SETTLEMENT TRUSTEE COUNCIL

We, the undersigned, duly authorized members of the Exxon Valdez Settlement Trustee Council do hereby certify that, in accordance with the Memorandum of Agreement and Consent Decree entered as settlement of United States of America v. State of Alaska, No. A91-081 Civil, U.S. District Court for the District of Alaska, and after numerous public meetings, unanimous agreement has been reached to expend funds received in settlement of United States of America v. Exxon Corporation, et al., No. A91-082 Civil, U.S. District Court for the District of Alaska, and State of Alaska v. Exxon Corporation, et al., No. A91-083 Civil, U.S. District Court for the District of Alaska, for necessary natural resource damage assessment, restoration activities and administration from _____ to _____, according to the budgets appended hereto and totalling \$ _____. The moneys are to be distributed to the Trustee agencies according to the following schedule:

Alaska Department of Fish and Game \$
Alaska Department of Natural Resources
Alaska Department of Environmental Conservation _____
SUBTOTAL TO STATE OF ALASKA \$

U.S. Department of Agriculture \$
U.S. Department of the Interior
U.S. National Oceanic and Atmospheric Administration _____
SUBTOTAL TO UNITED STATES OF AMERICA \$

TOTAL BUDGET _____ to _____

We further certify that, by unanimous consent, we have requested the Attorney General of the State of Alaska and the Assistant Attorney General of the Environmental and Natural Resources Division of the United States Department of Justice to petition the United States District Court for the District of Alaska for withdrawal of the sum of \$ _____ from the Court Registry account established as a result of the governments' settlement with the Exxon companies.

Dated _____
MICHAEL A. BARTON
Regional Forester
Alaska Region
USDA Forest Service

Dated _____
CHARLES E. COLE
Attorney General
State of Alaska

Dated _____
CURTIS V. McVEE
Special Assistant
U.S. Department of the Interior

Dated _____
STEVEN PENOYER
Director, Alaska Region
National Marine Fisheries Service

Dated _____
CARL L. ROSIER
Commissioner
Alaska Department of Fish and Game

Dated _____
JOHN A. SANDOR
Commissioner
Alaska Department of Environmental
Conservation

ATTACHMENT C

Payment to the United States

1. Payment should be in the amount of \$3,074,028.46.
2. The check should be made payable to the Department of the Interior and must contain the reference: "Exxon Valdez Oil Spill Settlement Funds from Federal/State of Alaska Joint Fund".
3. A representative of the United States Department of Justice will obtain the check at the Clerk's office.

Payment to the State of Alaska

1. Payment should be in the amount of \$3,493,225.31.
2. The check should be made payable to the State of Alaska.
3. A representative of the Department of Law for the State of Alaska will obtain the check at the Clerk's office.

Lodged

JAN 19 1993

FILED

JAN 25 1993

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

Deputy

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EXXON CORPORATION, EXXON SHIPPING
COMPANY, and EXXON PIPELINE COMPANY,
et al., in personam, and the T/V
EXXON VALDEZ, in rem,

Defendants.

No. A91-082 Civil

ORDER RE SECOND
DISBURSEMENT FROM
SETTLEMENT ACCOUNT

Pursuant to Rule 67 of the Federal Rules of Civil Procedure, 28 U.S.C. § 2401, and Local Rule 27(B), and in accordance with the terms of the Agreement and Consent Decree between the United States, the State of Alaska, and defendants Exxon Corporation and Exxon Shipping Company (collectively referred to, together with the T/V EXXON VALDEZ, as "Exxon"), and Exxon Pipeline Company, entered by this Court on October 8, 1991, and the terms of the Memorandum of Agreement and Consent Decree between the

ORDER RE SECOND DISBURSEMENT
FROM SETTLEMENT ACCOUNT -1

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Kull

State of Alaska and the United States in Civil Action No. A91-081
CIV, entered by this Court on August 28, 1991,

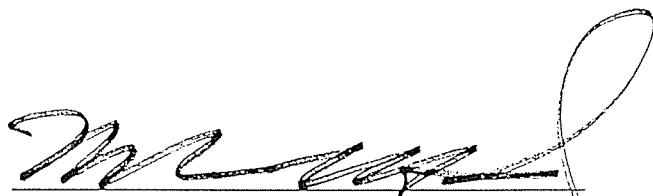
IT IS HEREBY ORDERED that the amount of \$3,074,028.46 shall be disbursed to the United States from the EXXON VALDEZ Oil Spill Settlement Account ("Account") established in the Court Registry Investment System administered through the United States District Court for the Southern District of Texas; and

IT IS ORDERED that the payee, United States Department of the Interior, is different than the depositor of the funds, Exxon; and

IT IS ORDERED that the disbursement shall be paid from the principal deposited into the Account and that no one is entitled to the accumulated interest at this time, which interest shall therefore remain in the Account; and

IT IS ORDERED that the disbursed funds shall be used for the purposes described in the Joint Application For Second Disbursement From Settlement Account and its accompanying attachment.

DATED: June 22, 1993


Honorable H. Russel Holland
Chief Judge
United States District Court
District of Alaska

cy: J. Bottini (AUSA)
C. Flynn
Financial Deputy

VICKI A. O'MEARA
Acting Assistant Attorney General
WILLIAM D. BRIGHTON
Assistant Section Chief
Environmental Enforcement Section
Environment & Natural Resources Division
United States Department of Justice
Washington, D.C. 20530

REGINA R. BELT
Environmental Enforcement Section
Environment & Natural Resources Division
645 G Street
Anchorage, Alaska 99501
(907) 278-8012

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

_____)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	No. A91-082 Civil
EXXON CORPORATION, EXXON SHIPPING)	
COMPANY, and EXXON PIPELINE COMPANY,)	
<u>et al.</u> , <u>in personam</u> , and the T/V)	<u>CERTIFICATE OF SERVICE</u>
EXXON VALDEZ, <u>in rem</u> ,)	
)	
Defendants.)	
_____)	

I, Regina R. Belt, hereby certify that I have served a true copy of the foregoing NOTICE OF SECOND WITHDRAWAL FROM SETTLEMENT ACCOUNT, JOINT APPLICATION FOR SECOND DISBURSEMENT FROM SETTLEMENT ACCOUNT, and proposed ORDER RE SECOND DISBURSEMENT FROM SETTLEMENT ACCOUNT on the following persons this 19th day of January, 1993 by deposit of same in United States first class mail, postage prepaid except as noted below:

Craig Tillery
Assistant Attorney General
State of Alaska
1031 West Fourth Avenue Suite 200
Anchorage, Alaska 99501-1994

James F. Neal, Esq.
Neal & Harwell
2000 One Nashville Place
150 Fourth Avenue North
Nashville, Tennessee 37219

Robert C. Bundy, Esq.
Bogle & Gates
1031 West 4th Avenue, Suite 600
Anchorage, Alaska 99501

Patrick Lynch, Esq.
O'Melveny & Meyers
400 South Hope Street
Los Angeles, California 90071

John F. Clough III, Esq.
Clough & Associates
431 North Franklin St., Suite 202
Juneau, Alaska 99801


In addition, I have served by telefax transmission a copy of
the NOTICE OF SECOND WITHDRAWAL FROM SETTLEMENT ACCOUNT on:

Kathleen Riska, Financial Deputy (by telefax transmission)
Office of the Clerk
United States District Court
Southern District of Texas
FAX: (713) 250-5350

and hand-delivered a copy of said NOTICE OF SECOND WITHDRAWAL FROM
SETTLEMENT ACCOUNT on:

Clerk of the Court
United States District Court
District of Alaska
222 West Seventh Avenue
Anchorage, Alaska 99513

Date: 1-19 93


Regina R. Belt
United States Department of Justice
645 G Street
Anchorage, Alaska 99501
(907) 278-8012

STANDARD AGREEMENT FORM

1. Agency Contract Number	2. ASPS Number	3. Financial Coding	4. Agency Assigned Encumbrance Number
---------------------------	----------------	---------------------	---------------------------------------

5. Vendor Number	6. Alaska Business License Number
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This contract is between the State of Alaska,

7. Department of Natural Resources	Division Office of the Commissioner	hereafter the State.
---------------------------------------	--	----------------------

8. and, Applied Marine Sciences, Inc.	hereafter the Contractor
--	--------------------------

Mailing Address	Street or P.O. Box	City	State	ZIP + 4
	2155 Las Positas Court, Suite S	Livermore	CA	94550

9.

ARTICLE 1. Appendices: Appendices referred to in this contract and attached to it are considered part of it.

ARTICLE 2. Performance of Service:

2.1 Appendix A (General Provisions), Articles 1 through 14, governs the performance of services under this contract.

2.2 Appendix B sets forth the liability and insurance provisions of this contract.

2.3 Appendix C sets forth the services to be performed by the contractor.

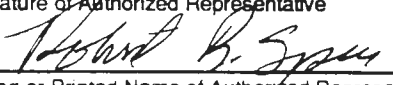
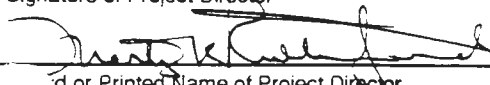
ARTICLE 3. Period of Performance: The period of performance for this contract begins August 1, 1992 and ends September 30, 1993

ARTICLE 4. Considerations:

4.1 In full consideration of the contractor's performance under this contract, the State shall pay the contractor a sum not to exceed \$ 413,000 in accordance with the provisions of Appendix D.

4.2 When billing the State, the contractor shall refer to the Authority Number or the Agency Contract Number and send the billing to:

10. Department of Natural Resources	Attention: Division of Office of the Commissioner
Mailing Address 3601 C Street, Suite 1210	Attention: Marty K. Rutherford

11. CONTRACTOR		13. CERTIFICATION: I certify that the facts herein and on supporting documents are correct, that this voucher constitutes a legal charge against funds and appropriations cited, that sufficient funds are encumbered to pay this obligation, or that there is a sufficient balance in the appropriation cited to cover this obligation. I am aware that to knowingly make or allow false entries or alterations on a public record, or knowingly destroy, mutilate, suppress, conceal, remove or otherwise impair the variety, legibility or availability of a public record constitutes tampering with public records punishable under AS 11.56.815 - 820. Other disciplinary action may be taken up to and including dismissal.
Name of Firm Applied Marine Sciences, Inc.		
Signature of Authorized Representative 	Date 8/1/92	
Typed or Printed Name of Authorized Representative Robert B. Spies		
Title President	Employer ID No. (EIN) or SSN 94-3112543	
12. CONTRACTING AGENCY		Signature of Head of Contracting Agency or Procurement Officer Date Typed or Printed Name of Authorizing Official Title
Department/Division Office of the Commissioner	Date 8/01/92	
Signature of Project Director 		
Typed or Printed Name of Project Director Marty K. Rutherford		
Title Assistant Commissioner		

NOTICE: This contract has no effect until signed by the head of contracting agency or designee.

APPENDIX B' INDEMNITY AND INSURANCE

Article 1. Indemnification

The contractor shall indemnify, save harmless and defend the state, its officers, agents and employees from all liability, including costs and expenses, for all actions or claims resulting from injuries or damages sustained by any person or property arising directly or indirectly as a result of any error, omission or negligent act of the contractor, subcontractor or anyone directly or indirectly employed by them in the performance of this contract.

All actions or claims including costs and expenses resulting from injuries or damages sustained by any person or property arising directly or indirectly from the contractor's performance of this contract which are caused by the joint negligence of the state and the contractor shall be apportioned on a comparative fault basis. Any such joint negligence on the part of the state must be a direct result of active involvement by the state.

Article 2. Insurance

Without limiting contractor's indemnification, it is agreed that contractor shall purchase at its own expense and maintain in force at all times during the performance of services under this agreement the following policies of insurance. Where specific limits are shown, it is understood that they shall be the minimum acceptable limits. If the contractor's policy contains higher limits, the state shall be entitled to coverage to the extent of such higher limits. Certificates of Insurance must be furnished to the Contracting Officer prior to beginning work and must provide for a 30 day prior notice of cancellation, nonrenewal or material change. Failure to furnish satisfactory evidence of insurance or lapse of the policy is a material breach and grounds for termination of the contractor's services.

2.1. Workers' Compensation Insurance: The contractor shall provide and maintain, for all employees of the contractor engaged in work under this contract, Workers' Compensation insurance as required by AS 23.30.045. The contractor shall be responsible for Workers' Compensation Insurance for any subcontractor who directly or indirectly provides services under this contract. This coverage must include statutory coverage for states in which employees are engaging in work and employer's liability protection not less than \$100,000 per person, \$100,000 per occurrence. Where applicable, coverage for all federal acts (i.e. U.S.L.& H. and Jones Acts) must also be included.

2.2. Comprehensive (Commercial) General Liability Insurance: with coverage limits not less than \$300,000 combined single limit per occurrence and annual aggregates where generally applicable and shall include premises-operations, independent contractors, products/completed operations, broad form property damage, blanket contractual and personal injury endorsements.

2.3. Comprehensive Automobile Liability Insurance: covering all owned, hired and non-owned vehicles with coverage limits not less than \$100,000 per person/\$300,000 per occurrence bodily injury and \$50,000 property damage.

APPENDIX C

I. Background

Pursuant to the grounding of the T/V Exxon Valdez on March 24, 1989, various state and federal government agencies conducted damage assessment studies necessary to the pursuit of litigation. These studies provide valuable information on the effects of the spill and identify needs for restoration efforts. Scientific experts, peer reviewers, provided unbiased scientific and professional expertise to the principal investigators of these studies, the litigation team and now to the Trustee Council, established to administer the settlement funds paid by Exxon and direct restoration efforts.

The primary objectives of this contract are to have the contractor identify and retain the appropriate Peer Reviewers, perform all administrative support services, coordinate the efforts of the Peer Reviewers, and make timely reports to the Trustee Council, Restoration Team, and contracting agency on the status of the peer review process and associated administrative support.

II. Scope of Work

The Contractor will coordinate with the Restoration Team to retain independent peer reviewers to provide technical and scientific support to the Exxon Valdez Oil Spill Restoration Effort.

Selection of Peer Reviewers

Appendix F represents a list of disciplines for which peer reviewers will be requested under the scope of this contract. Appendix K is a listing of anticipated peer reviewers that will be used in the performance of this contract. Any peer reviewer, not listed in Appendix K, must meet the minimum qualifications listed in Appendix E.

The contractor shall task the individual peer reviewers based upon the expressed needs of the Trustee Council, the Restoration Team, the Chief Scientist, and the Principal Investigators of these projects.

Prior to tasking an individual for a project, the Contractor will first request an estimate of the cost of services for the specified task from the selected peer reviewer. Should this not fall within the estimated price range expected by the contractor, an effort will be made to reduce the cost through a reduction in scope of services or a reduction in the hourly fee.

Prior to beginning work under this project, the contractor shall have all selected peer reviewers sign a Consulting Agreement, acceptable to the Alaska Department of Natural Resources and the Trustee Council, see Appendix I, sign an archaeological site location confidentiality agreement, see Appendix H, obtain an Alaska Business License, see Appendix J, and forward copies of these signed documents to the Alaska Department of Natural Resources.

A thorough cost accounting of billable hours and expenses will be made by the peer reviewers to the contractor. The contractor will be responsible for tracking

tasks, estimated costs, hourly billing, and expenses, in a manner acceptable to the Trustee Council and the Alaska Department of Natural Resources fiscal officer.

Administrative Support for Peer Reviewers

Limited administrative support of peer reviewers retained by the Contractor, shall be the responsibility of the Contractor and shall be the responsibility of one specified administrative assistant. The Contractor's Administrative contact for this contract is:

Barbara A. Forbes
Applied Marine Sciences, Inc.
2155 Las Positas Court, Suite S
Livermore, CA 94550
Phone: 510-373-7142
Fax: 510-373-7834

At a minimum the contractor will provide the following support for peer reviewers:

- make travel, lodging and meeting site arrangements for the Peer Reviewers. This includes contacting the Administrative/Executive Director to insure that all travel is authorized by the Restoration Team, prior to making travel arrangements. State government rates for air fare and accommodations shall be used where available. See Appendix G (travel letter sample). In making travel arrangements, per diem allowances shall not exceed the amount authorized by State of Alaska travel regulations.
- track expenses in sufficient detail so as to satisfy the Alaska Department of Natural Resources cost recovery requirements and in accordance with accounting procedures established by the Trustee Council.
- track and coordinate the activities and schedules of the peer reviewers.
- distribute and collect from the peer reviewers, project relevant information.

Management/Coordination of Peer Review

The contractor shall coordinate, communicate and relay or forward information among the Trustee Council, Restoration Team, the agency experts, principal investigators, and the peer reviewers retained by the contractor, as requested by the Restoration Team.

The contractor shall appoint a Project Manager who will be the Contractor's Authorized Representative for technical and administrative performance of all services required in this contract. The Project Manager shall provide the single point of contact through which all Contractor/Government communications, work, and technical direction shall flow.

The project Managers Name and Address is:

Andy Gunther, PhD
Applied Marine Sciences
2135 Las Positas Court, Suites S
Livermore, CA 94550
Phone: 510-373-7142
Fax: 510-373-7834

The Project Manager shall receive and execute, on behalf of the Contractor, technical direction from the Restoration Team within the terms and conditions of the contract.

The contractor shall provide technical coordination to the peer reviewers and will effectively communicate with the peer reviewers, to interpret and oversee the work of the peer reviewers.

All task directives to the Peer Reviewers will come from the Contractor and all products produced pursuant to these directives will be delivered to the Contractor for subsequent delivery to the Trustee Council and/or Restoration Team.

The Contractor, in coordination with the Restoration Team, will work with the Trustee Agencies, the principal investigators, and Restoration Team work groups to ensure that all scientific assessments for this project, are completed in a timely, scientifically accurate and defensible manner, and that the data and analytical results are reported in a form that is compatible with the needs of the Trustee Council and Restoration Team. The Contractor will ensure that the scientific data and the scientific conclusions drawn from the analyses of this data are provided to the Trustee Council and Restoration Team for review and dissemination.

The contractor shall meet with the Restoration Team quarterly to present a summary of peer review activities for the preceding quarter and to discuss the direction of peer review activities and the peer review needs of the Restoration Team for the coming quarter. These meetings may be conducted by teleconference if all parties agree.

Scope of Peer Review Work and Schedule

The following is a list of primary activities for Peer Reviewers with projected time frames. Actual project completion dates will be agreed to by the Trustee Council, the restoration team, the contractor, and other parties which may be involved in the specific projects.

- Review and provide technical assistance to 1992 Reports and Projects, (August - November 1992).
Each final report submitted to the Restoration Team will be sent to 2 or more peer reviewers to review for use of appropriate approaches and methods, completeness and appropriateness of data and statistical analyses, and the accuracy of conclusions. Special attention will be paid the issue of damage, especially to determine if the damages claimed to the resource are supported by the available data and the amount of

uncertainty that should be attached to these conclusions. Reports and comments of the reviewers will be reviewed by the chief scientist and returned to the principal investigators for revision if needed. Revised final reports in some cases may need further review to be accepted.

- Review 1993 Restoration Project Descriptions (during August 4-7, 1992). The Restoration Team and Chief Scientist will be jointly considering about 120 to 150 proposals for restoration work in 1993 during the first week of August 1992. Short proposals will be individually reviewed by peer reviewers and comments passed to the Restoration Team and Chief Scientist.
- Review each agency's detailed study plan for approved projects for 1993, (September - December 1992). Individual agencies have specific needs for specialized individuals outside of their agency. Although this activity is somewhat limited, it has proved very useful to make peer reviewers occasionally available for specialized advice.
- Participate in proposal review committees for approved projects for 1993 that will be contracted, (January - June 1993).
- Evaluate long term monitoring proposals, (November 1992).
- Review abstracts submitted for the Exxon Valdez Oil Spill Symposium, (October - December 1992). The services of peer reviewers will be required by the Editorial Committee to review the many anticipated abstracts to be submitted for presentation at the symposium. A meeting will be held in Anchorage in October to review the abstracts.
- Review options for restoration and the Restoration Plan, (August - November 1992). Peer Reviewers have been requested to be present in Anchorage on the 18th and 19th of August to review options for restoration. Additional use of selected reviewers has been requested by Restoration Planning Work Group for review of injured species list, to review the draft Restoration Plan and final Restoration Plan.
- Assist in preparation of out year work plans, (June - July 1993).
- Attend scheduled meetings and carry out other tasks within the scope of the peer reviewers assigned tasks in accordance with the specific instructions provided by the Restoration Team and the Chief Scientist. (As required)

Deliverables/Reports

The contractor shall furnish reports as requested by the Trustee Council or the Restoration Team, including, but not limited to, a quarterly report summarizing peer review activities for the quarter. The contractor shall also furnish a monthly accounting summary of peer reviewers tasks, original estimate of hours per task, actual hours billed per task, hourly rate, travel, per diem, and additional

expenses, to the State. At the end of the contract period the Contractor shall provide a cumulative summary by Peer Reviewer, by task, of the information specified above.

The contractor shall maintain and furnish to the Restoration Team and the State, a directory of the experts, containing the expert's name, expertise, hourly rate, address, telephone and, if available, fax numbers.

The contractor shall furnish the Restoration Team a single copy of all Peer Review reports within 10 days of receipt of reports in their final form from Peer Reviewers, after all reviews are completed.

General Terms and Conditions

Coordination of Effort:

The contractor will coordinate the peer review needs of both state and federal agencies so that work proceeds in a fully integrated manner. This includes managing the peer reviewers to insure that results achieved are of the highest quality and are produced in a timely manner without duplication of effort.

Cancellation:

In the event the services of the peer reviewers are no longer deemed necessary, the Trustees can ask the Department of Natural Resources to terminate this contract unilaterally without prejudice or cost to either party. This will apply to the contract as well as any assigned peer review tasks in effect at the time of termination. The contractor agrees to the unilateral termination of the contract, with or without cause, by the State without costs to either party. Contractor will place a provision in its agreement with the peer reviewers requiring their agreement to termination without costs at the election of the State.

Conflicts of Interest:

The Contractor will be responsible for avoiding any conflict of interest in selecting individuals for peer review. Specifically, those individuals providing technical assistance for project design and work should not be selected as peer reviewers for that project.

Agency contacts for this contract:

DNR Contact	Marty K. Rutherford Office of the Commissioner Alaska Department of Natural Resources 3601 C Street, Suite 1210 Anchorage, Alaska 99503 Phone: 907-762-2483 Fax: 907-562-4871
Restoration Team	Dave Gibbons, PhD Acting Executive Director Exxon Valdez Oil Spill Trustees 645 G Street Anchorage, Alaska 99501 Phone: 907-278-8012 Fax: 907-276-7178
State Contracting Officer	Chris Rutz Procurement Officer Alaska Department of Natural Resources 3601 C Street, Suite 1134 Anchorage, Alaska 99503 Phone: 907-762-2534 Fax: 907-562-4871

Appendix D

Consideration

Funding for this contract to proceed past February 28, 1993 is subject to the approval of the Trustee Council. The total cost of this contract will not exceed \$413,000. At the direction of the Trustee Council the state may cancel or reduce the scope of this contract. If this occurs the State and the Contractor will renegotiate the fixed administrative costs, overhead, and fee to conform with the availability of funds and modified scope of work.

The contractor will be paid based on a fixed monthly rate for direct expenses for support services, overhead, profit, and direct expenses for peer reviewers which will be based on a fixed hourly fee with a negotiated not to exceed amount plus direct travel and other agreed upon expenses.

Direct expenses for support services will not exceed \$42,595.00 from the period of August 1, 1993 through February 28, 1993. This expense is based on a fixed direct expense and overhead of \$24,717.00 and a fixed fee of \$17,878.00. Based on satisfactory completion of services the State will pay the contractor a fixed monthly rate of \$6,085.00 for these services upon receipt of a billing from the contractor.

Direct expenses for Peer Review services, including all associated peer review expenses, will not exceed \$370,000 through February 28, 1992. The state will pay the contractor for peer review services based upon satisfactory completion of tasks or progress toward completion of task, and receipt of an invoice that details the following information for each Peer Reviewer.

1. name of peer reviewer,
2. summary of tasks assigned the peer reviewer for the period,
3. tasks completed or percentage of tasks completed,
4. original estimate of hours for peer reviewer,
5. actual hours worked by peer reviewer during the billing period,
6. cumulative total hours if project is not completed,
7. travel costs and per diem associated with those projects,
8. additional approved direct expenses.

The contractor will be required to maintain records that document all expenses associated with this contract. Those records may be made available for inspection by the state upon request.

APPENDIX E

Minimum Qualifications for Experts

I. Scientific Experts General Qualifications

Education: Doctorate preferred in area of expertise

Position: Faculty level appointment, if employed by a University
Senior Status, if employed by a private firm

Experience:

Five years teaching experience or equivalent in area of expertise.
Independent consulting experience.
Applied field experience with relevance to ecological or environmental problems.
Participated or directed research projects in a case relevant area.
Project management experience or have directed grant research projects.
Extensive publications in areas relevant to specific case issues or case considerations.
Must have membership in Professional Societies, Organizations and Boards.

II. In addition to the above general qualifications, there will be task specific qualifications which will be stated in the tasks for that case as specified in Appendix I, Consulting Agreement. The task specific areas of expertise for the Exxon Valdez Oil Spill Restoration Process are listed in Appendix F.

III. Special Qualifications:

Should have prior experience with one or more of the following:

- Oil spills,
- Oil or gas exploration and development,
- Experience in arctic or subarctic environments,
- Restoration of oil contaminated environments,
- Biological effects of oil pollution,
- Sampling of biological populations,
- Design of statistical analysis for environmental research.

APPENDIX F

Special Experts for the Exxon Valdez Oil Spill Restoration Process.

Scientific expertise may be needed in the following categories:

Analytical Chemistry
Archeology
Biology
Biostatistics/Population Dynamics
Birds
Bird Restoration
Bird Toxicology
Botany
Contaminants
Economists
Fisheries
General Ecology
General Oil Uptake/Effects
Geographic Information Systems
Geomorphology
Habitat Acquisition
Habitat Biology
Histopathology
Intertidal Areas
Limnology
Marine Biology
Marine Ecology
Marine Mammals
Microbiology
Oil Cleanup
Oil Fate/Disposition
Pathology
Population Biology
Recreation
Remote Sensing
Restoration Planning
Sediment Transport
Social Science
Statistics
Subsistence
Toxicology
Veterinary Science
Wildlife Biology

**APPENDIX G
SAMPLE TRAVEL LETTER**

July 27, 1992

To Whom It May Concern.

Please be advised that Dr. _____ is traveling on behalf of the State of Alaska, and, in that capacity is entitled to receive government rates for airfare and accommodations.

He will be working on government business from August 1, 1992 through July 31, 1993. Any questions relating to this matter should be directed to:

Administrative Director
Exxon Valdez Oil Spill Restoration Office
645 "G" Street
Anchorage, Alaska 99501
(907) 278-8012

Thank you for your cooperation.

Sincerely,

Dave Gibbons,
Acting Administrative Director

**APPENDIX H
CONFIDENTIALITY AGREEMENT
FOR
ARCHEOLOGICAL SITE LOCATION INFORMATION**

I, _____ of _____
acknowledge that I am aware of the confidentiality requirements concerning
archeological site information contained in the Archeological Resources
Protection Act. With respect to any archeological information received from the
State of Alaska, the United States, the Exxon Valdez oil spill Trustee Council,
Applied Marine Sciences or any agents thereof, I specifically agree on behalf of
myself and my firm as follows:

1. That we will comply with the provisions of the Archeological Resources Protection Act and any other statutory provisions and applicable court orders concerning confidentiality of archeological information.
2. That we will maintain in a confidential fashion all site location information unless we have permission from the Trustee Council to release that information.

Individually and on behalf of firm

Date

APPENDIX I

CONSULTING AGREEMENT BETWEEN APPLIED MARINE SCIENCES AND CONSULTANT

Consultant is hereby requested by Applied Marine Sciences, Inc. to conduct the technical services identified in the following Statement of Work for the AAA sponsored study "BBB."

STATEMENT OF WORK

To assist Applied Marine Sciences in the completion of the workplan, quality assurance plan, and preliminary experiments for the BBB study. The services expected by Applied Marine Sciences are itemized below:

- (a)
- (b)
- (c)

CONDITIONS

1. It is understood that this agreement will become effective upon receipt of an executed copy of this agreement and will be continued until June 30, 1992. The agreement may be extended subject to the approval of AAA.
2. In consideration of performing the work specified in the Statement of Work, Applied Marine Sciences will pay Consultant in the amount of \$00.00 per hour and will reimburse all approved travel expenses (payable within thirty (30) days upon presentation of an invoice). At this time, it is estimated that a maximum of CCC (CC) hours of consulting services will be requested.
3. Consultant agrees not to publish or make known to others the results obtained from this agreement, as embodied in reports and other correspondence, without the approval of Applied Marine Sciences and AAA. Consultant agrees not to present information obtained from this investigation as evidence in disputes, litigation, or other legal action, except that information resulting from this investigation may be presented in a duly constituted administrative or licensing proceedings, and in judicial appeals directly resulting from such proceedings. Consultant agrees to notify Applied Marine Sciences in advance of any such use of the information, and also represents that the primary purpose of entering into this agreement is not to obtain information to be used in any existing or potential adversary court proceedings.
4. The result of this agreement will be advisory in nature, and Consultant agrees to provide a high standard of professional service and will exert his best efforts within the time and funds authorized for this agreement.
5. This agreement will become effective upon receipt of a fully executed copy by Applied Marine Sciences, except that it will be void if not executed within thirty (30) days of the date of signature, in the cover letter, by Applied Marine Sciences.

- 6. All the terms and conditions of this agreement are embodied herein and no other terms and conditions shall be considered a part hereof unless expressly agreed upon in writing.
- 7. I hereby certify that, to the best of my knowledge and belief, no facts exist relevant to any past, present or currently planned interest or activity (financial, organizational, or otherwise) which is related to the proposed work and bear on a possible conflict of interest with respect to being able to render impartial, technically sound and objective assistance or advice.

ACCEPTED:

Consultant

Applied Marine Sciences

By _____

By _____

Date _____

Date _____

CONFIDENTIALITY AND CONFLICT OF INTEREST AGREEMENT

The parties to this Confidentiality and Conflict of Interest Agreement ("COI Agreement") are AAA ("Subcontractor") and BBB ("Named Party"). This COI Agreement is executed pursuant to a Subcontractor Agreement between Subcontractor and Applied Marine Sciences, Inc. (the "Agreement") under the CCC Contract #

Anyone identified as an employee of the Subcontractor as well as consultants, experts, and any other person retained by the Subcontractor for any tasks under the Agreement shall execute this COI Agreement prior to performing any work under the Agreement.

For the purposes of this COI Agreement the term "Information" includes, but is not limited to, planning, strategies, research proposals, data results, preliminary conclusions, field notes, computer files or data, designs, equipment, photographic or video media, or conversations related to any work performed under the Agreement.

Named Party hereby agrees that any information received, obtained, developed or generated pursuant to the Agreement may be used in ongoing or future litigation. It is further hereby agreed that Named Party shall keep any such information confidential and will use discretion and exercise reasonable care and caution to prevent the potential compromise of any ongoing or future litigation.

Named Party shall not reveal to any person or entity not working under the direction of Subcontractor any information under this Agreement, whether that information is provided to Named Party by CCC, provided to Named Party by another party at CCC's direction, or developed or generated by Named party pursuant to the Agreement, without the prior written approval of CCC.

Named Party shall take all steps necessary to avoid, mitigate or neutralize any actual, apparent, or potential conflicts of interest in the performance of the Agreement. Named Party further agrees that if an actual, apparent or potential conflict of interest is identified with respect to a potential assignment or with respect to ongoing work, Named Party shall immediately make a full disclosure and description of the actual, apparent or potential conflict to Subcontractor. This disclosure shall include a description of the actions that Named Party has taken or proposes to take, after consultation with Subcontractor to avoid, mitigate or neutralize the actual, apparent or potential conflict. With respect to specific tasks already underway, Named Party may continue performance of work until notified by Subcontractor of any

other or different action that should be taken. With respect to potential assignments, Named Party must receive written clearance from Subcontractor before proceeding.

Named Party hereby agrees that if an actual, apparent or potential conflict of interest is identified with respect to any work under the Agreement, Subcontractor may require that any original or copied information furnished by CCC or from another party at CCC's direction any any information developed or generated in the performance of the Agreement be sequestered or delivered to Subcontractor as soon as is reasonably and physically possible.

Named Party hereby agrees that 90 days after the completion of all work under this Agreement or at the end of the Agreement's period of performance Named Party will deliver to Subcontractor any original or copied information furnished by CCC or from another party at CCC's direction any any information developed or generated in the performance of this Agreement.

_____ (Signature)
_____ (Name)
_____ (Position)
_____ (Date)

STATE OF ALASKA

Department of Commerce and
Economic Development
110806, Juneau, AK 99811-0806
Telephone: (907) 465-2550

PLEASE PRINT LEGIBLY!

APPENDIX J

OFFICE USE ONLY

ALASKA BUSINESS LICENSE APPLICATION

Business licenses are issued for two calendar years. Once your application is complete, your license will be issued for the remaining period of the year in which you have applied, and all the following calendar year.

License Fee: \$50.00
Tobacco Endorsement Fee: \$25.00
Fees Must Be Submitted In U.S. Funds

Amount Receipt No.

Check the appropriate box:

RENEWAL Business License No. _____ Due January 31

NEW BUSINESS Date business will start or new ownership begins 8/25/92

A business license is not transferable or assignable. The Department of Commerce and Economic Development must be notified within ten days when a change in business ownership takes place and a new business license must be purchased.

12. OCCUPATIONS, PROFESSIONS OR TRADES REQUIRING AN OCCUPATIONAL REGISTRATION LICENSE TO DO BUSINESS IN ALASKA

If you hold - or should hold - a current occupational license from the State of Alaska, a business license will not be issued unless you have provided the information requested below.

License Type N/A

License Number _____

Expiration Date _____

Business License Number (Assigned by Department of Commerce and Economic Dev.) _____

3. S.I.C. Code (see S.I.C. List) 8730

13. Business is: (Check one)

- INDIVIDUAL (SOLE PROPRIETORSHIP)
- PARTNERSHIP (All partners' names must be listed on Line 6 or attached on separate sheet)
- CORPORATION*
- Other (explain) _____

*If a corporation, please provide your Corporation File Number below:

1662249

(see reverse for explanation)

Security Number 672-70-4272

Do you plan to have employees working in Alaska during the year?
YES NO

If yes, please provide your Federal Employer Identification Number below:
94-3112543

6. Owner(s) Name(s). (Last, First, M.I.)
Spies, Robert B.

7. Business Name (Up to 40 characters; abbreviate as necessary)
Applied Marine Sciences, Inc.

8. Mailing Address (Up to 40 characters; abbreviate as necessary)
2155 Las Positas Ct., Suite S

City (20 Characters) Livermore State (2) CA Zip Code 94550

14. Describe your business activities. Be specific. Each distinctively different activity will require a separate license.

Environmental Consulting Services

Physical location of business, if different than mailing address:

9. Business is: (Check one)

Alaska Resident Nonresident*

If nonresident, please provide the state of origin or domicile of your business (see instructions on reverse before completing the origin of your business). California

15. SIGN YOUR APPLICATION AND RETURN IT TO THE ADDRESS ABOVE.

This application must be signed and dated.

I declare, under penalty of perjury, that this application is true and complete.

X Robert B. Spies Signature Date

PRINT name of owner, managing partner, office manager, or registered agent signing this form, below:

Robert E. Spies
(Printed Name)

President
(Title)

10. TOBACCO ENDORSEMENT
DO YOU SELL TOBACCO PRODUCTS? YES NO

If YES, your business license must have a tobacco endorsement (AG 370 075). The tobacco endorsement fee is \$25.00 (this fee is in ADDITION to the \$50.00 business license fee).

YOUR LICENSE WILL BE ISSUED 3 - 4 WEEKS AFTER YOUR COMPLETE APPLICATION AND FEE ARE RECEIVED.

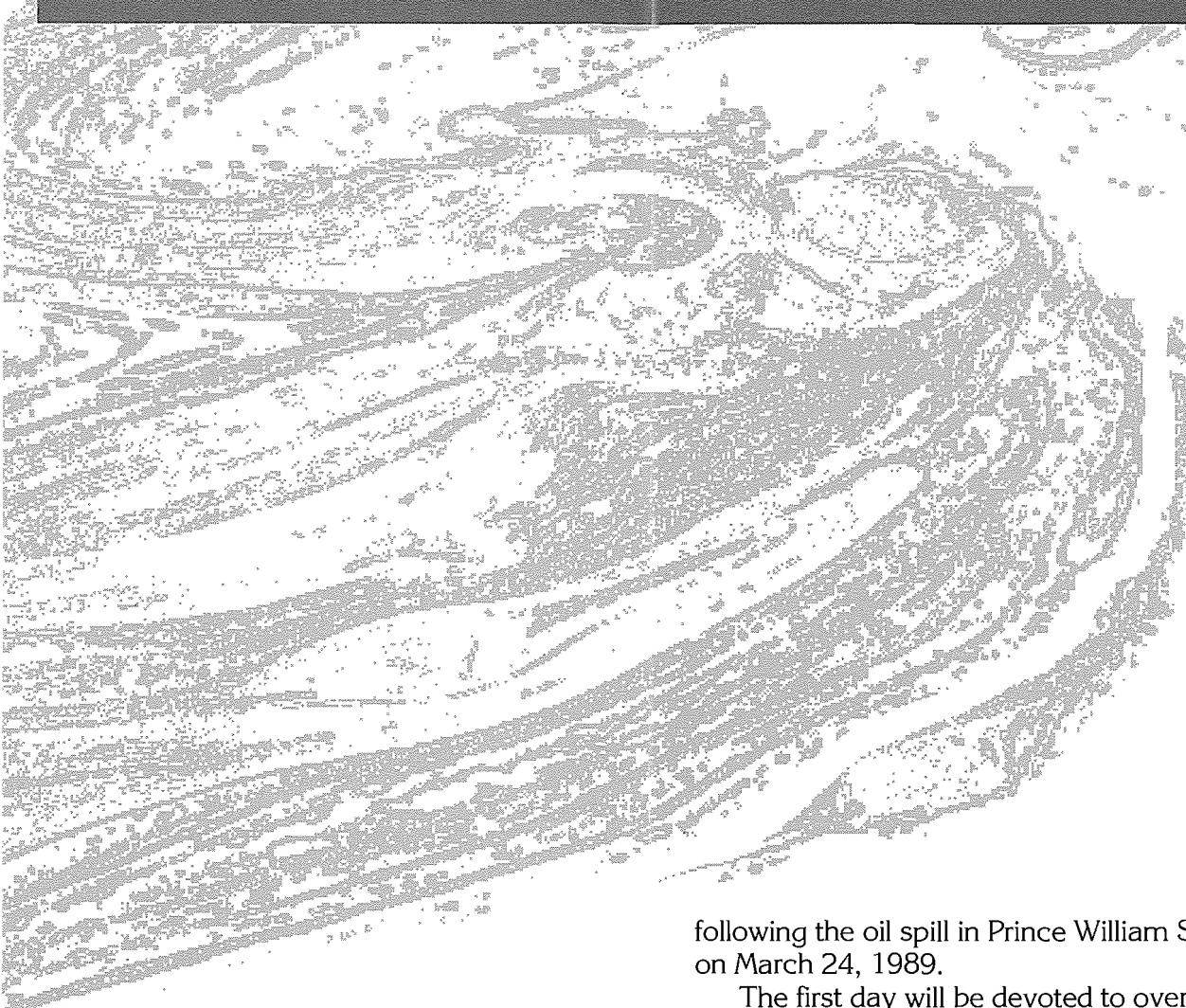
APPENDIX K

Estimated Peer Review Needs Including Travel 1992-1993

Experts	Expertise	Estimated Hours	Cost	Travel	Totals
Boesch, Don	marine ecology	60	\$6,000	\$2,230	\$8,230
Bowden, Dave	statistics	20	\$2,000	\$4,460	\$6,460
Dumond, Don	archeology	60	\$6,000	\$4,460	\$10,460
Eberhardt, Lee	population biology	80	\$8,000	\$1,430	\$9,430
Fry, Michael	bird toxicology	150	\$15,000	\$3,860	\$18,860
Ford, John	killer whales	20	\$2,000	\$1,430	\$3,430
Gardels, Ken	geo. info. systems	80	\$8,000	\$5,790	\$13,790
Garrott, Bob	mammals	80	\$8,000	\$4,460	\$12,460
Green, Roger	ecology/statistics	100	\$10,000	\$4,460	\$14,460
Hilborn, Ray	fisheries	150	\$15,000	\$3,860	\$18,860
Heineman, Dennis	bird restoration	100	\$10,000	\$1,430	\$11,430
Hunt, George	sea birds	80	\$8,000	\$3,860	\$11,860
Jarvis, Robert	sea ducks	40	\$4,000	\$3,860	\$7,860
Kocan, Dick	herring	80	\$8,000	\$1,430	\$9,430
McAllister, Martin	archeology	150	\$15,000	\$4,290	\$19,290
Mundy, Phil	salmon	60	\$6,000	\$3,860	\$9,860
Peterson, Pete	marine ecology	200	\$20,000	\$8,920	\$28,920
Rebar, Alan	veterinary	60	\$6,000	\$2,230	\$8,230
Roby, Dan	bird restoration	60	\$6,000	\$4,460	\$10,460
Robson, Doug	statistics	150	\$15,000	\$2,230	\$17,230
Rothschild, Brian	fisheries	40	\$4,000	\$2,230	\$6,230
Sharp, Brian	birds	200	\$10,050	\$3,860	\$13,910
Siniff, Don	marine mammals	80	\$8,000	\$2,230	\$10,230
unnamed	habitat acquisition	80	\$8,000	\$4,460	\$12,460
unnamed	toxicologist	150	\$15,000	\$4,460	\$19,460
unnamed	habitat biologist	200	\$20,000	\$5,790	\$25,790
Total		2530	\$243,050	\$96,040	\$339,090

Exxon Valdez Oil Spill Symposium

February 2-5, 1993, Anchorage, Alaska



Symposium

The *Exxon Valdez* Oil Spill Symposium is a forum dedicated to presentation of the results of the scientific studies conducted

following the oil spill in Prince William Sound on March 24, 1989.

The first day will be devoted to overview presentations directed toward the general public. Everyone interested in the results of the oil spill research is encouraged to attend. There will be a social hour following the presentations so that attendees can meet

and talk to the *Exxon Valdez* Oil Spill Trustee Council members and scientists who carried out the studies. Presentations will begin at 8:30 AM. There is no charge for attending the first day of the symposium.

The remaining three days (Technical Sessions) will be devoted to presentation of scientific papers and a panel discussion on Restoration and the Future. These presentations will focus on the results of the research conducted for up to four years following the oil spill by the Trustee Council agencies and other organizations. There will be a pre-registration fee of \$95 for the three day Technical Sessions.

A final agenda will be mailed to all registrants prior to the symposium.

When and Where

The symposium sessions will be held February 2-5, 1993 at the William A. Egan Civic and Convention Center, 555 West 5th Avenue, Anchorage, Alaska.

Proceedings

Proceedings of the *Exxon Valdez* Oil Spill Symposium will be published following the symposium. Information on ordering the proceedings will be available at the symposium.

Preliminary Schedule

Tuesday, February 2, 1993	Wednesday, February 3, 1993	Thursday, February 4, 1993	Friday, February 5, 1993
<p><i>Plenary Session</i></p> <p>Introduction Introductory Slide Program Keynote Address Overview Presentations</p> <ul style="list-style-type: none"> Damage Assessment Clean-up Archaeology Subsistence Intertidal Subtidal Fish Birds Marine and Terrestrial Mammals Restoration Planning <p>Social Hour</p>	<p><i>Technical Session I</i></p> <p>Fate and Toxicity of Oil</p> <ul style="list-style-type: none"> Tracking the Spill Toxicity of Oil in Sediments <p>Effects of Clean-up</p> <ul style="list-style-type: none"> Occupational Health Intertidal Biota <p>Birds</p> <ul style="list-style-type: none"> Bald Eagles Murres Marbled Murrelets Black Oystercatchers Storm Petrels Kittiwakes Cormorants Peregrine Falcons <p>Subsistence Impacts</p> <ul style="list-style-type: none"> Affected Fish and Wildlife Food Safety Testing Hydrocarbons in Subsistence Foods <p>Archaeology</p> <ul style="list-style-type: none"> Contaminated Sites Impacted Cultural Resources Costs of Archaeological Injuries <p>Human Impacts</p> <ul style="list-style-type: none"> Social Impacts Economic Impacts 	<p><i>Technical Session II</i></p> <p>Subtidal Impacts</p> <ul style="list-style-type: none"> Water Column Contamination Sediments Benthic Effects Microbial Activity <p>Marine and Terrestrial Mammals</p> <p>Sea Otters</p> <ul style="list-style-type: none"> Rehabilitation Histopathological Effects Post-spill Mortality Hydrocarbon in Tissues Health, Reproduction, and Survival Disease <p>Harbor Seals</p> <p>Killer Whales</p> <p>Humpback Whales</p> <p>River Otters</p> <p>Brown Bears</p>	<p><i>Technical Session III</i></p> <p>Fish Resources</p> <ul style="list-style-type: none"> Pink Salmon Injury Injury to Eggs and Fry Effects on Migration, Growth, and Survival <p>Homing</p> <p>Sockeye Salmon</p> <p>Herring Injury</p> <ul style="list-style-type: none"> Sublethal Effects Recruitment Failure Reproductive Impairment <p>Dolly Varden and Cutthroat Trout</p> <p>Rockfish</p> <p>Groundfish</p> <p>Panel Discussion</p> <ul style="list-style-type: none"> Restoration and the Future

Pre-registration form for the Exxon Valdez Oil Spill Symposium

Name (Please print or type)

Affiliation

Address

State or
Province

Zip
Code

Country

\$95 pre-registration fee enclosed

\$110 registration fee will be paid at the symposium

I will NOT be attending but would like information on the proceedings

Airlines

The following major U.S. airlines have regularly scheduled service to Anchorage

Hotel Accommodations

Guest room accommodations are available at nearby hotels. Special symposium rates are offered at the following hotels:

Anchorage Hilton Hotel

500 West 3rd Avenue
P.O. Box 100520
Anchorage, AK 99501 USA
\$72.00* single room; \$75.00* double room
phone from anywhere in the U.S.: 800/245-2527
fax: 907/265-7140

Anchorage Westmark Hotel

720 West 5th Avenue
Anchorage, AK 99501 USA
\$68.50* single or double room
phone: 907/276-7676
fax: 907/258-4950

Westmark Reservations Headquarters

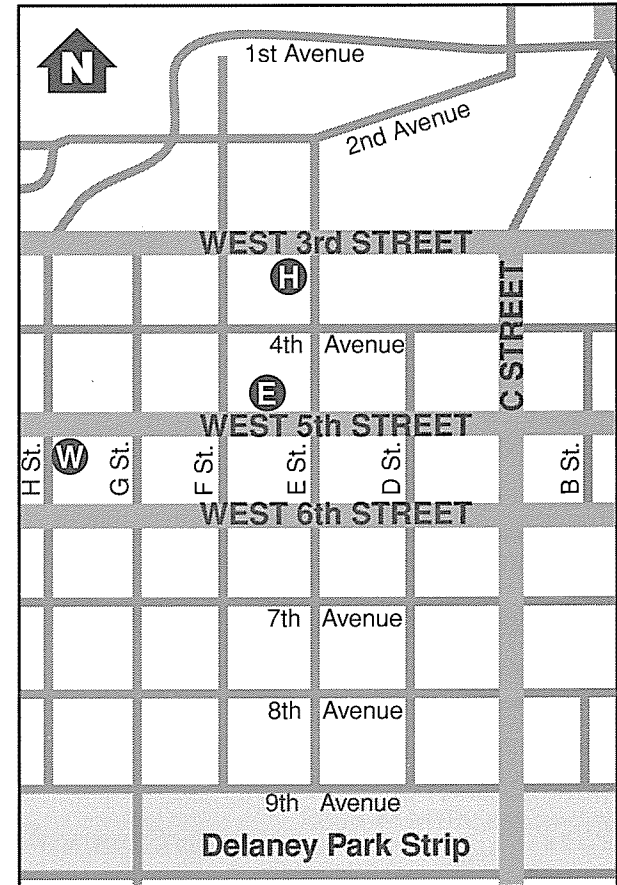
phone from anywhere in the U.S.: 800/544-0970
phone from anywhere in Canada: 800/999-2570
fax: 907/258-0560

* plus 8% tax

Hotel reservations should be made directly with the hotel. Be sure to advise them that you will be attending the **Exxon Valdez Oil Spill Symposium** in order to obtain the special rate. Reservations should be made no later than **January 2, 1993**.

Logistics

International Airport: Alaska Airlines, American Airlines, Delta Airlines, MarkAir, Northwest Airlines, and United Airlines. Several major international air carriers also provide service to Anchorage.



- E** Egan Civic and Convention Center
- H** Anchorage Hilton
- W** Anchorage Westmark



Exxon Valdez Trustee Council Members

Michael A. Barton

Regional Forester

Alaska Region, Forest Service
U.S. Department of Agriculture

Charles E. Cole

Attorney General, State of Alaska

Curtis V. McVee

Special Assistant to the Secretary

Office of the Secretary
U.S. Department of the Interior

Steven Pennoyer

Director

Alaska Region
National Marine Fisheries Service
National Oceanic and Atmospheric Administration

Carl L. Rosier

Commissioner

Alaska Department of Fish and Game

John A. Sandor

Commissioner

Alaska Department of Environmental Conservation

Symposium Sponsors

Exxon Valdez Oil Spill Trustee Council

University of Alaska Sea Grant College Program
American Fisheries Society, Alaska Chapter

For further information contact:



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Exxon Valdez Oil Spill Symposium

Alaska
University of Alaska
Fairbanks

Alaska Sea Grant College Program
University of Alaska Fairbanks
Fairbanks, AK 99775-5040 USA



Exxon Valdez Oil Spill Symposium

February 2-5, 1993
Anchorage, AK, USA

Pre-registration

Exxon Valdez Oil Spill Symposium

February 2-5, 1993 in Anchorage, Alaska, USA

Background

On Friday, March 24, 1989 the 987-foot supertanker *Exxon Valdez* ran aground on Bligh Reef in Alaska's Prince William Sound spilling nearly 11 million gallons of Prudhoe Bay crude oil into one of the world's most productive and beautiful marine environments.

The oil spill occurred just prior to the most biologically active season in southcentral Alaska, exposing plants and animals to the most concentrated, volatile, and potentially damaging forms of the spilled oil. Seaward migrations of salmon fry, major migrations of birds, and the primary reproductive period for most species of birds, mammals, fish, and marine invertebrates took place during the five-month period following the spill.

Coastlines up to 600 miles from Bligh Reef were oiled, including shorelines of Prince William Sound, the Kenai Peninsula, Alaska Peninsula, Kodiak Island, and lower Cook Inlet. These included a number of national parks, national monuments and wildlife refuges, state parks, wilderness parks, marine parks, and a national forest.

In the aftermath of the oil spill, the *Exxon Valdez* Oil Spill Trustee Council was

established to assess natural resource injuries and to plan for restoration. The Trustee Council members oversee many scientific studies to document injuries due to the spill. Until recently the results of these studies were kept confidential due to litigation concerns. The results of the Trustee Council studies are now being released. The symposium sponsors provide this opportunity for the results to be presented to the public.

Symposium

The *Exxon Valdez* Oil Spill Symposium will be a forum for presentation of the results of the scientific studies undertaken following the oil spill in the areas of natural resource damage assessment, response, and restoration. Topics to be considered include injuries to both resources and services related to the *Exxon Valdez* oil spill and associated activities. Participation is not limited by affiliation, but only by scientific merit. Attendance by individuals interested in hearing the presentations and participating in general discussions is encouraged.

The symposium will consist of an opening plenary session giving overviews

of the spill, cleanup, and the resources affected. Technical sessions will follow on the findings of the studies conducted.

Details

The symposium sessions will be held Tuesday through Friday, February 2-5, 1993 at the Egan Convention Center in Anchorage, Alaska. Guest room accommodations at special symposium rates will be available at nearby hotels. A registration fee will be charged. Further information on hotels and symposium registration will be forwarded in November.

For further information, contact:

Brenda Baxter
Symposium Coordinator
University of Alaska Fairbanks
Alaska Sea Grant College Program
Fairbanks, AK 99775-5040 USA

Phone: 907/474-7086

Fax: 907/474-6285

e-mail:

BITNET: FNBRM1@ALASKA

INTERNET: FNBRM1@ACAD3.ALASKA.EDU

Symposium Sponsors

Exxon Valdez Oil Spill Trustee Council

Members:

Michael A. Barton

U. S. Department of Agriculture

Charles E. Cole

Alaska Attorney General

Curtis V. McVee

U. S. Department of the Interior

Steve Pennoyer

National Oceanic and Atmospheric
Administration

Carl L. Rosier

Alaska Department of Fish and Game

John A. Sandor

Alaska Department of Environmental
Conservation

University of Alaska Fairbanks

Alaska Sea Grant College Program

Exxon Valdez Oil Spill Symposium

Printed on recycled paper.

UNIVERSITY OF ALASKA FAIRBANKS
SCHOOL OF FISHERIES AND OCEAN SCIENCES

Alaska Sea Grant College Program
University of Alaska Fairbanks
Fairbanks, AK 99775-5040 USA

Exxon Valdez Oil Spill Symposium

February 2-5, 1993
Anchorage, AK, USA

Announcement

Announcing the Exxon Valdez Oil Spill Symposium

What: The Exxon Valdez Oil Spill Symposium.

- A forum dedicated to presentation of the results of the scientific studies conducted following the oil spill in Prince William Sound, Alaska, on March 24, 1989.
- Over 100 papers and poster sessions will be presented, covering a wide range of subjects, such as fate and toxicity of oil, effects of clean-up, intertidal impacts, injury to marine birds, marine and terrestrial mammals, marine and anadromous fish, subtidal effects, subsistence impacts, archeology impacts, and restoration.

Where: William A. Egan Civic and Convention Center, 555 West 5th Avenue, Anchorage, Alaska

When: February 2 - 5, 1993.

Who: The symposium is sponsored by

- Exxon Valdez Trustee Council
- Alaska Sea Grant College Program
- American Fisheries Society
- The Exxon Valdez Trustee Council represents three Federal and three State of Alaska agencies -
 - National Oceanic and Atmospheric Administration
 - U.S. Department of Agriculture, Forest Service
 - U.S. Department of the Interior
 - Alaska Department of Environmental Conservation
 - Alaska Department of Fish and Game
 - Alaska Department of Law

Why: This Symposium will present, for the first time, information on injury to natural resources caused by the largest spill in North America's history. Over \$100 million was spent on damage assessment studies by State and Federal Resource Trustees in the three years following the accident to determine the extent of injury that was caused by the 11 million gallon spill of Prudhoe Bay crude oil.

How: Advance registration fee is \$95 which includes a Book of Extended Abstracts. Checks or money orders, made payable to The American Fisheries Society, should be sent by **January 2, 1993**. For registration or further information contact Brenda Baxter, Coordinator, Alaska Sea Grant College Program, University of Alaska, Fairbanks, AK 99775-5040 or phone (907)/474-7086.



Meeting Summary

A. GROUP: Exxon Valdez Oil Spill Public Advisory Group (PAG)

B. DATE/TIME: July 15 & 16, 1993

C. LOCATION: Anchorage, Alaska

D. MEMBERS IN ATTENDANCE:

<u>Name</u>	<u>Principal Interest</u>
Rupert Andrews	Sport Hunting and Fishing
Pamela Brodie	Environmental
James Cloud	Public-at-Large
Sarah Cronk (for Diehl)	Recreation Users
Donna Fischer	Local Government
John French	Science/Academic
James King	Conservation
Rita Stevens (for Knecht)	Subsistence
Vern McCorkle	Public-at-Large
Mary McBurney (for McCune)	Commercial Fishing
John McMullen	Aquaculture
Drue Pearce (<i>ex officio</i>)	Alaska State Senate
Brad Phillips	Commercial Tourism
Kim Benton (for Sturgeon)	Forest Products
Charles Totemoff	Native Landowners
Lew Williams	Public-at-Large

E. NOT REPRESENTED:

<u>Name</u>	<u>Principal Interest</u>
Cliff Davidson (<i>ex officio</i>)	Alaska State House
Richard Eliason	Public-at-Large
Paul Gavora	Public-at-Large

F. OTHER PARTICIPANTS:

<u>Name</u>	<u>Organization</u>
Ken Adams	Prince William Sound Aquaculture Assn.
Aimee Boulanger	Sierra Club
Mark Broderson	Restoration Team AK Dept. Envir. Conservation
Ron Dearborn	Alaska Regional Marine Research Board
Sharon Gagon	Alternate to Lew Williams
Dave Gibbons	Restoration Team Interim Administrative Director
Carol Gorbics	Fish and Wildlife Service
Bill Hall	Commercial Fisherman

Brian Havelock	CRRL
Bill Hines	National Oceanic & Atmospheric Administration
Dan Hull	Prince William Sound Aquaculture Assn.
Horace Hunt	PRVC
Bob Kellar	VFDA
Jerome Komisar	University of Alaska
Bonnie Landrum	Representative Olberg
Byron Morris	Restoration Team Nat. Oceanic & Atmos. Admin.
Doug Mutter	Designated Federal Officer Dept. of the Interior
Eric Myers	Alaska Center for the Environment
Walt Parker	Alaska Hazardous Substance Spill Technology Review Council
Ken Rice	Restoration Team U.S. Forest Service
Dave Rose	Alaska Permanent Capitol Mgmt. Co.
Marty Rutherford	Restoration Team AK Dept. Natural Resources
Arliss Sturgulewski	Self
Joe Sullivan	AK Dept. of Fish & Game
Tom Von Brocklin	City of Valdez
Edmund Waszkiewicz	Dept. of the Interior

G. SUMMARY:

The meeting was opened at 9:30 a.m. by Chairperson Brad Phillips. The May 25, 1993 meeting summary was accepted. Dave Gibbons provided a summary of the June 1 & 2, 1993 Trustee Council meeting (attachment J.9). The Trustee Council asked that the PAG send them a copy of the endowment information the PAG is reviewing when it is available.

Doug Mutter distributed a copy of the proposed fiscal year 1994 budget and anticipated expenses for the PAG (attachment J.1) and the package of nominated alternate PAG members that went to the Trustee Council for their action (attachment J.8). The budget was amended (all in favor, except Pam Brodie) by adding a suggested \$30,000 for PAG members to attend public meetings that the Trustee Council and Restoration Team may hold during the next year (attachment J.2).

Jerome Komisar presented an approach to establishing a Marine Research Endowment, prepared by a coalition of persons (attachment J.10). Arliss Sturgulewski and Ron Dearborn also spoke in favor of the endowment. Bill Hall

and Ken Adams also spoke in favor of a marine endowment. After substantial discussion, a motion was made to remove the motion to create endowed university chairs (see May 25 meeting summary) from the table--this motion failed, leaving the original motion tabled. A motion was passed (with Pam Brodie in opposition) in support of an endowment concept (attachment J.3), and another was passed (unanimously) requesting the Trustee Council obtain legal opinions on the establishment of an endowment (attachment J.4). A subgroup will meet before the next PAG meeting to develop more detailed language for an endowment to be considered by the PAG (see H.2, below).

The draft Approach to Restoration prepared at the May 25, 1993 meeting was discussed and passed (with amendments) with a unanimous vote (attachment J.5).

Dave Gibbons distributed the 1994 Annual Work Plan project listings and decision documents (attachment J.14). A thumbnail sketch of each of the priority one projects was provided (with PAG members asking questions) as follows: Byron Morris, NOAA; Mark Broderson, ADEC; Ken Rice, USFS; Carol Gorbics, DOI, Dave Gibbons, ADNR; Joe Sullivan, ADF&G. A motion was passed (with John French abstaining) to add the project proposed in 1993 to fund the expansion of the Kodiak Fishery Science and Technology Center (attachment J.6) to the 1994 draft Annual Work Plan for public review. A motion was made (and postponed) to establish principles for evaluating work plans (attachment J.7).

The PAG members were invited to offer comments on issues and concerns.

The meeting was opened for public comment at 11:30 a.m. on July 15 and again at 4:00 p.m. on July 16. Testimony was presented by Dave Rose, Eric Myers, and Dan Hull.

The meeting adjourned at 4:00 p.m. on July 16, 1993.

H. FOLLOW-UP:

1. Brad Phillips will present a summary of PAG actions at the August 23, 1993 Trustee Council meeting.
2. An endowment subgroup was created to meet prior to September 15 and develop detailed language (purpose, level of funding, who will manage/decide on uses of the endowment) for an endowment to be considered by the PAG. Members are: John French (chair), Lew Williams, John McMullen, Jim Cloud, Vern McCorkle, Jim King, and Pam Brodie.

3. Dave Gibbons will distribute the three-page project descriptions for 1994 to the PAG as soon as possible before September 10, 1993.
4. Dave Gibbons will distribute to the PAG, when available, the comments of the Chief Scientist on the draft 1994 Annual Work Plan projects.

I. NEXT MEETING: September 15 and 16 (OR 20 and 21), 1993 in Anchorage.

J. ATTACHMENTS:

1. PAG proposed FY 1994 budget (Vol. I tab VI.C)
2. Resolution to amend the budget and add money for attending public meetings
3. Motion in support of an endowment
4. Motion to obtain legal opinions on endowments
5. PAG Approach to Restoration (Vol II tab II)
6. Motion to add the Kodiak Fishery Science and Technology Center project for 1994 public review (Vol II tab IV)
7. Statement of Principles for Evaluation of EVOS Work Plans (Vol II tab IV)

Handouts attached for those not present:

8. PAG alternates package for Trustee Council action (Vol. I tab IV)
9. June 1 & 2, 1993 Trustee Council Meeting Notes
10. Marine Research Endowment
11. Fairbanks Daily News-Miner article about an endowment
12. Fairbanks Chamber of Commerce resolution on an endowment
13. Notice of luncheon forum on shoreline impacts
14. 1994 Annual Work Plan projects/decisions (Vol II tab IV)
15. Restoration Team assignments for the 1994 draft Annual Work Plan (Vol II tab IV)

K. CERTIFICATION:

PAG Chairperson

Date

EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP
 PROPOSED BUDGET ALLOCATIONS
 19-Jul-93

Budget Category	Mar 1, 1992-- Sep 30, 1992 FY1992	Oct 1, 1992-- Feb 28, 1993 FY1993	Mar 1, 1993-- May 31, 1993 FY1993	Jun 1, 1993-- Sep 30, 1993 FY1993	Totals	Oct 1, 1993-- Sep 30, 1994 FY1994
Personnel		\$9,000.00	\$2,400.00	\$13,900.00	\$25,300.00	\$31,800.00
Travel	\$30,800.00	\$40,000.00	\$17,600.00	\$22,400.00	\$110,800.00	\$87,000.00
Contractual		\$15,800.00	\$7,400.00	\$7,400.00	\$30,600.00	\$22,200.00
Commodities		\$10,800.00	\$7,400.00	\$2,700.00	\$20,900.00	\$7,300.00
Equipment						
Capital Outlay						
Subtotal	\$30,800.00	\$75,600.00	\$34,800.00	\$46,400.00	\$187,600.00	\$148,300.00
General Administration		\$1,300.00	\$900.00	\$1,100.00	\$3,300.00	\$5,610.00
Total	\$30,800.00	\$76,900.00	\$35,700.00	\$47,500.00	\$190,900.00	\$153,910.00

DOI
 DOI
 DEC
 FS

DOI/DEC

NOTES:

Mar 1, 1992-Sep 30, 1992--allocation has been completed.

Oct 1, 1992-Feb 28, 1993--need to I/A \$10,800 to FS, will have unused contractual not required by DEC.

Mar 1, 1993-May 31, 1993--need to I/A \$7,400 to FS, the \$7,400 for DEC will be "unused" since DEC will increase next court request to include this.

Jun 1, 1993-Sep 30, 1993--court request allocates \$7,400 to DEC and \$2,700 to FS, plus added \$7,400 to DEC for previous period to avoid an I/A.

Oct 1, 1993-Sep 30, 1994--assumes six meetings

EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP
 ESTIMATED EXPENDITURES FROM 10-1-93 THROUGH 9-30-94
 19-Jul-93

Activity	Personnel	Travel/Perdie	Supplies	Printing	Mail	Teleconferenc	Public Record	Advertising	Total
FWS staff, .5 FTE	\$19,800.00								\$19,800.00
DOI staff, .2 FTE	\$12,000.00								\$12,000.00
November meeting		\$9,500.00		\$800.00	\$250.00		\$2,000.00	\$1,700.00	\$14,250.00
January meeting		\$9,500.00		\$800.00	\$250.00		\$2,000.00	\$1,700.00	\$14,250.00
March meeting		\$9,500.00		\$800.00	\$250.00		\$2,000.00	\$1,700.00	\$14,250.00
May meeting		\$9,500.00		\$800.00	\$250.00		\$2,000.00	\$1,700.00	\$14,250.00
July meeting		\$9,500.00		\$800.00	\$250.00		\$2,000.00	\$1,700.00	\$14,250.00
September meeting		\$9,500.00		\$800.00	\$250.00		\$2,000.00	\$1,700.00	\$14,250.00
PAG Notebooks III?			\$1,000.00						\$1,000.00
Public meetings *		\$30,000.00							\$30,000.00
TOTALS	\$31,800.00	\$87,000.00	\$1,000.00	\$4,800.00	\$1,500.00		\$12,000.00	\$10,200.00	\$148,300.00
	DOI	DOI	FS	FS	FS	FS	DEC	DEC	

*PAG attendance at public meetings held by the Trustee Council

7-15-93

RESOLUTION

EVOS - PAG July 15-16 Meeting

Whereas both the Restoration Team and the Public Advisory Group have roles in expressing public opinion to the Trustee Council;

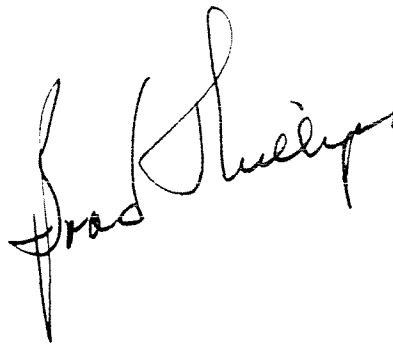
Whereas the Public Advisory Group represents the public-at-large and specific interests spread across the spill-affected area;

Whereas the Restoration Team has responsibility for assessing public opinion on the Restoration Plan and the various Work Plans; and

Whereas closer communication between Public Advisory Group members and Restoration Team members on the public attitudes in spill-affected communities could increase the quality and efficiency of the deliberations of both groups.

Therefore, be it resolved that the opportunity should be available for Restoration Team public hearing teams to include one to two Public Advisory Group members and that these members work closely with the hearing team to help minimize the additional cost of the public hearings.

Further, be it resolved that the Public Advisory Group requests the addition of \$30,000 to its FY94 budget for this process.

A handwritten signature in black ink, appearing to read "Brad Shultz". The signature is written in a cursive style and is positioned in the lower right quadrant of the page.

EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP
Recommendation to the Trustee Council

The EVOS Public Advisory Group is in support of the concept of the establishment of an endowment or trust that will provide funding for the purposes established by the settlement agreement.

The use or administration of the endowment or trust should be established by a charter developed and approved by the Trustee Council.

ADOPTED the 15th day of July, 1993, by majority vote.

**A RESOLUTION OF THE EXXON VALDEZ OIL SPILL PUBLIC
ADVISORY GROUP REQUESTING CERTAIN INFORMATION FROM THE
EXXON VALDEZ TRUSTEES CONCERNING ESTABLISHMENT OF AN
ENDOWMENT**

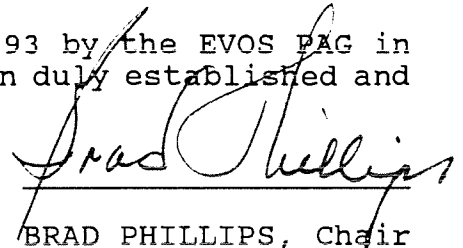
WHEREAS: A super majority of the EVOS PAG has voted to support the establishment of an endowment or trust that will provide funding for the purposes established by the Settlement Agreement; and,

WHEREAS: There have been comments alleging that Federal Attorneys of the EVOS TRUSTEES may feel such an endowment or trust to fall outside laws or regulations; now,

THEREFORE BE IT RESOLVED that the EVOS PAG and the Trustee Council be furnished with briefs setting forth any such differing views for the purpose of understanding such differences; and,

BE IT STILL FURTHER RESOLVED that where differing opinions do exist that appropriate action be taken to test at court the validity of such differing views and that this be done in a timely manner.

RESOLVED this 16th day of July, 1993 by the EVOS PAG in public session, a quorum having been duly established and qualified.



BRAD PHILLIPS, Chair
EVOS PAG
July 16, 1993

Exxon Valdez Oil Spill Public Advisory Group

--Approach to Restoration (7/15/93)--

The *Exxon Valdez* Oil Spill Trustees should give priority to the projects which are most effective in restoring and protecting injured resources and services. Preference should be given by the Trustees to projects (1) within the spill area as defined in the Restoration plan brochure of April 1993, or (2) outside the spill area within the state of Alaska.

A. Pick-up oil which is fouling the environment and where it makes environmental and economic sense to clean up and with the approval of local residents, landowners and resource users. This includes:

- Monitoring and feasibility studies
- Physical clean-up

B. Restore injured resources and services by taking direct action in pertinent environments. This includes:

- Subsistence
- Cultural
- Recreational
- Commercial
- Fish
- Wildlife
- Habitat

C. Protect habitat critical to resources injured by the oil spill or threatened by potentially injurious actions. This includes:

- Acquisition
- Conservation easements
- Leases
- Trade
- Application of management techniques with landowners

D. The Public Advisory Group is in support of the concept of the establishment of an endowment or trust that will provide funding for the purposes established by the settlement agreement. The use or administration of the endowment or trust should be established by a charter developed and approved by the Trustee Council.

E. Replace and/or enhance injured resources/services through indirect means. This includes:

- Enhancement of equivalent resources to reduce pressure on injured ones
- Increase populations or levels of service over pre-spill conditions

F. Provide funding for facilities which support A through E, above.

MOTION

The EVOS-PAG recommends that the Trustee Council include the final \$3.5 million required to complete the funding for the expansion of the Fishery Science and Technology Center in Kodiak in the FY 94 Work Plan as it goes out for public comment.

The restoration benefits of this project extend to several fish, bird and marine mammal species and injured services. The project includes the involvement of several state and federal agencies in addition to the University of Alaska and has strong support from the City and Borough governments. The cost sharing includes land contributed by the City of Kodiak, State of Alaska EVOS Criminal Settlement Funds and Federal lease payments.

A handwritten signature in black ink, appearing to read "Brad Phillips". The signature is written in a cursive style and is positioned in the lower right quadrant of the page.

Postponed

7-16-13

The EVOS-PAG moves to adopt the following:

REGULATORY STATEMENT OF PRINCIPLES FOR EVALUATION OF EVOS WORK PLANS

1. The plan should be designed to minimize administrative costs within individual projects.
2. The plan should seek to maximize coordination of logistical operations among projects to minimize costs.
3. The plan should combine projects with similar restoration objectives.
4. The plan should use external RFPs and external review of final proposals where possible.
5. The plan should use local individuals and ^{Alaskan} organizations where cost effective.

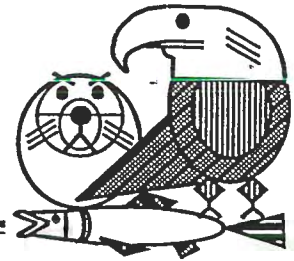
Postponed

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 G Street, Suite 402, Anchorage, Alaska 99501

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



TRUSTEE COUNCIL MEETING NOTES

June 1 & 2, 1993

By Dave R. Gibbons
Interim Administrative Director

Members Present:

Trustee Council

John Sandor (ADEC)
Mike Barton (USFS) ♦
Charlie Cole (ADOL)
Carl Rosier (ADF&G)
Steve Pennoyer (NMFS)
Paul Gates (USDOI) ●

Restoration Team

Dave Gibbons (IAD)
Mark Brodersen (ADEC)
Ken Rice (USFS)
Marty Rutherford (ADNR)
Jerome Montague (ADF&G)
Byron Morris (NOAA)
Pamela Bergmann (USDOI)

♦ Chair

● Alternates:

Walter Stieglitz served as alternate for Paul Gates.

June 1, 1993

1. Public Advisory Group

ACTION: Distribute the three options for endowments presently being prepared by Public Advisory Group to Trustee Council and the Restoration Team when they are completed.

2. Draft Restoration Plan

ACTION: Fax new verbiage developed for the Draft Restoration Plan requested by the Trustee Council to the Trustee Council ASAP for comment.

MODIFICATIONS REQUESTED:

- 1) Qualifier on legal basis.
- 2) Qualifier also that not all Trustee Council agree with everything in Draft Restoration Plan.

Trustee Agencies

State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation

United States: National Oceanic and Atmospheric Administration, Departments of Agriculture and Interior

- 3) Improved introduction linking Brochure to Draft Restoration Plan to Draft Environmental Impact Statement to the Annual Work Plan (New verbiage requested).

APPROVED MOTION: Table any decisions on Draft Restoration Plan until June 2nd.

APPROVED MOTION: Combine the pertinent parts of the Draft Environmental Impact Statement and Draft Restoration Plan (This motion was superseded on June 2, 1993).

3. Draft Environmental Impact Statement

ACTION: If the decision is to combine the Draft Restoration Plan and Draft Environmental Impact Statement, the questions to the Restoration Team are, what are the ramifications to:

- 1) Funds expended?
- 2) Is an Environmental Impact Statement required for Draft Restoration Plan (legal -DOJ question not Restoration Team question).
- 3) Any contract penalties in stopping Environmental Impact Statement contract?
- 4) Report back to Trustee Council on June 2nd.

APPROVED MOTION: By June 14th, the Trustee Council is to get a copy of a highly edited version of Draft Environmental Impact Statement from contractor which has been reviewed by Restoration Team for content. A one week turn-around review by Trustee Council is requested. (This motion was subsequently superseded on June 2, 1993)

4. 1994 Work Plan

APPROVED MOTION: Trustee Council is to be provided with a copy of Executive Summary of each study funded in 1992 and 1993 as soon as possible.

APPROVED MOTION: Use the 2 page list of assumptions developed by Restoration Team as a working draft for the purpose of developing a set of assumptions for the development of the 1994 draft Work Plan, from which items from the second set of assumptions will be inserted.

ACTION: Trustee Council has developed a combined list of assumptions and will review this new version on June 2nd.

ACTION: John Johnson (Chugach Alaska Corporation) is to work with Dave Gibbons to develop a 1993 project for repatriation of Native remains and associated artifacts at a cost of \$6,000.

June 2, 1993

1. Draft Environmental Impact Statement

APPROVED MOTION: Do not send out the Draft Environmental Impact Statement at this time without further discussion and decision by the Trustee Council. Suspend the contract & conduct no further work.

APPROVED MOTION: Trustee Council directs the Department of Agriculture to review the Draft Environmental Impact Statement contract/contractor status as to costs and expected product.

2. Draft Restoration Plan

- Spell out objectives by resource!
- Organization of Draft Restoration Plan:
 - 1) Injury Statement
 - 2) Objective of injury
 - 3) Acts. to get there
 - 4) Constraints of expenditures (MOA)
 - 5) Restoration end point
- Appendix B good, but trim
- Appendix C good, but trim
- Objective: To answer policy questions
- Move policy questions to first of document (cover letter then questions)
- Appendix D - limit it to "safe" examples

APPROVED MOTION: Restoration Team is to revise Draft Restoration Plan to:

- 1) Clarifying changes from June 1st input by Trustee Council
- 2) Include no appendices but specify that they are available upon request
- 3) Examples in appendix D only
- 4) Make changes and give to Trustee Council by June 15, 1993
- 5) Members of Trustee Council are to work with Restoration Team/Restoration Planning Work Group members directly to convey changes.
- 6) Return to Trustee Council for review and approval by June 15, 1993.
- 7) What to include:
 - cover letter
 - linkage statement etc.
 - policy questions - tell us what future actions you think

- appendices available upon request with brief information on each appendix

Amendment: Nothing in the mail out should contain substantive information contained in the Brochure.

Develop proposed Final Draft Restoration Plan after August 6, 1993 with an associated Draft Environmental Impact Statement for public comment.

- Final Restoration Plan and Environmental Impact Statement, Spring 1994.

3. 1994 Work Plan

APPROVED MOTION: Adopt the 1994 Work Plan assumptions as modified on June 1 & 2, 1993 (see attached).

APPROVED MOTION: Direct Restoration Team to develop a proposed 1994 Work Plan Project list with the 50 highest priority projects using all Trustee Council direction and all public comments (consistent with guidelines in the MOA) but also include a 2nd tiered 50 (Force rank top 100 projects). Utilize Dr. Spies opinion to develop top 50 projects. Projects previously rejected in the development of the 1992 and 1993 Work Plans by Trustee Council should not be in top 50 unless there is good reason. Restoration Team is to develop 5 - 6 lines per study as a brief explanation and complete ASAP.

APPROVED MOTION: Proceed with the development of monitoring studies in the 1994 Work Plan but integrate these into a comprehensive monitoring plan if such is completed before implementation of 1994 projects.

4. 1993 Work Plan

APPROVED MOTION: Amend the Pink Salmon coded wire tag study (93067) from \$150,000 to \$220,000.

APPROVED MOTION: Approve the coded-wire tag recovering study for Chinook, Coho, Chum and Sockeye at a cost of \$126,400.

APPROVED MOTION: Include a Spring Pacific Herring Spawn Deposition study in the 1994 Work Plan top 50 priorities.

APPROVED MOTION: Include the Chenega Bay Chinook and Coho study (93016) in the 1994 Work Plan top 50.

Check transcript on actions concerning Red Lake study.

5. Habitat Protection

APPROVED MOTION: Trustee Council recommends with regards to any possible future action with EYAK Corp. -- USFS negotiations that the Trustee Council continue this meeting via teleconference or other means as necessary.

Costs: \$32,000 for appraisal for Seal Bay & Tonki Peninsula.
- \$26,000 for Seal Bay
- \$6,000 for Tonki Peninsula

6. Simpson Building

APPROVED MOTION: 1) Negotiate for a lease up to 2 years on the Simpson Building and if not acceptable, Administrative Director is authorized to advertise for new space.

7. Symposium

APPROVED MOTION: Move ahead with the publication of the proceedings of the Exxon Valdez Oil Spill Symposium.

8. Oil Spill Recovery Institute

ACTION: Tabled the Oil Spill Recovery Institute MOU pending further legal and other consideration.

9. Other

ACTION: Write letter to Prince William Sound Communities Organized to Restore the Sound (PWSCOR) to thank them for their efforts and indicate that we support them.

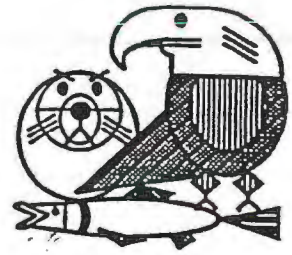
Next Trustee Council meetings will be on August 23, and September 15, 1993.

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



1994 EXXON VALDEZ RESTORATION WORK PLAN ASSUMPTIONS

1. A Restoration Plan will not be completed by the time the 1994 Work Plan needs to be approved, however, a draft Restoration Plan will be completed by the time the 1994 Work Plan is implemented. The Trustee Council can approve for implementation any appropriate restoration action prior to having a draft Restoration Plan in place if that action is time critical or represents a lost opportunity. Other approved restoration projects to be implemented must be consistent with the draft Restoration Plan.
2. The 1994 Work Plan will be required to include projects contained in the 1993 Work Plan which have not been completed.
3. Direct restoration and applied studies supporting restoration will be emphasized.
4. Identification and protection of critical habitat should proceed as rapidly as possible giving priority consideration to the habitat of species directly or consequentially injured by the spill.
5. Agencies will not be funded for projects unrelated to the Exxon Valdez Oil Spill or for costs that agencies would normally fund if the Exxon Valdez Oil Spill had not occurred.
6. Restoration projects will be limited to resources that have suffered injury, which is defined as:
 - 1) direct mortality: animals killed by contact with oil or by the cleanup;
 - 2) sublethal and chronic effects: injuries to a life stage such as eggs or larvae, but that may not result in mortality;
 - 3) degradation of habitat: alteration or contamination of flora, fauna, and the physical components of the habitat;
 - 4) reduction in the physical or biological functions performed by natural

Trustee Agencies

State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation

United States: National Oceanic & Atmospheric Administration, Departments of Agriculture and Interior

June 2, 1993

resources; or

5) the aesthetic , intrinsic, or other indirect uses provided by natural resources that have been significantly reduced.

7. Restoration activities will be restricted to the oil spill affected area.
8. National Environmental Policy Act (NEPA) compliance, if required, must be completed on all projects prior to approval by the Trustee Council.

Meeting Announcement

- A. MEETING:** Exxon Valdez Oil Spill Public Advisory Group (PAG)
- B. DATE/TIME:** Thursday and Friday July 15 & 16, 1993 @ 9:30 A.M.
- C. LOCATION:** First floor conference room
645 G Street, Anchorage, Alaska
- D. PURPOSE:**
1. Review and make recommendations on the draft Restoration Plan.
 2. Review and make recommendations on potential projects for the fiscal year 1994 Work Plan.
 3. Review proposed restoration fund endowment concepts.

E. AGENDA

<u>Time</u>	<u>Topic</u>	<u>Person</u>
Thursday, July 15		
9:30	Call to order/roll call	Brad Phillips, Chair
9:35	Approval of summary of May 25, 1993 meeting	Brad Phillips, Chair
9:40	Approval of agenda	Brad Phillips, Chair
9:45	Report on the June 1-2, 1993 Trustee Council meeting	Dave Gibbons, Interim Administrative Director
10:00	Discussion of potential endowment concepts: --University of Alaska chairs --Fisheries --Research & monitoring	
11:30	Public Comment	
12:00	Lunch	
1:00	Recommendations on the draft Restoration Plan	Brad Phillips, Chair
4:30	Recess	

<u>Time</u>	<u>Topic</u>	<u>Person</u>
Friday, July 16		
8:30	Continue recommendations on the draft Restoration Plan	Brad Phillips, Chair
10:00	Recommendations on the draft 1994 Work Plan	Brad Phillips, Chair
11:30	Lunch	
1:00	Continue recommendations on the draft 1994 Work Plan	Brad Phillips, Chair
3:20	Schedule next meeting	Brad Phillips, Chair
3:30	PAG member comments	
4:00	Public comment	
4:30	Adjourn	

F. ATTACHMENTS:

1. Environmental Monitoring proposal from Cook Inlet Regional Citizens Advisory Council
2. Synopsis of Endowment Program (Forthcoming)
3. Supplemental Information for the Restoration Plan



"The mission of the Council is to ensure the safe operation of the oil terminals, tankers, and facilities in Cook Inlet so that environmental impacts associated with the oil industry are minimized."

May 27, 1993

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

Subject: Expenditure of the EXXON Valdez Criminal and Civil Settlement on Environmental Monitoring

Dear Trustees:

Cook Inlet Regional Citizens Advisory Council (Cook Inlet RCAC) formed pursuant to Section 5002 of the Oil Pollution Act of 1990 was created to ensure the safe operation of the oil terminals, tankers, and facilities in Cook Inlet so that environmental impacts associated with the oil industry are minimized. The organization strives to provide a forum wherein citizens, government and industry may work together productively to fulfill this mission.

The Cook Inlet RCAC Board of Directors and staff have been watching, with great interest, the processes by which both the State of Alaska and the EXXON Valdez Oil Spill Trustee Council have been endeavoring to allocate the criminal and civil fines collected as a result of the spill. It is the Council's concern that these monies are spent in such a way as to continue to benefit the citizens of the State, just as the impact of the EXXON Valdez and ongoing oil operations throughout the State affect us all.

One of the primary mandates of Cook Inlet RCAC is to implement an environmental monitoring program in Cook Inlet so the citizens of the region know to what extent, if any, the oil industry is affecting the environment. Such a monitoring program will serve to allay some citizens fear and mistrust of the industry, which was underscored by the EXXON Valdez spill.

On June 8, 1993, Cook Inlet RCAC will begin field work associated with the pilot monitoring program. The data and experience gained through the pilot study will enable the Committee to design a long-term, 3 year program. This is scheduled for completion in November 1993 with implementation beginning in 1994. Under Cook Inlet RCAC's current budget (\$650,000 annual), there are insufficient funds to implement this needed program.

There are numerous programs and plans in existence related to environmental monitoring throughout South-Central Alaska. In addition to the program being implemented by Cook Inlet RCAC, other major programs include one being conceptualized by the Trustees, Prince William Sound RCAC, Water Quality studies being conducted by the MMS (pursuant to Cook Inlet Lease Sale 149) and Coastal Monitoring in Lake Clark National Park. It seems prudent to expend settlement funds on programs already in existence, rather than starting from scratch with NOAA's conceptual plan. We urge you to fund and integrate Cook Inlet RCAC's programs (see 1994 Potential Projects #148) so available resources for monitoring are not be diffused through duplicative efforts.

Cook Inlet RCAC has previously made similar requests to the EXXON Valdez Oil Spill Trustee Council. Thus far, these requests have gone unfunded and Cook Inlet has been thrust aside as being irrelevant to

Cook Inlet Regional Citizens Advisory Council

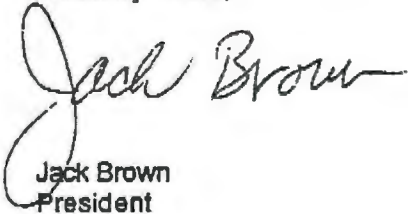
11355 Frontage Rd. • Suite 228 • Kenai, Alaska 99611 • (907) 283-7222 • FAX (907) 283-6102

Page Two
Exxon Valdez Oil Spill Trustee Council
May 27, 1993

the future of Alaska. Again we ask you to consider the use of the settlement funds to insure the continuation of this carefully considered, vital and viable program. The citizens of the region, the State, and the oil industry in Cook Inlet have much to gain from its success.

Thank you for considering this request. Should you have any questions, please do not hesitate to contact me, or Lisa Parker, Executive Director, Cook Inlet RCAC.

Sincerely Yours,



Jack Brown
President

cc: Michael Barton, U.S. Forest Service
Paul Gates, U.S. Department of the Interior
Steve Pennoyer, National Marine Fisheries Service
Charles E. Cole, Attorney General, State of Alaska
Carl I. Rosier, Alaska Department of Fish & Game
John A. Sandor, Alaska Department of Environmental Conservation
✓ Exxon Valdez Public Advisory Group
Senator Ted Stevens, U.S. Senate
Senator Frank Murkowski, U.S. Senate
Congressman Don Young, U.S. House of Representatives
Senator Judy Salo, Alaska State Senate
Senator Suzanne Little, Alaska State Senate
Representative Mike Navarre, Alaska State House
Representative Gail Phillips, Alaska State House
Representative Gary Davis, Alaska State House



"The mission of the Council is to ensure the safe operation of the oil terminals, tankers, and facilities in Cook Inlet so that environmental impacts associated with the oil industry are minimized."

Excerpt

Project Plan
for the
"Cook Inlet Pilot Monitoring Study"¹

Prepared for

Cook Inlet
Regional Citizens Advisory Council (RCAC)
11355 Frontage Road, Suite 228
Kenai, Alaska 99611
Attn: Ms. Lisa Parker, RCAC Executive Director
Mr. Jim Dey, RCAC Project Officer
(907) 283-7222

Prepared by

Arthur D. Little, Inc.
Acorn Park
Cambridge, Massachusetts 02140-2390
Attn: Dr. Jeffrey L. Hyland, Program Manager
(617) 498-5373

June 1993

¹ Phase I of an overall program entitled, "Design and Implementation of a Prototype Environmental Sampling Program for Cook Inlet, Alaska."

1.0 Introduction

1.1 Background

The Cook Inlet Regional Citizens Advisory Council (Cook Inlet RCAC) has a mandate under the Oil Pollution Act of 1990 to "ensure the safe operation of the oil terminals, tankers, and facilities in Cook Inlet so that environmental impacts associated with the oil industry are minimized." Included within the purview of Cook Inlet RCAC are all the lands and waters within the Cook Inlet drainage, the Kodiak Archipelago, and Shelikof Strait, Alaska.

As part of this mandate, the Environmental Monitoring Committee of Cook Inlet RCAC intends to develop and manage a comprehensive environmental monitoring program. The goals of this overall program are to determine if operations of the oil and gas industry in Cook Inlet are having adverse effects on the surrounding ecosystem and, if so, to document their sources, magnitude, aerial extent, and temporal trends. Ideally, the monitoring program will provide decision makers and managers with information needed to make appropriate management decisions about actions required to protect Cook Inlet and its resources, and about the effectiveness of any remedial and abatement activities that may be implemented to restore the environmental quality of the ecosystem (Wolfe, 1987; National Academy of Sciences, 1989).

The Cook Inlet Monitoring Program has been divided into two phases: an initial Phase I Pilot Monitoring Study and a longer-term, more definitive Phase II Comprehensive Environmental Monitoring Program. In April 1993, Arthur D. Little, Inc. was awarded a contract to: (1) develop a plan for the Phase I Pilot Monitoring Study (Task 1); (2) implement the Phase I Pilot Study during the summer 1993 field season (Task 2); and (3) develop a subsequent plan for the Phase II Comprehensive Environmental Monitoring Program, based on results of the Pilot Study and information from other past and ongoing monitoring activities in Cook Inlet (Task 3). The present document describes the plans for conducting the Phase I Pilot Monitoring Study.

1.2 Objectives and Scope of the Pilot Monitoring Study

There are two primary objectives of the Pilot Monitoring Study:

- 1) To provide baseline data on petroleum hydrocarbon concentrations in sediments and biota of Cook Inlet and the biological significance of these contaminants, based on preliminary sampling at a limited number of stations in areas reflecting a range of suspected petroleum hydrocarbon sources and accumulation patterns; and
- 2) To evaluate the efficacy of proposed monitoring techniques in detecting petroleum hydrocarbon inputs in relation to possible industry-based sources and in determining the linkages of these contaminants to significant biological impacts.

To provide a basis for addressing these objectives, two types of monitoring strategies will be followed during the Pilot Study. The first consists of synoptic measurements of sediment hydrocarbon contamination (total hydrocarbons and PAHs), sediment toxicity (solid-phase toxicity test with the marine amphipod *Ampelisca abdita*), and the chemical/biological/physiological condition of a target benthic species (hydrocarbon body burdens, physiological condition index, and rough estimates of population sizes of an infaunal mollusc, tentatively *Macoma* spp.) at three randomly selected stations within each of four sampling areas (Figure 1) representing a range of suspected petroleum hydrocarbon sources and accumulation patterns (see next section for station design). Measurements of other abiotic environmental variables (sediment grain size and total organic carbon; near-bottom-water temperature, salinity, dissolved oxygen, and pH) will be measured at each of these 12 stations to provide additional information that may help in interpreting patterns in the chemical, toxicological, and biological data.

This particular approach of combining measures of sediment chemistry, sediment toxicity, and the ambient condition of resident benthic fauna as a means of assessing pollution impacts has been referred to as the Sediment Quality Triad (SQT) method (Long and Chapman 1985, Chapman 1986, Chapman et al. 1987, Long et al. 1990, Chapman et al. 1991). The rationale for this method is that each component of the triad provides information complementary to the other two and that together all three components provide a sensitive, balanced, and objective approach to determine pollution effects on living resources. The SQT method is now being used on several national-level monitoring and assessment programs (e.g., NOAA National Status and Trends, and EPA-EMAP) as a basis for drawing conclusions about the status of pollution impacts in important coastal ecosystems around the country.

The second monitoring strategy for the Pilot Study will consist of caged-mussel (i.e., "Mussel Watch") deployments at two sites, one near a suspected source of petroleum hydrocarbons from a produced-water outfall in Trading Bay and the other in a corresponding reference area. The Mussel Watch approach (Goldberg et al. 1978, Freitas et al. 1989) has been widely used as a time-integrated indicator of the presence of bioavailable petroleum hydrocarbons in the water column. Three replicate groups of mussels *Mytilus edulis* (30 mussels per each group) will be deployed in cages attached to a mooring at each of the two Mussel-Watch sites. The moored cages with mussels will be deployed in June 1993 (in conjunction with sampling at the SQT stations) and retrieved 1-2 months later. One pooled tissue sample (homogenate of at least 10 animals) will be analyzed for total petroleum hydrocarbons and PAHs from each of the three replicate groups of mussels at each of the two sites. The physiological condition of these mussels (based on the Condition Index; i.e., weight of animal meats/shell volume) also will be measured from a subset of the animals (minimum of 10 individuals) from each of the replicate groups at each of the two sites. Measurements of other abiotic environmental variables (temperature, salinity, dissolved oxygen, and pH within the water column at a depth representative of where the mussels are deployed) will be recorded as well at each of

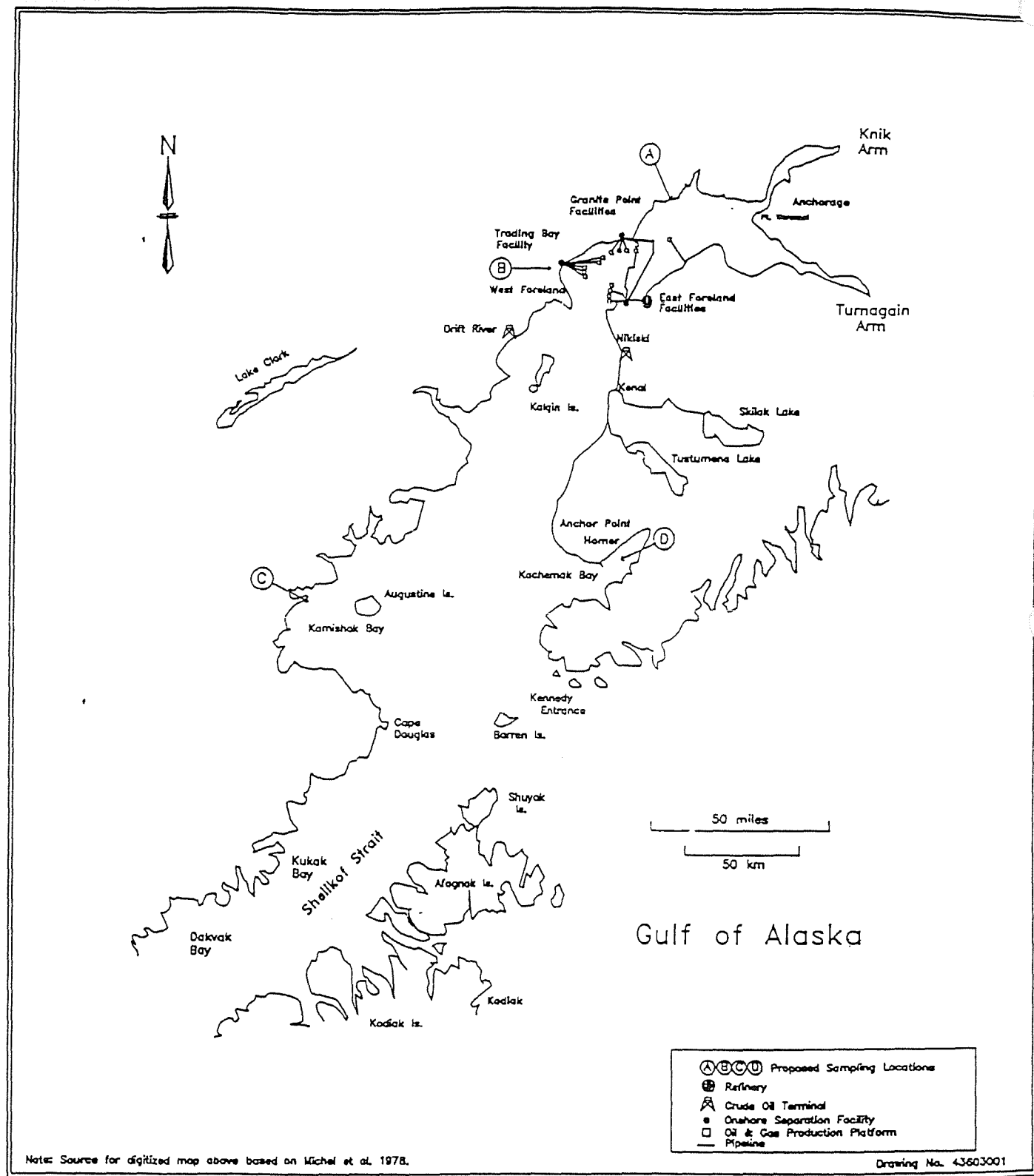


Figure 1. Map of Cook Inlet, Alaska, with Sampling Areas.

1.0 Introduction (continued)

these sites, in order to provide additional information that may help in the interpretation of the chemical and biological data.

In addition to mussels, three replicate "Semipermeable Polymeric Membrane Devices" (SPMDs) will be deployed on each of the two Mussel Watch moorings. These SPMDs, consisting of low-density polyethylene tubing containing thin films of lipid, have been shown to hold considerable promise as nonliving, time-integrated concentrators of nonpolar organics in aquatic environments, and thus as a possible alternative method to using living tissues for estimating bioavailability and potential bioconcentration factors for organic chemical contaminants in organisms (Huckins et al. 1990). By deploying both mussels and SPMDs (i.e., lipophilic tubing), we will provide an excellent opportunity to compare the efficiencies and sensitivities of these two approaches for monitoring bioavailable hydrocarbon inputs from the water column in Cook Inlet. This sampling strategy also provides a back-up means of measuring such inputs in the event that mussels do not survive the experimental deployments.

Data from these various measurements and the two monitoring strategies will be used to test the following null hypotheses:

- H₀1 Differences among the four SQT sampling areas (based on three randomly selected stations for each sampling area) in the concentrations of petroleum hydrocarbons in sediments do not reveal clear spatial patterns in relation to possible industry-based sources;
- H₀2 Sediments collected from the three stations within each of four SQT sampling areas are not significantly toxic to test populations of sensitive marine organisms based on comparisons of survival and other sublethal response variables in uncontaminated controls;
- H₀3 Measures of the chemical/physiological/biological condition (contaminant body burdens, Condition Index, population estimates) of *Macoma* spp. (or alternative infaunal mollusc) do not vary significantly among the four SQT sampling areas (based on measurements from three randomly selected stations for each sampling area);
- H₀4 There is no significant correlation between patterns of sediment contamination, sediment toxicity, and chemical/physiological/ biological conditions of resident benthic fauna (i.e., patterns of petroleum accumulation in sediments are not linked to significant biological impacts);
- H₀5 There is no significant difference among the two Mussel Watch sites (suspected contaminated site near produced water outfall vs. corresponding reference site) in concentrations of petroleum hydrocarbons in the tissues of mussels *Mytilus edulis*;

1.0 Introduction (continued)

- H₀6 There is no significant difference among the two Mussel Watch sites in concentrations of petroleum hydrocarbons in SPMDs (i.e., nonliving, lipophilic tubing);
- H₀7 There is no significant difference among the two Mussel Watch sites in the physiological condition of mussels (based on the Condition Index);
- H₀8 There is no significant correlation between chemical body burdens and physiological condition of mussels based on comparisons between the two Mussel Watch sites; and
- H₀9 There is no significant difference in the efficiency/sensitivity of living mussel tissues vs. SPMDs (nonliving, lipophilic tubing) as time-integrated concentrators of bioavailable petroleum hydrocarbons from the water column.

These hypotheses will be examined with a variety of chemical fingerprinting techniques, statistical tests, and other pattern-recognition methods (see Section 2.6) in order to draw conclusions that can be used in efforts to address the above objectives of the Cook Inlet Pilot Monitoring Study.

Jim Cloud

Resources or Services	Administration	Monitor & Research	General Restoration	Habitat Protection	Endowment	Totals
Archaeology	.10	.10	.30	-	.5	1.0%
Bald Eagle	.05	.4	.05	-	-	.5
Black Oystercatcher	.05	.1	.1	-	.25	.5
Commercial Fishing	2.5	2.5	5.0	-	10.0	20.0
Common Murre	.1	.2	.2	-	.5	1.0
Cutthroat/ Dolly	.05	.1	.1	-	.25	.5
General	-	-	-	-	-	-
Harbor Seal	.1	.2	.2	-	-	.5
Harlequin Duck	.1	.2	.2	-	.5	1.0
Intertidal	.05	.1	.1	-	.25	.5
Killer Whale	.05	.1	-	-	.35	.5
Marbled Murrelet	.2	.5	.3	-	1.0	2.0
Multiple Resources	-	-	-	-	-	-
Pacific Herring	.1	.15	-	-	.75	1.0
Pigeon Guillemot	.1	.15	-	-	.75	1.0
Pink Salmon	.1	.15	-	-	.75	1.0

	Admin	Monitor & Research	Leas. Restoration	Habitat Protection	Endowment	Totals	%
Recreation	2.0	2.0	6.0	—	10.0	20.0	
River Otter	.1	.15	—	—	.75	1.0	
Rockfish	.1	.15	—	—	.75	1.0	
Sea Otter	.1	.15	—	—	.75	1.0	
Sockeye Salmon	1.0	1.0	2.0	—	1.0	5.0	
Sport Fishing	2.0	2.0	6.0	—	10.0	20.0	
Subsistence	2.0	2.0	6.0	—	10.0	20.0	
Subtidal	.1	.2	.2	—	.5	1.0	
Technical Services	—	—	—	—	—	—	
Totals	11.05 %	12.6 %	26.75 %	—	49.6 %	100.0 %	

Meeting Summary

- A. GROUP: Exxon Valdez Oil Spill Public Advisory Group (PAG)
- B. DATE/TIME: May 25, 1993
- C. LOCATION: Anchorage, Alaska
- D. MEMBERS IN ATTENDANCE:

<u>Name</u>	<u>Principal Interest</u>
Rupert Andrews	Sport Hunting and Fishing
Pamela Brodie	Environmental
James Cloud	Public-at-Large
James Diehl	Recreation Users
Richard Eliason	Public-at-Large
John French	Science/Academic
James King	Conservation
Rick Knecht	Subsistence
Vern McCorkle	Public-at-Large
Mary McBurney (for McCune)	Commercial Fishing
Donald McCumby (for Gavora)	Public-at-Large
John McMullen	Aquaculture
Brad Phillips	Commercial Tourism
John Sturgeon	Forest Products
Charles Totemoff	Native Landowners
Lew Williams	Public-at-Large

E. NOT REPRESENTED:

<u>Name</u>	<u>Principal Interest</u>
Cliff Davidson (<i>ex officio</i>)	Alaska State House
Donna Fischer	Local Government
Drue Pearce (<i>ex officio</i>)	Alaska State Senate

F. OTHER PARTICIPANTS:

<u>Name</u>	<u>Organization</u>
Kathy Anderson	Eyak
Mike Britton	Alaska Oceanic Society
Kim Benton	Alternate to John Sturgeon
Tom Fink	Chugach Natives Consultant
Dave Gibbons	Restoration Team Interim Administrative Director
Bill Hines	National Oceanic & Atmospheric Administration
Sterling Leibenguth	General Accounting Office
George Matz	Alternate to Jim King
Doug Mutter	Designated Federal Officer Dept. of the Interior

Ernie Piper
Paul Staley
William Whitewater
Jim Wolfe

AK Dept. of Environmental
Conservation
General Accounting Office
Homer Sea Scouts
U.S. Forest Service

G. SUMMARY:

The meeting was opened at 9:00 a.m. by Chairperson Brad Phillips. The April 16, 1993 meeting summary was accepted. Doug Mutter distributed a copy of the current year budget and anticipated expenses for the PAG (attachment J.4) and a recent newspaper article by PAG member James King (attachment J.5).

Dave Gibbons provided a summary of the May 13, 1993 Trustee Council meeting (attachment J.6) and background information about the Seal Bay land acquisition (attachment J.7). There were no PAG recommendations before the Trustee Council. An issue was raised by John Sturgeon regarding options for landowners that do not wish to sell their properties, but are willing to assist in restoration.

The PAG discussed the role of the group in advising the Trustee Council.

The Restoration Plan was discussed. The draft Restoration Plan is expected to be available for public review in mid-June, comments are due August 6, 1993. The discussion focussed on setting goals and objectives and allocating funds. An approach to restoration (attachment J.1) to present to the Trustee Council was developed in draft form for further discussion at the PAG July meeting (after members have an opportunity to review the draft Restoration Plan). Note: the second sentence regarding location of restoration efforts was disagreed to by Cloud, French, McMullen, Sturgeon, and Totemoff.

It was moved by Lew Williams and seconded by Rupert Andrews that the Seal Bay property being negotiated for acquisition by the Trustee Council be placed in State of Alaska ownership. The motion was passed unanimously.

A motion was put forward by James King (attachment J.2), seconded by Rupert Andrews, to establish and fund endowed chairs at the University of Alaska. The motion was tabled to the next meeting. A synopsis of each of three endowment possibilities is to be presented at the next meeting (see H.5).

PAG members were given the opportunity to comment on issues and concerns.

Jim King moved, seconded by Vern McCorkle, to thank Brad Phillips for hosting the fact-finding trip into Prince William Sound on May 24, 1993. The motion was passed unanimously.

The information session was opened for public comment at 10:30 a.m. and again at 4:00 p.m. Kathy Anderson and William Whitewater presented testimony.

The meeting adjourned at 4:30 p.m.

H. FOLLOW-UP:

1. Brad Phillips will not be able to attend the June 1 Trustee Council meeting, Vern McCorkle will represent him and give the PAG report.
2. Dave Gibbons will contact John Sturgeon regarding resource management options for landowners that do not wish to sell their property.
3. Dave Gibbons will distribute a copy of the draft Restoration Plan to the PAG as soon as it becomes available.
4. PAG members were asked to complete the untitled chart (attachment J.3) with percentages of total funds they would allocate for restoration by resource/service and project category (to total 100%), and to submit the charts to Doug Mutter by July 1, 1993 for compilation.
5. Lew Williams is to approach the University of Alaska about a synopsis for endowing chairs for research and monitoring, Mary McBurney is to approach fisheries groups about a synopsis of their proposed fisheries endowment, Vern McCorkle is to approach Arliss Sturgulewski about a synopsis of her proposed monitoring and research endowment. These synopses are to be submitted to Doug Mutter by July 1, 1993, for distribution to the PAG.
6. PAG members need to get their information about suggested alternates to Doug Mutter by Friday, May 28, 1993 so the information can be compiled and submitted as a package to the Trustee Council.

I. NEXT MEETING: July 15 and 16, 1993 in Anchorage.

J. ATTACHMENTS:

1. PAG draft "Approach to Restoration"
2. Jim King motion for endowed chairs at the University of Alaska
3. Jim Cloud chart for allocating restoration funds among projects

Handouts attached for those not present:

4. PAG budget and anticipated expenses
5. "Oil-Spill Money Could Endow Academic Work" by James King
6. May 13, 1993 Trustee Council Meeting Notes
7. Seal Bay land acquisition information
8. Restoration Team memorandum regarding "Improved Public Involvement"
9. Chenega letter regarding subsistence beaches

K. CERTIFICATION:

PAG Chairperson

Date

Exxon Valdez Oil Spill

Public Advisory Group and Alternates

May 1993

Member	Mailing Address	Work Telephone Home Telephone FAX	Principal Interest
Rupert E. Andrews	9416 Long Run Drive Juneau, AK 99801	hm (907) 789-7422	Sport Hunting & Fishing
alternate: None			
Pamela Brodie	Sierra Club 241 E. 5th Ave., Suite 205 Anchorage, AK 99501	wk (907) 276-4048 fx (907) 258-6807	Environmental
alternate: None			
James L. Cloud	P.O. Box 201014 Anchorage, AK 99520-1014	wk (907) 265-2816 fx (907) 265-2141	Public-at-Large
alternate: will delegate a current PAG member			
James Diehl	Knik Canoers and Kayakers Box 868 Girdwood, AK 99587	wk (907) 783-2708	Recreation Users
alternate: Sarah Cronk	P.O. Box 927, Davos Road Girdwood, AK 99587-0927	hm (907) 783-2835	
Richard I. Eliason	P.O. Box 143 Sitka, AK 99813	wk (907) 747-6276 hm (907) 747-3322 fx (907) 747-5807	Public-at-Large
alternate: will delegate to Jim Cloud or Vern McCorkle			

Exxon Valdez Oil Spill

Public Advisory Group and Alternates

May 1993

Member	Mailing Address	Work Telephone Home Telephone FAX	Principal Interest
Donna Fischer	City of Valdez P.O. Box 395 Valdez, AK 99686	wk (907) 835-4437 fx (907) 835-2992	Local Government
alternate: Dave Beck	P.O. Box 3416 Valdez, AK 99686	wk (907) 835-3789 fx (907) 835-3792	
John French	Fishery Industrial Technology Center University of Alaska Fairbanks 900 Trident Way Kodiak, AK 99615	wk (907) 486-1505 fx (907) 486-1540	Science/Academic
alternate: Brenda Norcross	Institute of Marine Science School of Fisheries and Ocean Sciences 200 O'Neil Building Fairbanks, AK 99775-1090	wk (907) 474-7990 fx (907) 474-7204	
V. Paul Gavora	P.O. Box 70021 Fairbanks, AK 99707	wk (907) 452-6422 fx (907) 451-8265	Public-at-Large
alternate: Donald McCumby	154 View Avenue Fairbanks, AK 99712	hm (907) 457-5617	
James G. King	1700 Branta Road Juneau, AK 99801	hm (907) 789-7540	Conservation
alternate: George Matz	14345 Cody Circle Anchorage, AK 99516	hm (907) 345-3139	

Exxon Valdez Oil Spill

Public Advisory Group and Alternates

May 1993

Member	Mailing Address	Work Telephone Home Telephone FAX	Principal Interest
Richard A. Knecht	Kodiak Area Native Association 402 Center Avenue Kodiak, AK 99615	wk (907) 486-1992 fx (907) 486-2763	Subsistence
alternate: Dolly Reft	3011 Spruce Cape Road Kodiak, AK 99615	hm (907) 486-8564	
Vern C. McCorkle	8811 Arlene Street Anchorage, AK 99502	wk (907) 276-4373 hm (907) 243-3627 fx (907) 279-2900	Public-at-Large
alternate: will delegate to a current PAG member			
Gerald McCune	P.O. Box 372 Cordova, AK 99574	wk (907) 424-3447 fx (907) 424-3430 fx (206) 321-6474	Commercial Fishing
alternate: Mary McBurney	P.O. Box 464 Cordova, AK 99574	wk (907) 424-3447 hm (907) 424-3557 fx (907) 424-3430	
John C. McMullen	Prince William Sound Aquaculture Corp. P.O. Box 1110 Cordova, AK 99574	wk (907) 424-7511 fx (907) 424-7514	Aquaculture
alternate: Dan Warren	821 N Street, #101B Anchorage, AK 99501		

Exxon Valdez Oil Spill

Public Advisory Group and Alternates

May 1993

Member	Mailing Address	Work Telephone Home Telephone FAX	Principal Interest
E. Bradford Phillips	Phillips Cruises & Tours P.O. Box 100034 Anchorage, AK 99510-0034	wk (907) 276-8023 fx (907) 276-5315	Commercial Tourism
alternate: Bill Elander	1600 A Street, Suite 200 Anchorage, AK 99501-5162	wk (907) 276-4118 fx (907) 278-5559	
John L. Sturgeon	Koncor Forest Products 3501 Denali, Suite 202 Anchorage, AK 99503	wk (907) 562-3335 hm (907) 345-2299 fx (907) 562-0599	Forest Products
alternate: Kimberley Benton	621 West 90th Avenue Anchorage, AK 99515	wk (907) 522-2163 fx (907) 349-9394	
Charles Totemoff	Chenega Corp. P.O. Box 60 Chenega Bay, AK 99574-0060	wk (907) 573-5118 fx (907) 573-5135 fx (907) 279-6862	Native Landowners
alternate: Gail Evanoff	Chenega Corp. P.O. Box 60 Chenega Bay, AK 99574-0060	wk (907) 573-5118 fx (907) 573-5135	
Llewellyn W. Williams Jr.	755 Grant Street Ketchikan, AK 99901	wk (907) 225-3157 fx (907) 225-1096 hm/fx (907) 225-5431	Public-at-Large
alternate: Sharon Gagnon	6721 Roundtree Drive Anchorage, AK 99516	hm/fx (907) 346-2592	

Exxon Valdez Oil Spill

Public Advisory Group and Alternates

May 1993

Member	Mailing Address	Work Telephone Home Telephone FAX	Principal Interest
<u>Ex-Officio Members</u>			
Cliff Davidson	112 Millbay Road Kodiak, AK 99615	wk (907) 486-8250 wk (907) 465-2487 fx (907) 561-7060	Alaska State House
Drue Pearce	3111 C Street, Suite 535 Anchorage, AK 99503	wk (907) 561-2038 wk (907) 465-4993 fx (907) 561-7060	Alaska State Senate
<u>Designated Federal Officer</u>			
Douglas L. Mutter	1689 C Street, Room 119 Anchorage, AK 99501-5126	wk (907) 271-5011 hm (907) 345-7726 fx (907) 271-4102	Department of the Interior
alternate: Pamela Bergmann	1689 C Street, Room 119 Anchorage, AK 99501-5126	wk (907) 271-5011 fx (907) 271-4102	Department of the Interior

COMMENTS FOR THE EVOS RESTORATION PLAN AND THE 1994 PROJECTS

Jim King, FAG Conservationist, May 1993

I wish to propose FAG recommend endowed chairs at U of A.

I struggled diligently with the 297 listed projects submitted for funding by the Trustee Council in 1994. I realize they are all sincere proposals by competent people. I see a good deal of redundancy in this list. I sense that it is basic human nature in building this sort of wish list to maximize the amount of money requested. Obviously there is not enough money for all so some must be eliminated. I am left with the feeling that it is impossible for me to adequately rank and evaluate all these proposals, an impression I suspect is shared by others.

The best way I can think of for resolving this dilemma is to delegate responsibility for monitoring and research, in the oil spill arena, to the University of Alaska. This could be done through a series of endowed academic chairs that would continue the process on and on into the generations ahead. In this way expertise and technology beyond our present capability can be brought to bear on the continuing problems of the oil age. I therefore propose one or more academic chairs in each of the 25 primary fields into which the 297 proposals have been grouped.

Why academic chairs instead of contract or public agency research? ... That's where you get the most for the money.

The existing University of Alaska Foundation will endow a chair for two million dollars that provides salary and benefits for a full professor plus overhead, clerical help and some operating money, inflation proofed, so the position continues indefinitely. An additional one million attached to each chair would provide for at least one graduate fellowship. This would be an attractive package stimulating world wide competition for these positions and ensuring the highest quality appointments.

An endowed professor could be expected to develop an exemplary monitoring and research program in his area of responsibility and point the way for resource enhancement. Should more money be needed he would have an advantage in gaining grants and contracts. In addition to fulfilling requirements under the EVOS settlement the endowed professor would normally produce professional articles and books, enhance the university library system, contribute to public knowledge and produce a flow of the trained experts needed by public agencies, business and society in general.

I have a 1984 news article entitled "Texas eager to build the best universities money can provide." Between 1979 and

1984 endowed professorships at Texas A&M went from 4 to 56. In addition to prestige the Texas Legislature expected an economic pay off. If it's good enough for Texas it should be good enough for Alaska.

With 40 to 50 endowed chairs in marine science Alaska would become a world center in that field. Ancillary businesses and institutions would be attracted providing economic and social benefits in the communities with economic and social losses from the oil spill. The stature of the Alaskan world image would be enhanced, offsetting the adverse publicity from the oil spill.

Interest in University endowment is beginning to build and proposals are coming in. The American Bald Eagle Foundation, Pacific Seabird Group, Alaska Chapter of the Wildlife Society, American Association of Fisheries Research Biologists and the Juneau Assembly have all made proposals. An Anchorage Times editorial (Anchorage Daily News, May 3, '93) stated, "The idea of an endowment fund managed by the University of Alaska is among the best we've heard so far."

If we could put a portion of the settlement money into a rock solid and perpetual university scientific program it would be much easier for me to support some experimental and some special interest projects with less broad public significance.

And so I would like to propose a motion. It is not my intent to push any PAG member into making a rush decision. I realize it will take some time for many of us to determine how university endowment can best fit into our particular area of interest. My purpose in introducing a motion now is to get the subject in the record so it can be discussed by the PAG, the Trustee Council, the Restoration Team and the public. There will be plenty of time and many ways for the PAG, collectively or individually, to make our specific wishes known.

My motion then is the PAG recommends that:

- 1) The Trustee Council allocate 30 million dollars each year to the University of Alaska Foundation for establishing research chairs dealing with resources damaged by the EVOS.
- 2) The Restoration Team be asked to work with the University of Alaska to develop a detailed plan for endowed chairs that complies with provisions of the settlement agreement and public concerns.
- 3) The draft Restoration Plan, when distributed to the public in the near future, include a short description of this proposal as one alternative action.

Resources or Services	Administration	Monitor & Research	General Restoration	Habitat Protection	Endowment	Totals
Archaeology						
Bald Eagle						
Black Oystercatcher						
Commercial Fishing						
Common Murre						
Cutthroat/ Dolly						
General						
Harbor Seal						
Harlequin Duck						
Intertidal						
Killer Whale						
Marbled Murrelet						
Multiple Resources						
Pacific Herring						
Pigeon Guillemot						
Pink Salmon						

Recreation						
River Otter						
Rockfish						
Sea Otter						
Sockeye Salmon						
Sport Fishing						
Subsistence						
Subtidal						
Technical Services						

Exxon Valdez Oil Spill Public Advisory Group

D R A F T--Approach to Restoration (5/25/93)--D R A F T

The *Exxon Valdez* Oil Spill Trustees should give priority to the projects which are most effective in restoring and protecting injured resources and services. Preference should be given by the Trustees to projects (1) within the spill area as defined in the Restoration plan brochure of April 1993, or (2) outside the spill area within the state of Alaska.

A. Pick-up oil which is fouling the environment and where it makes environmental and economic sense to clean up and with the approval of local residents, landowners and resource users. This includes:

- Monitoring and feasibility studies
- Physical clean-up

B. Restore injured resources and services by taking direct action in pertinent environments. This includes:

- Subsistence
- Cultural
- Recreational
- Commercial
- Fish
- Wildlife
- Habitat

C. Protect habitat critical to resources injured by the oil spill or threatened by potentially injurious actions. This includes:

- Acquisition
- Conservation easements
- Leases
- Trade
- Application of appropriate management techniques with landowners

D. Fund an endowment for monitoring, research, and continuation of restoration activities by setting aside a portion of the current settlement funds.

E. Replace and/or enhance injured resources/services through indirect means. This includes:

- Enhancement of equivalent resources to reduce pressure on injured ones
- Increase populations or levels of service over pre-spill conditions

F. Provide funding for facilities which support A through E, above.

Oil-spill money could endow academic work

By JAMES G. KING

A portion of the Exxon Valdez oil-spill settlement funds should be used to endow academic chairs in marine biology at the several campuses of the University of Alaska.

The settlement requires that \$900 million be spent to restore, rehabilitate, replace, enhance or acquire equivalent resources and services in the spill region. One-third of the money has already been used for cleanup, scientific studies and administrative expenses. The enhancement provision perhaps offers the most long-term benefits and can probably best be achieved by a perpetual university research program.

Although the oil is no longer obvious, residues remain in beach gravels, the water column and the tissues of plants and animals. There is no known way to clean up much more of this residue. Some important fish, mammal and bird populations were severely damaged and there is generally no sure way now known to assist their recovery.

Even proposals for hatcheries to replace fish are scientifically controversial. Natural recovery, though slow for some species, is happening and is the only realistic way most recovery can occur.

Proposals for using some of the money include doing something for the subsistence economy, purchasing privately owned habitat in or near parks and refuges, purchasing privately owned habitat at risk

from logging or other intensive uses, continuing a host of studies by state and federal agencies, creation of an endowment fund to finance continuing activity related to the oil spill and so forth. These are generally good proposals that deserve some of the funding.

Scientific knowledge and technology are increasing so fast that what we perceive as "the mysteries of nature" now may well be an open book to future generations.

To take full advantage of this probability, we need to build up the scientific capability of our university system now. Agency and industry research is normally directed to the public and may suffer from short-term funding, whereas endowed university research would normally have a broader scope, produce peer-reviewed publications, have better long-term continuity and produce the outflow of trained professionals needed by society.

The university already has a foundation that manages endowment funds, so no Exxon money would be needed for a new bureaucracy. An endowed chair requires a deposit of at least \$2 million, the income from which provides salary, benefits, one assistant and modest operating funds for one full professor in perpetuity.

Endowed chairs attract the highest quality applicants because they are not affected by the annual fluctuations of university budgets.

The high caliber of endowed professors attract the highest-quality graduate students. Endowed professors often have a competitive edge in securing grants and contracts.

Suggested possibilities for chairs include fisheries sciences, marine mammals, sea birds, invertebrate biology, marine chemistry, oil management technology, forest management for anadromous fish and such. Also possible are chairs in anthropology, recreation planning and management, coastal community planning, subsistence factors, outdoor writing and other social fields.

Building the University of Alaska to address the problems of the oil age, as personified by the Exxon spill, has very positive possibilities. The economy, the environment and the resources of Alaska will be enhanced. Then Alaska will take its rightful place as world center for learning and the applied science needed in the management of the marine resources it has in such abundance.

This will be good for our children and our children's children.

•••••

James G. King of Juneau is a conservation member of the public advisory group to the Exxon Valdez oil-spill settlement.

EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP
 PROPOSED BUDGET ALLOCATIONS
 12-May-93

Budget Category	Mar 1, 1992-- Sep 30, 1992 FY1992	Oct 1, 1992-- Feb 28, 1993 FY1993	Mar 1, 1993-- May 31, 1993 FY1993	Jun 1, 1993-- Sep 30, 1993 FY1993	FY1994	Totals
Personnel		\$9,000.00	\$2,400.00	\$13,900.00		\$25,300.00
Travel	\$30,800.00	\$40,000.00	\$17,600.00	\$22,400.00		\$110,800.00
Contractual		\$15,800.00	\$7,400.00	\$7,400.00		\$30,600.00
Commodities		\$10,800.00	\$7,400.00	\$2,700.00		\$20,900.00
Equipment						
Capital Outlay						
Subtotal	\$30,800.00	\$75,600.00	\$34,800.00	\$46,400.00		\$187,600.00
General Administration		\$1,300.00	\$900.00	\$1,100.00		\$3,300.00
Total	\$30,800.00	\$76,900.00	\$35,700.00	\$47,500.00		\$190,900.00

DOI
 DOI
 DEC
 FS

 DOI

NOTES:

Mar 1, 1992-Sep 30, 1992 allocation has been completed.

Oct 1, 1992-Feb 28, 1993 need to I/A \$10,800 to FS, will have unused contractual not required by DEC.

Mar 1, 1993-May 31, 1993 need to I/A \$7,400 to FS, the \$7,400 for DEC will be "unused" since DEC will increase next court request to include this.

Jun 1, 1993-Sep 30, 1993 will have court request allocate \$7,400 to DEC and \$2,700 to FS, plus an added \$7,400 to DEC for previous period to avoid an I/A.

EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP
 ESTIMATED EXPENDITURES FROM 10-1-92 THROUGH 9-30-93
 12-May-93

Activity	Personnel	Travel/Perdiem	Supplies	Printing	Mail	Teleconference	Public Record	Advertising	Total
FY 1993 FWS staff	\$19,800.00								\$19,800.00
FY 1993 DOI staff	\$5,500.00								\$5,500.00
PAG Notebooks I & II			\$1,800.00	\$2,900.00	\$800.00				\$5,500.00
October 29 meeting		\$8,336.12		\$800.00	\$250.00		\$985.00	\$1,700.00	\$12,071.12
December 2 meeting		\$8,506.71		\$800.00	\$250.00		\$1,000.00	\$1,700.00	\$12,256.71
December 21 meeting		\$546.00							\$546.00
January 4 meeting						\$200.00			\$200.00
January 5 meeting						\$200.00			\$200.00
January 6-7 meeting		\$9,288.64		\$800.00	\$250.00		\$2,000.00	\$1,700.00	\$14,038.64
February symposium		\$11,251.00							\$11,251.00
February 10 session		\$8,500.00		\$800.00	\$250.00		\$1,000.00	\$1,700.00	\$12,250.00
April 16 meeting		\$9,500.00		\$800.00	\$250.00		\$2,000.00	\$1,700.00	\$14,250.00
May 24 fact-finding trip		\$2,000.00							\$2,000.00
May 25 meeting		\$9,500.00		\$800.00	\$250.00		\$2,000.00	\$1,700.00	\$14,250.00
June/July meeting?		\$9,500.00		\$800.00	\$250.00		\$2,000.00	\$1,700.00	\$14,250.00
August/Sept. meeting?		\$9,500.00		\$800.00	\$250.00		\$2,000.00	\$1,700.00	\$14,250.00
PAG Notebooks III?			\$1,000.00	\$800.00	\$250.00				\$2,050.00
TOTALS	\$25,300.00	\$86,428.47	\$2,800.00	\$10,100.00	\$3,050.00	\$400.00	\$12,985.00	\$13,600.00	\$154,663.47

DOI

DOI

FS

FS

FS

FS

DEC

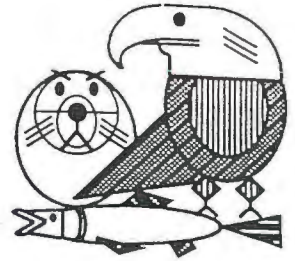
DEC

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



To: Trustee Council

Date: May 3, 1993

From: Administrative Director &
Restoration Team

**Subj: Improved Public
Involvement**

It is clear that the public has expressed negative perceptions of the objectives and accomplishments of the Trustee Council and Restoration Team. The Restoration Team was directed to return to the Trustee Council with a proposal for improving communication with the public. We believe the following changes in current procedures may improve the climate of public opinion.

Public Involvement So Far

In the Public Participation Work Group and Restoration Team discussions we identified the major components of the public involvement program implemented thus far:

- **Public meetings:** Three series of meetings in the communities were held (February 92, April 92 & April 93). The first two sets were not well attended as not enough lead time was allowed for advertising and laying ground work. In addition the amount of information presented was overwhelming. The most recent series of meetings addressed these problems and was well attended.
- **Trustee Council meetings:** Meeting topics are often complicated and difficult to follow. Handouts to the public are also complicated and the sheer bulk can be overwhelming. The public cannot participate in the meetings except in the very defined, formal format of public comment periods at the end of the Trustee Council meetings.
- **Exxon Valdez Oil Spill Symposium:** The Symposium (held in February, 1993) was well attended and informative. Although it was generally praised as a successful event, some members of the public have indicated that there was too much information presented in a short time frame. In addition some members of the public felt there was inadequate opportunity for public discussion.
- **Public documents:** Until the most recent restoration plan brochure, the documents we have produced have been complicated, dry, full of jargon, difficult to understand, and not visually interesting.
- **Presentations (other than meetings):** To date, presentations have been made by various Restoration Team and Trustee Council members to the Resource Development Council, various radio talk shows, the

International Right of Way Association, the Lower Cook Inlet Association, and other special interest groups.

Strategies

In order to begin to repair trust in the process, we need to consider changes in the approach to public involvement. These changes must be significant enough to make it obvious to the public that the Trustees are trying new means to attain "meaningful" public involvement. The Restoration Team has developed the following suggested strategies for implementation:

- Plan informal times before and/or after meetings where the public has access to the Trustees and other staff to ask questions and share their views.
- Encourage Trustee Council members and staff to take time to talk to members of the public, representatives of interest groups, and the Public Advisory Group.
- Make public concerns a regular agenda item at the Trustee Council meetings. Address public concerns at each Trustee Council meeting.
- Fully answer questions any member of the public asks in meetings. If Trustees or staff do not know the answer at the moment, the answer should be found and later mailed or phoned to the questioner.
- Produce and distribute a newsletter or fact sheets. Currently there is inadequate public information staff to provide this support. It is estimated that the production of a quarterly newsletter would cost approximately \$5,000 in materials and require approximately \$7,500 in salary support annually.
- Schedule a Trustee Council tour of several of the spill affected communities, with short meetings to interact with local officials and interested citizens.

The Restoration Team has fully discussed these suggestions and we encourage the Trustee Council to approve them for implementation.

Meeting Announcement

- A. MEETING:** Exxon Valdez Oil Spill Public Advisory Group (PAG)
- B. DATE/TIME:** Tuesday May 25, 1993 @ 9:00 A.M.
- C. LOCATION:** First floor conference room
645 G Street, Anchorage, Alaska
- D. PURPOSE:**
1. Discuss the continuing role of the PAG in advising the Trustee Council.
 2. Review and make recommendations on the draft Restoration Plan alternatives.
 3. Review and make recommendations on potential projects for the fiscal year 1994 work plan.

E. AGENDA

<u>Time</u>	<u>Topic</u>	<u>Person</u>
9:00	Call to order/roll call	Brad Phillips, Chair
9:05	Approval of summary of April 16, 1993 meeting	Brad Phillips, Chair
9:10	Approval of agenda	Brad Phillips, Chair
9:15	Report on the May 13, 1993 Trustee Council meeting	Dave Gibbons, Interim Administrative Director
9:30	Discussion of PAG role in advising the Trustee Council	Brad Phillips, Chair
10:30	Public Comment	
10:50	Recommendations on draft Restoration Plan alternatives	Brad Phillips, Chair
12:00	Lunch break	
1:00	Recommendations on draft Restoration Plan alternatives, continued	Brad Phillips, Chair
1:30	Recommendations on draft 1994 Work Plan	Brad Phillips, Chair
3:00	Schedule next meeting	Brad Phillips, Chair
3:10	PAG member comments	
4:00	Public comment	
4:30	Adjourn	

F. ATTACHMENTS:

1. Amended PAG Charter (volume I tab IV.B)
2. April 16, 1993 meeting summary (volume I tab IX)

Meeting Summary

A. GROUP: Exxon Valdez Oil Spill Public Advisory Group (PAG)

B. DATE/TIME: April 16, 1993

C. LOCATION: Anchorage, Alaska

D. MEMBERS IN ATTENDANCE:

<u>Name</u>	<u>Principal Interest</u>
Rupert Andrews	Sport Hunting and Fishing
Pamela Brodie	Environmental
James Cloud	Public-at-Large
James Diehl	Recreation Users
Richard Eliason	Public-at-Large
John French	Science/Academic
James King	Conservation
Vern McCorkle	Public-at-Large
John McMullen	Aquaculture
Gerald McCune	Commercial Fishing
Brad Phillips	Commercial Tourism
Charles Totemoff	Native Landowners
Cliff Davidson (<i>ex officio</i>)	Alaska State House

E. NOT REPRESENTED:

<u>Name</u>	<u>Principal Interest</u>
Paul Gavora	Public-at-Large
Rick Knecht	Subsistence
Lew Williams	Public-at-Large
Jalmar Kertulla (<i>ex officio</i>)	Alaska State Senate

F. OTHER PARTICIPANTS:

<u>Name</u>	<u>Organization</u>
Kathy Anderson	Eyak
Pamela Bergmann (for Mutter)	Designated Federal Officer Dept. of the Interior
Mark Broderson	Restoration Team AK Dept. Envir. Conservation
Dave Gibbons	Restoration Team Interim Administrative Director
Veronica Gilbert	Restoration Team
George Matz	Alternate to Jim King
Charles McKee	Self
Ken Rice	Restoration Team U.S. Forest Service
Jerry Rusher	Rusher Services
Lee Wyatt	The Eyak Corp.

G. SUMMARY:

The information session was opened at 9:30 a.m. by Chairperson Brad Phillips. Pamela Bergmann reminded PAG members to turn in outstanding travel expense forms as soon as possible after completion of travel--information is required from Pamela Brodie, John French, Paul Gavora, Rick Knecht, John McMullen, and Lew Williams.

Dave Gibbons provided a summary of the March 10 and March 29, 1993 Trustee Council meetings (attachments J.1 and 2). Actions taken by the Trustee Council on PAG recommendations are:

--Approved work to proceed on a PAG Charter amendment to allow for selection of PAG voting alternates.

--Amended the PAG Operating Procedures to include alternate members and Trustee Council intent statements in the introduction and as an appendix.

--Approved the amended PAG Operating Procedures.

--Approved a fact-finding trip to Prince William Sound for the PAG, costs to total about \$2,000, pending legal review.

Gibbons distributed a list of potential projects for consideration in the 1994 Work Plan (attachment J.3) and a draft restoration program work schedule (attachment J.4).

Bergmann reiterated the need to obtain information for the designation of official PAG alternates from members, per the March 25, 1993 memorandum from the Designated Federal Officer.

Gibbons gave a status report on imminent threat habitat protection activities. Draft negotiating guidelines are going to the Trustee Council. A list of concerns/issues is attached (also see attachment J.5) Phillips asked if some PAG members could attend the May 13 Trustee Council meeting to voice their concerns about the habitat protection process.

Veronica Gilbert and Ken Rice gave a presentation on the Restoration Plan Alternatives Brochure, which was previously mailed to PAG members. The PAG discussed and commented on the brochure.

Rice discussed the status of the 1994 Work Plan (attachment J.3). The PAG discussed and commented on the list of potential projects.

Phillips discussed the upcoming May 24, 1993 fact-finding trip into Prince William Sound. Either the PAG member or their alternate will be funded for this trip. Additional

information will be forthcoming. A PAG meeting will be held the next day in Anchorage.

PAG members were given the opportunity to comment on issues and concerns.

Gibbons briefly reviewed a draft memorandum to the Trustee Council from the Restoration Team concerning public participation in the restoration program.

The information session was opened for public comment. Kathy Anderson wanted to know what the role of the PAG really is-- she is disappointed in the current process. Jerry Rusher was interested in participating in the fact-finding trip. Charles McKee presented testimony.

H. FOLLOW-UP:

1. Chairperson, Brad Phillips, will give the status report at the May 13, 1993 Trustee Council meeting in Anchorage.
2. Dave Gibbons will distribute agendas for Restoration Team meetings to PAG members and interested persons who request them.
3. Doug Mutter will include in each PAG agenda a time period for PAG member comment (about 45 minutes at the end of meetings). At the next meeting, an agenda item will be a discussion about where the PAG is going and what their purpose is. The public comment period should be divided into a morning session and an afternoon session.
4. Mutter will issue a summary of the meeting and the key points of concern about habitat protection prior to the Trustee Council meeting on May 13.
5. Gibbons will prepare information on how much has been spent on studies and restoration for each resource and service since the spill.
6. Mutter will issue a memorandum regarding the May 24, 1993 fact-finding trip into Prince William Sound.
7. PAG members need to get their information about suggested alternates to Doug Mutter as soon as possible. PAG members are to advise Doug Mutter if they are unable to attend a meeting and if their alternate will attend in their place.
8. PAG members are to get comments to Brad Phillips before the Trustee Council meeting on May 13, regarding habitat protection concerns.
9. Veronica Gilbert will see that ads are placed in the

Ketchikan and Sitka newspapers announcing the availability of the Restoration Alternatives Brochure.

10. Mutter will prepare PAG budget information for the next PAG meeting and report on possible funding for the Regional Citizens Advisory Councils.

I. NEXT MEETING: May 25, 1993 in Anchorage (fact-finding trip to Prince William Sound scheduled for May 24, 1993).

J. ATTACHMENTS:

Handouts attached for those not present:

1. March 10, 1993 Trustee Council Meeting Notes
2. March 29, 1993 Trustee Council Meeting Notes
3. Potential projects for 1994 Work Plan (vol. II tab IV)
4. Draft Work Schedule for 1993/1994 (vol. II tab IV)
5. Letter to landowners regarding habitat protection (vol. II tab V)

K. CERTIFICATION:

PAG Chairperson

Date

Meeting Announcement

A. MEETING: Exxon Valdez Oil Spill Public Advisory Group (PAG)

B. DATE/TIME: Wednesday, February 10, 1993 @ 9:30 A.M.

C. LOCATION: First floor conference room
645 G Street, Anchorage, Alaska

D. PURPOSE:

1. Review and make recommendations on proposed:
 - a. restoration plan alternative themes;
 - b. habitat protection activities; and the
 - c. 1994 work plan approach.
2. Finalize PAG operating procedures.

E. AGENDA

<u>Time</u>	<u>Topic</u>	<u>Person</u>
9:30	Call to order	Brad Phillips, Chair
9:35	Roll call and introductions	Brad Phillips, Chair
9:40	Approval of summary of January 6-7 meeting	Brad Phillips, Chair
9:45	Approval of agenda	Brad Phillips, Chair
9:50	Report on the January 19, 1993 Trustee Council meeting	Dave Gibbons, Interim Administrative Director
10:30	Amendments to PAG procedures	Brad Phillips, Chair
11:30	Lunch break	
12:30	Proposed habitat protection for imminent threat lands	Marty Rutherford, ADNR
1:30	Proposed restoration plan alternative themes	Sandy Rabinowitch, NPS
2:30	Break	
2:45	Proposed 1994 work plan	Jerome Montague, ADF&G
3:30	Schedule next meeting	Brad Phillips, Chair
3:40	Public comment	
4:40	Adjourn	

F. ATTACHMENTS:

1. Summary of the January 6-7, 1993 PAG meeting

PAG Report Notes (1-19-93)

1. The PAG met January 6-7, 1993 to review 1993 work plan--a draft meeting summary is available (handout).
2. The PAG voting record was sent with the Trustee Council package last week, the Trustee Council should have that. This shows how each member voted and what comments and amendments were agreed to as a part of the recommendation.
3. The transcript of the PAG discussion on 1993 projects has been copied for each Trustee Council member, at the request of the PAG, to show the issues, concerns and minority views raised on each project.
4. A recurring concern by many members of the PAG is the appearance that agencies are funding ongoing operations, or even double funding activities, and that overhead and administrative costs seem excessive. A recommendation from the PAG is that the Trustee Council have an independent review of the situation in order ensure accountability and to avoid duplicative and/or excessive funding for agencies.
5. Another concern of the PAG was that it have adequate funds budgeted to meet at least six times during the year, not just the minimum required four meetings. The PAG has already held three meetings and has another scheduled for February 10, 1993 to begin review of the restoration plan and habitat protection plans.
6. For Trustee Council information is Jim Cloud's memo (handout), which is also supported by PAG Chairperson Brad Phillips.

James L. Cloud
P.O. Box 201014
Anchorage, Ak. 99520

To: Brad Phillips, Chairman EVOS PAG

Date: January 9, 1993

From: Jim Cloud, Member PAG, Public-at-Large

Subject: Comments on the 1993 Workplan
EXXON Valdez Oil Spill Trustees Council Public Advisory Group

I would like to take this opportunity to make some comments on some important issues concerning the 1993 Workplan and Budget which was the subject of a two day meeting of the EVOS PAG last week. Please keep in mind that these comments are my own and should not be interpreted as a representation of other PAG members. My comments are meant to reflect concerns of members of the group I represent, that is the "public-at-large". If appropriate, please include these comment in your report to the EVOS Trustee Council and distribute copies to the other PAG members.

Public-At-Large

Among the many special interest groups of represented on the EVOS PAG is the "public-at-large". The public-at-large is the broadest of all groups or classes of people that have an interest in the manner in which the EVOS Trustee Council directs the restoration of resources and wildlife damaged by the EVOS and the associated funding of activities related to the restoration process.

The public-at-large includes people that are citizens of the United States of America as well as people who are citizens of other countries; consumers of goods and services as well as consumers of intangible services such as tourism or simply ideals or notions. It will be difficult but not impossible to assure that one class of the public-at-large is not denied utilization or service of a natural resource through the attempt to restore a utilization or service to another class of the public-at large.

Habitat Acquisition

After studying the material provided and listening to the discussions at PAG meetings so far held, I have concluded that there are some very extreme conflicts developing between special interests and the interests of the public-at-large. Central to this conflict is the effort to acquire property or property rights and transfer such property or property rights to government agencies for "habitat protection" as a method of restoring a lost service provided by a resource without recognizing the loss of a service created by the acquisition if the acquisition results in a decrease of natural resources available to the public-at-large.

It is not in the interest of the public-at-large to reduce the amount or quality of natural resources that are accessible to the public-at-large through private ownership. During the past two decades, the public-at-large has lost access to natural resources of unknown utility on literally hundreds of millions of acres of land in Alaska. During the discussion at the recent PAG meeting the Restoration Team was unable to provide answers to Senator Elliason's questions regarding the amount of property under government protection compared with the amount of privately owned property and property rights.

Any further reduction in present or future availability of resources to the public-at-large as a result of actions taken by the EVOS Trustee Council would amount to a loss of a "service" to one class of people in order to restore a "service" to another. I do not believe it is the intent of the Court or the Trustee Council to make such trade-offs to the detriment of the public-at-large.

The withdrawal of private property without replacement has an additional cost to the public-at-large when it causes a reduction in the property tax base for local governments. A lower tax base (present or future) causes extra burden on area taxpayers.

No-Net Loss

I urge the EVOS Trustee Council to apply a principle of "No-Net-Loss" of private property or access to natural resources. If particular habitat is found to be so valuable to the recovery certain wildlife, government landowners should be required to trade some of it's resources in a manner which leaves "no-net-loss" of privately owned property or access to natural resources. Such trades or replacements should be accomplished in a manner that provides for substantially equilevant property or resource availability.

Endowment

This idea has some merit. The council should make a determination of whether it can legally create an endowment with the trust funds and how the endowment funds may be spent. The sooner this can get off the ground the better. Since the University of Alaska already has an endowment program, perhaps there could be some economies by putting such an endowment in with the University of Alaska, limited of course to uses specified by the EVOS Trustee Council. I would recommend a minimum endowment of \$200 million, with one half of the earnings reinvested each year to protect the foundation and the other half used for purposes specified by the EVOS Trustee Council in the creation of the foundation.

Restoration Plan

This is key to future spending plans and priorities. I am frankly amazed it has taken so long. Perhaps the planners are starting with too complicated a document. Nevertheless, I am please to see the EVOS Trustees have ordered a fast track for preparation of the draft plan and related NEPA reports so the drafts may be used to formulate the 1994 Work Plan.

Budgets and Accountability

At our January 6th and 7th meeting there was much discussion about the relatively large budgets for the Administration and Restoration Team. The total of over \$4.6 million is over 30% of the planned work expenditures (excluding the habitat acquisition fund) for 1993. This is in addition to the overhead allocations in each project. The PAG has sent the Trustees some rough recommendations with their approval. However, recent news reports of a General Accounting Office report to Congress critical of lack of financial accountability among federal agencies for program spending and operations has encouraged me to make some addition suggestions to the Trustees.

1. Engage an independent accounting firm to audit the expenditures of the EVOS Trust and recommend a system for financial and accounting controls independent of the agencies.
2. Based on the above recommendations, develop a system for measuring the effectiveness of each project undertaken by the EVOS Trust to assure that inefficiencies are detected rapidly and corrected or discontinued.
3. Engage an independent coordinator or "prime contractor" to manage the restoration effort much like the role of the Coast Guard in the EVOS clean-up phase.

4. Agencies that do not comply with the system of independent accountability should not be allowed to participate in the projects undertaken.
5. Engage an independent accounting firm to provide annual audited financial statements on the EVOS Trust and related expenditures.

Several EVOS PAG participants expressed concern of agency budget featherbedding. If the EVOS Trustee Council will take the time to read the transcripts they will see several comments and questions that try to determine if agencies are augmenting their budgets by trying to use EVOS funding for personnel and work that would be accomplished as part of agency responsibilities. The EVOS PAG does not have the resources or the qualifications to make such a determination. The GAO report only supports such suspicions of the public. Independent accountability is the only way to guard against such charges and assure that expenditures are being carried out efficiently and productively.

Conclusion

Thank you for including my comments with the EVOS PAG report. These comments do not particularly carry the endorsement of the other members of the EVOS PAG or the other representatives of the public-at-large.

cc: Doug Mutter, EVOS PAG Coordinator
Donna Fischer, Vice Chairperson

Meeting Summary

- A. MEETING:** Exxon Valdez Oil Spill Public Advisory Group (PAG)
- B. DATE/TIME:** January 6 and 7, 1993
- C. LOCATION:** Anchorage, Alaska
- D. MEMBERS IN ATTENDANCE:**

<u>Name</u>	<u>Principal Interest</u>
Rupert Andrews	Sport Hunting & Fishing
Pamela Brodie	Environmental
James Cloud	Public-at-Large
Richard Eliason	Public-at-Large
Donna Fischer	Local Government
John French	Science/Academic
James King	Conservation
Richard Knecht	Subsistence
Vern McCorkle	Public-at-Large
Mary McBurney (for G. McCune)	Commercial Fishing
John McMullen	Aquaculture
Brad Phillips	Commercial Tourism
John Sturgeon	Forest Products
Charles Totemoff	Native Landowners
Llewellyn Williams	Public-at-Large

E. NOT REPRESENTED:

<u>Name</u>	<u>Principal Interest</u>
Cliff Davidson (<i>ex officio</i>)	Alaska State House
James Diehl	Recreation Users
Paul Gavora	Public-at-Large
Jalmar Kertulla (<i>ex officio</i>)	Alaska State Senate

F. OTHER PARTICIPANTS:

<u>Name</u>	<u>Organization</u>
Mike Barton	Trustee Council Regional Forester, U.S. Forest Service
Bob Baldauf	Dept. of the Interior
Kim Benton	PAG Forest Products Alternate
Pamela Bergmann	Restoration Team Dept. of the Interior
Evelyn Biggs	Cordova Dist. Fishermen United
Irvin Brock	AK Dept. of Fish and Game
Mark Broderon	Restoration Team AK Dept. Envir. Conservation

Chris Dillon	Cook Inlet Reg. Citizens Advisory Council
Ralph Eluska	AKI
Jeff Guard	Cordova Dist. Fishermen United
Kathy Hess	The Nature Conservancy
Bob Hines	Nat'l. Marine Fisheries Service
Thomas Fink	Private Consultant
Dave Gibbons	Restoration Team Interim Administrative Director
Keith Goltz	Dept. of the Interior
Ken Holbrook	U.S. Forest Service
Tyler Jones	Consultant
Regina Martinez	Fish and Wildlife Service
Dennis MacGuire	U.S. Coast Guard
Charles McKee	Private Citizen
Curt McVee	Trustee Council Special Assistant to the Secretary of the Interior - AK
Jerome Montague	Restoration Team
Byron Morris	AK Dept. Fish & Game Restoration Team
Chris Moss	Nat'l. Marine Fisheries Ser.
Doug Mutter	Cook Inlet Seiners Association Designated Federal Officer
Steve Pace	Dept. of the Interior
Sandy Rabinowitch	Arthur D. Little, Inc.
Ken Rice	National Park Service Restoration Team
Richard Rolland	U.S. Forest Service
Jerry Rusher	Chugachmiut
Marty Rutherford	Rusher Services Restoration Team
Yereth Rosen	AK Dept. Natural Resources
Cordell Roy	Reuters
Sam Sharr	National Park Service
Cindy Simpson	AK Dept. Fish & Game
Bob Spies	Arthur D. Little, Inc. Trustee Council Chief Scientist
Gary Wall	Applied Marine Sciences
Anne Wieland	AK Dept. of Fish and Game
Mark Willette	Kachemak Bay Citizens Coalition AK Dept. Fish & Game

G. SUMMARY:

The meeting was opened at 9:30 a.m. by Chairperson Brad Phillips. The summary of the December 2, 1992 meeting was approved. Trustee Council member, Curt McVee, commented about his expected retirement on January 21, 1993, and the Department of the Interior's view that emergency and critical needs only be met until a comprehensive restoration plan is completed.

Dave Gibbons provided a summary of the December 11, 1992 Trustee Council meeting (attachment J.2.g). Actions taken by the Trustee Council on the four PAG resolutions are:

- #1--PAG procedures: tabled until 1-19-93 meeting
- #2--Local involvement in restoration: tabled until 1-19-93 meeting
- #3--Wait to decide 1993 projects: accepted, except for time-critical projects
- #4--Approve PAG officer election: accepted

John French reported on the Kodiak work group meeting and their recommendations (attachment J.2.i). Vern McCorkle reported on the Kenai work group meeting (previously mailed). Donna Fischer reported on the Prince William Sound work group meeting (attachment J.2.h).

Bob Spies, Chief Scientist for the Trustee Council, was introduced and he responded to questions about his comments on the proposed 1993 projects. Dave Gibbons noted that the approach to the 1994 work plan would be to present a framework to the public and not ask for public submission of ideas, as was done for 1993. Jerome Montague said that 1993 was the first time the public had a chance to actively submit project ideas for the restoration effort.

Phillips opened discussions on the proposed 1993 work plan. The approach to take and the criteria to use in evaluating the merits of projects were discussed. The administrative line items and individual projects, as proposed in the 1993 work plan, were reviewed and acted upon. The results of voting on individual projects and recommendations (attachment 1), along with amendments and agreed upon comments, were recorded and forwarded to the Trustee Council for their use at the January 19, 1993 meeting. The transcript of this meeting is to be sent to the Trustee Council to give them access to the various comments and opinions PAG members had about the proposed projects. Six new projects were proposed by PAG members--five of which were recommended to the Trustee Council (see attachment 1). Prioritizing projects was discussed but was not completed due to lack of time.

A recurring concern by many members of the PAG was the appearance that agencies are funding ongoing operations, or even double funding activities, and that overhead and administrative costs seem excessive. A recommendation from the PAG is that the Trustee Council have an independent review of the situation in order ensure accountability and to avoid duplicative and/or excessive funding for agencies. Another concern of the PAG was that it have adequate funds budgeted to meet at least six times during the year, not just the minimum required four meetings. The PAG has already held three meetings and has another scheduled for February.

Keith Goltz, Department of the Interior Solicitor's Office, reiterated the caution concerning PAG members debating and voting on proposals before the PAG that could be viewed as providing individual members with a direct economic benefit.

Regina Martinez responded to questions and problems raised by PAG members regarding travel and reimbursements. Dennis MacGuire briefed the PAG on the Coast Guard financial review of Exxon's completion of the cleanup effort (see attachment J.2.j).

Dave Gibbons outlined the schedule for the restoration plan and environmental impact statement (see attachment J.2.k). He stated that a habitat protection report on imminent threat would be available in mid-February. The PAG will also get to review the proposed schedule for the 1994 work plan and will be involved in the planning process. PAG members who wish to go to the oil spill symposium in February are approved to do so--travel and reimbursement will be through the regular PAG channels.

The meeting was opened for public comment. The following people were teleconferenced at Cordova: Jeff Guard and Evelyn Biggs, Cordova District Fishermen United, Mark Willette and Sam Sharr, Alaska Department of Fish and Game. Coded wire tagging and herring stock studies in Prince William Sound were supported. Anne Wieland, Kachemak Bay Citizens Coalition supported the proposed acquisition in Kachemak Bay. Ralph Eluska, AKI (Native corporation), supported the archeology museum project in Kodiak. Charles McKee offered comments.

H. ACTION ITEMS:

1. See attached vote record for recommended Trustee Council action on individual proposed 1993 projects. (previously mailed to the Trustee Council)
2. Vice-chairperson, Donna Fischer, will give the status report at the January 19, 1993 Trustee Council meeting.

I. NEXT MEETING: Wednesday, February 10, 1993 @ 9:30 a.m.
 First floor conference room
 645 G Street
 Anchorage, Alaska

J. ATTACHMENTS:

1. Vote record for proposed 1993 projects (mailed previously)
2. Handouts attached for those not present:
 - a. Cook Inlet Seiners Assoc. letter (vol. I tab X)
 - b. Municipality of Anchorage letter (vol. I tab X)

- c. Fishery Industrial Technology Center brochure
- d. C.W. Totemoff presentation to PAG (vol. II tab IV)
- e. Chenega Corp. Memorandum of comments on 1993 projects (vol. II tab IV)
- f. Memorandum from Dave Gibbons on initial screening of 1993 projects (vol. II tab IV)
- g. Memorandum from Dave Gibbons on Trustee Council meeting of 12/11/92 (vol. I tab IX)
- h. Meeting Summary for PAG Prince William Sound work group meeting of 1-4-93 (vol. I tab IX)
- i. Meeting Summary of PAG Kodiak work group meeting of 1-5-93 (vol. I tab IX)
- j. Federal On-Scene Coordinator Cleanup Financial Review
- k. Revised Schedule for Restoration Plan and Environmental Impact Statement (vol. II tab II)

K. CERTIFICATION:

PAG Chairperson

Date

Meeting Summary

- A. MEETING:** Exxon Valdez Oil Spill Public Advisory Group
Prince William Sound Work Group
- B. DATE/TIME:** January 4, 1993
- C. LOCATION:** Valdez, Alaska (teleconference with Anchorage,
Cordova, Chenega, Tatitlek)
- D. MEMBERS IN ATTENDANCE:**

<u>Name</u>	<u>Principal Interest</u>
Donna Fischer	Local Government
Pam Brodie	Environmental
John McMullen	Aquaculture
Charles Totemoff	Native Landowners
Doug Mutter	Designated Federal Officer

E. OTHER PARTICIPANTS:

<u>Name</u>	<u>Organization</u>
Michael Brown	Chugach Alaska Corp.
Dusty Kaser	Chugach Alaska Corp.
Tyler Jones	Chugach Alaska Corp.
Thomas Fink	Private Consultant
Gail Evanoff	Chenega Corp.
Gary Komcoff	Tatitlek Corp.
Nancy Leftcoe	Alaska Wilderness Recreation and Tourism Assoc.
Mary McBurney	Cordova District Fishermen United

F. SUMMARY:

The following questions, issues and suggestions were raised regarding the proposed 1993 restoration plans:

- a joint proposal for the Chugach Resource Management Agency (attached) was presented
- the 93 work plan tends to create more bureaucracy
- lacking an overall restoration plan or framework for coordinating projects
- need to include more salmon and herring projects, such as coded wire tagging and stock assesment (6 ADF&G projects not in 93 work plan)
- still need to remove oil and garbage from beaches
- need a long-term comprehensive monitoring program
- need a reward for conviction of persons harassing marine wildlife
- administrative costs are too high in 93 work plan

**OIL SPILL TRUSTEES
PUBLIC ADVISORY GROUP
PRINCE WILLIAM SOUND WORK GROUP**

PRESENTATION

CHUGACH RESOURCE MANAGEMENT AGENCY PROPOSAL

PURPOSE - Combine resource inventory and direct contracting concepts

ORGANIZATION

- Four village corporations from the Chugach Region
Chenega - Tatitlek - Port Graham - English Bay
- Regional Native corporation - Chugach Alaska Corporation

ADVANTAGES

- Proven and experienced management team
- Experienced consultants/advisors
- Proven field personnel in the villages
- Local, cost effective employment and equipment
- Local residents participation in PWS restoration
- Opportunity for direct contracting as envisioned by Chenega settlement

COORDINATION

- Agencies provide CRMA with refined project scope of work information
- Relevant resource inventory will be provided based on realistic PWS conditions
- Additional technical resources can be located and provided
- Management of direct contracts with village organizations/resources

Meeting Summary

- A. MEETING: Exxon Valdez Oil Spill Public Advisory Group
Kodiak Work Group
- B. DATE/TIME: January 5, 1993
- C. LOCATION: Kodiak, Alaska (teleconference with Anchorage)
- D. MEMBERS IN ATTENDANCE:

<u>Name</u>	<u>Principal Interest</u>
John French	Science/Academic
Pam Brodie	Environmental
Richard Knecht	Subsistence
Rupert Andrews	Sport Hunting and Fishing
Doug Mutter	Designated Federal Officer

E. OTHER PARTICIPANTS:

<u>Name</u>	<u>Organization</u>
Kristin Stahl-Johnson	Kodiak
Greg Petrich	Kodiak Audubon
Jerome Selby	Kodiak Island Borough
Bob Owen Otto	National Marine Fisheries Service
Rita Stevens	Kodiak Area Native Assoc.
Heidi Z am ock	KMST Radio
Jim Lawson	2 X Afoquak Joint Venture
Carmichael	

F. SUMMARY:

The following questions, issues and suggestions were raised regarding the proposed 1993 restoration plans:

- general support for the 5 Kodiak Island Borough resolutions previously sent out
- archeology restoration projects should use local organizations
- recommend \$250,000 for Kodiak Area Native Assoc. as part of project 93006 for archeology site restoration
- 93009, it is not appropriate for USFS to take the lead
- how are archeology sites related to EVOS?
- significance of archeology sites and the direct and indirect impacts due to EVOS were explained
- need local infrastructure for storing artifacts and related data
- using volunteers for site stewardship may cause more problems
- add project for Fisheries Center in Kodiak for research analyses capabilities

MEETING SUMMARY

EVOS-PAG Kodiak Working Group Meeting #1

The Kodiak Working Group meet from 1:30-3:30 in the Conference Room at the UAF-Fishery Industrial Technology Center with an audio connection to the Oil Spill Center in Anchorage.

The group recommended the following changes in the FY93 Work Plan:

1. Addition of \$250,000 to project 93006 as a subcontract to Kodiak Area Native Association for inventory and site specific archaeological restoration of sites on in Kodiak, not covered in the current project.
2. Not funding project 93026 - Fort Richardson Hatchery Water Pipeline.
3. Addition of \$800,000 for the design and engineering for the archeological museum and cultural center for Kodiak Area Native Association. See Kodiak Island Borough Resolution 92-52.
4. Addition of \$1,000,000 for conceptual planning, architectural design and engineering for the expansion of the Fishery Industrial Technology Center. See Kodiak Island Borough Resolution 92-51.
5. That a significant portion of the funds be protect key habitat areas. Priorities should be set on the importance of the area not just imminent threat.
6. That very serious consideration be given to setting aside a portion of the settlement as an "endowment" to fund research which requires a longer term than the settlement.

Concern was expressed that projects should be kept local, or at least Alaskan, rather than the extensive use of subcontracts outside the State. This concern was applied to projects 93007 and 93008 among others.

Concern was also expressed that some projects are being kept within the Trustee agencies which could better handled by other public and private entities. A specific example was having educational organizations responsible for project 93009 rather than USFS.

It was noted that the RCAC's and other groups are also undertaking monitoring studies. So far these studies are not well coordinated with EVOS studies. There is often little coordination apparent between EVOS studies. The Kodiak Working Group feels it is important to find ways to improve the coordination of methodologies, research and monitoring objectives to maximize the benefits of the dollars spent on scientific studies, including restoration and enhancement projects.

Submitted by John S. French, Leader, Kodiak Working Group

Agenda

EVOS-PAG Kodiak Working Group Meeting #1

5 January, 1993, FITC Conference Room

- 1:30 Call to order
- 1:35 Purpose of the PAG and regional working groups
- 1:45 Comments by Designated Federal Official - Doug Mutter, USDI
- 1:50 Introduction of participants
- 2:00 Comments specific to projects in the FY93 Work Plan
- 2:30 Comments specific to projects not currently in the FY93 Work Plan
- 3:00 Develop a Working Group Position
- 3:15 Formalize Working Group membership
- 3:25 Time of next meeting (to discuss FY94 Work Plan ?)
- 3:00 Adjourn meeting

Meeting Announcement

- A. MEETING: Exxon Valdez Oil Spill Public Advisory Group (PAG)
- B. DATE/TIME: Wednesday, January 6, 1993 @ 9:30 A.M. and
Thursday, January 7, 1993 @ 9:00 AM
- C. LOCATION: First floor conference room
645 G Street, Anchorage, AK
- D. PURPOSE:
1. Review and make recommendations on the 1993 Work Plan for the Exxon Valdez Oil Spill Trustee Council.
 2. Review and discuss the status of current restoration and related activities.

E. AGENDA

<u>Time</u>	<u>Topic</u>	<u>Person</u>
Wednesday, January 6		
9:30	Call to order	Brad Phillips, Chair
9:35	Roll call	Brad Phillips, Chair
9:40	Approval of summary of December 2 meeting	Brad Phillips, Chair
9:50	Approval of agenda	Brad Phillips, Chair
9:55	Introductions	Brad Phillips, Chair
10:00	Report on the December 11, 1992 Trustee Council meeting	Dave Gibbons, Interim Administrative Director
10:20	Recommendations on the 1993 work plan and budget	Brad Phillips, Chair
	--Kodiak work group	John French, Leader
	--Kenai work group	Vern McCorkle, Leader
	--Prince William Sound work group	Donna Fischer, Leader
11:45	Lunch break	
1:00	1993 work plan, continued	
2:30	Break	
2:45	1993 work plan, continued	
4:30	Recess	

<u>Time</u>	<u>Topic</u>	<u>Person</u>
Thursday, January 7		
9:00	Reconvene	Brad Phillips, Chair
9:05	Roll call	Brad Phillips, Chair
9:10	1993 work plan, continued	Brad Phillips, Chair
10:30	Break	
10:45	Comments by PAG members	
11:45	Lunch break	
1:00	Q & A on travel	Gina Martinez, FWS
1:15	Federal On-Scene Coordinator Financial Review of Exxon Expenses for Clean-up: 1991 and 1992	Commander McGuire, USCG
1:45	Status of Restoration Plan	Sandy Rabinowitch, NPS
2:00	Status of habitat protection	Marty Rutherford, ADNR
2:15	Status of 1994 work plan	Jerome Montague, ADF&G
2:30	Break	
2:45	Exxon Valdez Oil Spill Symposium	Byron Morris, NOAA
3:00	Amendments to PAG procedures	Brad Phillips, Chair
3:30	Schedule next meeting	Brad Phillips, Chair
3:40	Public comment	
4:40	Adjourn	

F. ATTACHMENTS:

1. 1993 work plan recommendation chart

Meeting Summary

- A. MEETING:** Exxon Valdez Oil Spill Public Advisory Group
Kenai Peninsula Work Group
- B. DATE/TIME:** December 21, 1992
- C. LOCATION:** Soldotna, Alaska
- D. MEMBERS IN ATTENDANCE:**

<u>Name</u>	<u>Principal Interest</u>
Vern McCorkle	Public-at-Large
Pam Brodie	Environmental
Kim Benton (for Sturgeon)	Forest Products
Doug Mutter	Designated Federal Officer

E. OTHER PARTICIPANTS:

<u>Name</u>	<u>Organization</u>
Vince O'Reilly 1611 Toyon Way Kenai, AK 99611	Cook Inlet Regional Citizens Advisory Council (CIRCAC)
Anne Wieland Box 1395 Homer, AK 99603	Kachemak Bay Conservation Council
Tom Mears Box 849 Soldotna, AK 99669	Cook Inlet Aquaculture Association
Sally Kabish PO Box 2400 Homer, AK 99603	Kachemak Heritage Land Trust
Dennis Randa Box 3055 Soldotna, AK 99669	CIRCAC
Richard Underkofler 177 N. Birch Soldotna, AK 99669	City of Soldotna
Ken Tarbox PO Box 3507 Soldotna, AK 99669	On personal time (AK Dept. Fish and Game)
Karl Pulliam Box 31 Seldovia, AK 99663	CIRCAC and SOS
Jack Brown PO Box 1310 Kenai, AK 99611	Kenai Peninsula Borough Assembly and CIRCAC
Mary Pearsall PO Box 2581 Soldotna, AK 99669	Kenai Peninsula Borough

F. SUMMARY:

The following questions, issues and suggestions were raised regarding the proposed 1993 restoration plans:

- why is NEPA required for the Kachemak Bay land purchase
- what about the psychological affects of the spill, land purchases help alleviate this problem
- there were individual tax problems with the sudden jump in income from working on the spill
- CIRCAC has a monitoring plan that needs additional funding, why not use restoration or restitution funds to do this
- need to coordinate all the monitoring efforts in the area
- is acquisition really restoration
- fund bank restoration efforts along the Kenai River to prevent further degradation
- many projects seem to cost too much, but what could be cut
- put the cities and villages on the EVOS mailing list, get a copy of the list to see who is duplicated and who is left off
- the PAG should get copies of all public comments on the 1993 plan received after the 11-21 deadline
- more projects are needed for the outer Kenai coast
- water quality and the decline of intertidal flora and fauna need studied and remedied
- look at Gull Island for inclusion in the Maritime Refuge
- support the Kachemak Bay land purchase
- look at easements for the Island Peninsula, Beluga wetlands, Otterbahn Trail wetlands
- no support for the Ft. Richardson pipeline
- Education projects are duplicative of other efforts
- do not support the second growth forest project
- should use local people and expertise as much as possible
- need to go to Native landowners to talk to them
- was Tyonek contacted
- support use of tugs in Cook Inlet
- need to continue sockeye studies in the Kenai River system
- should establish an autonomous, objective oversight group to set directions, not agencies
- perhaps focus restoration at the local level, eg. like Soil Conservation Districts
- where is all the administrative money going, seems high

G. ACTION ITEMS:

1. Deliver attachments to the EVOS office

H. NEXT MEETING: None

I. ATTACHMENTS:

1. Letter from Susan Springer, Kachemak Heritage Land Trust
2. Comments from C. Neil McArthur
3. Request for Proposals: Kenai River Erosion Control and Habitat Restoration Demonstration Project

To: EVOS Trustee Council
Kenai Peninsula Meeting-Dec.21,1992

From: Susan W.Springer, Seldovia
On behalf of the Kachemak Heritage Land Trust board of directors

Although I am unable to attend today's meeting, I have asked that this letter be read into the minutes and carried on to the Trustee Council.

The Homer based Kachemak Heritage Land Trust is a four year old non-profit organization dedicated to the preservation of critical habitat, greenspaces, historic sites, and land for public use and recreation. Our service area extends from Anchor Point/Niniilchik south to the outer coast and Gore Point. Our mission is accomplished through land acquisition, donations of land, and through the arrangements of conservation easements with landowners.

We fully support the efforts of the Kachemak Bay Citizens Coalition to bring to fruition the buyback and preservation of the Kachemak Bay State Park lands, and urge the Council to approve the suggested appropriation of funds for this endeavor.

In the coming months, we shall be meeting with representatives of other Homer area conservation groups, and local bird and wildlife experts to identify lands outside the park which could serve to replace damaged habitat for (EVOS) injured species. From a review of the EVOS settlement agreement and from conversations with L.J.Evans of the Oil Spill Public Information Office in Anchorage, it is my understanding that critical habitat replacement in the form of land acquisition is well within the spending guidelines.

It is our intent to put to the Council a well documented proposal for the acquisition of specific parcels of land in our area. Such acquisitions would neatly fall under the Council's goal of habitat replacement. The Land Trust could function quite efficiently as the overseer of such acquisitions, as such a duty is in line with our current activities. Presently, on each of our holdings, we undertake a comprehensive baseline survey, and then conduct yearly monitoring to ensure no deleterious human intervention has taken place.

We are a responsible, thoughtful organization with an excellent reputation and will look forward to bringing specific proposals to the Council, not only for the 1994 work plan but for the coming years as well. We thank you for this opportunity to speak and , in advance, for your careful consideration of our requests.

Very truly yours,



Susan W.Springer , member Board of Directors
P.O.Box 257
Seldovia, AK 99663

Kachemak Heritage Land Trust
P.O.Box 2400
Homer, AK 99603

COMMENTS

You are invited to share your ideas and comments with the Trustees.
Please use this tear sheet to present your views on the 1993 Draft Work Plan.
You may send additional comments by letter regarding the 1993 Draft Work Plan.

20 December 1992

Members of the EVOS Trustees Council:

I have spent several hours studying your 1993 Draft Work Plan, and would like to make a few comments from my perspective as a graduate forester (Syracuse 1962), biology major, and 30 year resident of Alaska.

Because I think all 52 projects are worthwhile to some degree, I will mainly address priorities.

* As a practical matter, I do not significantly disagree with priorities assigned by Dr. Spies in Appendix B, and suggest that you do not fund projects he rated as "3, 4, or E."

* I further suggest you hesitate to fund projects in the following overlapping categories:

1. Projects designed to achieve in two or three years what nature will achieve in only a few more years. Some of the fisheries projects, for instance.
2. Projects which ought to be done regardless of EVOS. Examples include some of the archeological projects, and projects providing interpretive information to tourists and general public.
3. Projects rather remotely related to EVOS which, if really justifiable, will be funded some other way. For example, 93026, the Ft. Richardson Hatchery Pipeline.
4. Projects by particular agencies to disburse information to the public. I do think a thorough and readable summary of information gathered in the aftermath of EVOS should be prepared and made generally available. Agencies may draw upon it as they wish. I have what may only be a semantic problem with 93009 which proposes a "balanced and accurate" view. I don't advocate generating hysteria at public expense, but I feel an emotionally balanced view of a major oil spill would conflict with factual accuracy and fly in the face of generally accepted standards of civilized human decency.
5. Projects gathering information. Yes, I know we need a good deal of information, and this is an incredible research opportunity; indeed there is a certain morbid fascination

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

Additional Comments:

with the details. Information, however, is not knowledge, let alone wisdom; nor is it even a lasting achievement. A typical agency person asked at a public hearing about conduct of his or her organisation three to five years ago commonly begins "Well, I wasn't here then...." Information gathering should be confined to tightly controlled documentation of type, extent and duration of damage plus relative effectiveness of remedial measures; and published as suggested in 4 above.

* What I do want is Habitat Protection and Acquisition. I would spend as much as possible on 93064 at the expense of most other projects. I believe this is a far more effective and lasting way to restore and nurture the biological fecundity and diversity which is the wealth of any area, and incidentally, the source of all human wealth.

Sincerely,



C. NeilMcArthur

------(fold here)-----Return Address:

C. N. McArthur
P.O. Box 1883
Homer, Alaska 99603

Place
Stamp
Here

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

Attn: 1993 Draft Work Plan

REQUEST FOR PROPOSALS BOOKLET
CONSULTANT ENGINEERING SERVICES
KENAI RIVER
EROSION CONTROL AND HABITAT
RESTORATION DEMONSTRATION PROJECT

Table of Contents

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Tentative Schedule	3
Instructions on Submitting Proposals	4 - 5
Proposal Evaluation and Selection Procedures	6 - 7
Desired Scope of Services	8 - 11

Exhibits

- A Sotir Bioengineering Consultant Services Proposal
- B Kenai Peninsula Borough Tax Compliance Certificate

Richard Underkofler
City Manager, City of Soldotna
177 North Birch Street
Soldotna, Alaska 99669
Phone: (907) 262-9107
Fax: (907) 262-1245

NEWSPAPER ADVERTISEMENT

REQUEST FOR PROPOSALS

KENAI RIVER
EROSION CONTROL AND HABITAT
RESTORATION DEMONSTRATION PROJECT

The City of Soldotna is soliciting proposals for consultant services to help design demonstration erosion control and habitat enhancement projects intended to evaluate whether soil bioengineering technology will work in Alaska. This project will be funded in part by a grant from the Alaska Science and Technology Foundation and a federal Coastal America grant.

The City intends to retain a firm to work with the U. S. Soil Conservation Service and a pre-selected soil bioengineering consultant to serve as the prime contractor for topographic and hydrographic surveying; geotechnical analysis and reports; hydrologic and hydraulic engineering; landscape architecture, civil and structural engineering services. The prime consultant will design stairways, boardwalks and other park facility improvements, but the precise scope of these services won't be clearly defined until concept plans are formulated to deal with pedestrian traffic and sport fishing access issues. The prime contractor will provide administration, data collection, dissemination and meeting coordination for these services, either by in-house resources or by subcontracts with specialty consultants.

This procurement will be governed by federal regulations which prohibit price competition for professional design services. The City intends to commence negotiations with a firm which is determined to be "most qualified" from an evaluation of proposals received in response to this solicitation. Sealed proposals must be received not later than 1:00 PM, January 15, 1993. Contact the City Manager's Office for a "Request for Proposal Booklet" which contains instructions on submitting proposals, proposal evaluation procedures and more information on the project.

The City reserves the right to award this procurement in a manner which is determined to be most advantageous to the City.

Richard Underkofler
City Manager
177 North Birch Street
Soldotna, Alaska 99669
(907) 262-9107

*Publish for five consecutive days:
Peninsula Clarion
Anchorage Daily News*

SECTION I TENTATIVE SCHEDULE

	<u>Target Dates</u>
<u>Consultant Procurement Phase:</u>	
Begin Advertising, Distribution and Marketing of RFP	12/17/92
Due Date for Proposals	01/15/93
Selection Committee Completes Initial Evaluations	01/29/93
Complete Oral Presentations	02/11/93
Selection Committee Consultant Recommendation	02/12/93
Council Decision as to Final Ranking of Firms	02/17/93
Manager Completes Negotiations and Contract Recommendations	02/24/93
City Council Awards Consultant Contract	03/03/93
<u>Concept Planning Phase:</u>	
SCS Submits Concept Plan for Soldotna Creek Park	02/01/93
Planning Team Orientation Session on Concept Plan	03/10/93
Public Hearing on Concept Plans for Soldotna Creek and Centennial Park	04/07/93
City Council Ratifies Concept Plans	04/21/93
<u>Site Analysis Phase:</u>	
Secure Fish & Game Permit for Soil Borings and Analysis	03/30/93
Complete Topographic and Hydrographic Surveying	04/30/93
Complete Soil Borings and Geotechnical Investigations	05/14/93
Select Vegetation to be Utilized on the Project	05/25/93
Planning Team Work Session with Bioengineering Consultant	05/26/93
Consultants Complete Site Analysis	05/31/93
<u>Design Phase:</u>	
Consultant Submits Preliminary Plans and Specifications	08/13/93
Planning Team Work Session on Preliminary Plans	08/25/93
Consultant Submits Final Plans, Specifications & Cost Estimates	09/30/93
Submit Permit Applications	10/15/93
Secure all Permits	01/31/94
<u>Construction Phase:</u>	
Advertise for Construction Bids	02/04/94
Pre-bid Conference for Prospective Contractors	02/18/94
Award Construction Contract	03/16/94
Pre-construction Conference	03/25/94
Substantial Completion of Low Water Construction	05/31/94
Substantial Completion of Ramps, Boardwalks and Stairs	08/31/94
<u>Monitoring and Evaluation Phase:</u>	
Planning Team Monitoring and Evaluation Meeting	08/31/94
Planning Team Monitoring and Evaluation Meeting	08/31/95
Planning Team Monitoring and Evaluation Meeting	08/31/96

Note

This schedule is subject to change on order of the City Manager or City Council. Interested proposers should register with the City Manager's Office to receive addenda to this Request for Proposals which may include revisions to this schedule.

SECTION II INSTRUCTIONS ON SUBMITTING PROPOSALS

Preparation of the Proposal

The response must be typewritten, securely bound, prepared in eight (8) copies and enclosed in a sealed envelope, plainly marked with the name and address of the proposer and words, "Consultant Proposal for Erosion Control Project" written on the envelope. The City shall take no responsibility for the receipt or handling of any proposal that is mailed. Proposals received after the proposal submission deadline will not be considered.

Required Proposal Format

To expedite evaluation of the proposals and to assure each firm a fair and equitable review, this format sequence shall be followed:

Cover letter and Introduction. This section shall not exceed two pages and must include the company name, company address, the name(s) and telephone number(s) of the person(s) who will be authorized to make presentations for the proposer and bind the proposer.

Table of Contents. A table of contents shall clearly identify the component parts of the document and all exhibits or attachments.

Qualifications and Experience. This section of the proposal shall provide a concise narrative that addresses each of these topics:

- History of the Firm
- Type of Organization: (Individual, Partnership, Corporation, or Joint Venture)
- Principals of the Firm
- Organizational chart proposed for this project specifying services to be offered and who will be responsible for each service
- Qualifications and experience for the project manager and of all support personnel to be assigned to this project
- Qualifications and experience of proposed subcontractors

Schedule. The schedule for this project will be governed by terms of a permit to be secured from the Alaska Department of Fish & Game. The site analysis and some of the construction will need to be done during low water conditions. The revegetation components of the project should be installed after the structural components so the bioengineering works won't be disturbed by construction activities involved with boardwalks, stairs, etc. Identify any exceptions that you will be taking to the tentative schedule presented in Section I.

Scope of Services. Section IV of this document provides some general information about this project and the desired scope of consultant services. Exhibit A is a proposal submitted by Robbin B. Sotir & Associates for tasks tentatively allocated to the bioengineering consultant. Sotir & Associates will be retained as a subcontractor to prime consultant. The prime consultant will have overall responsibility to the City for administration, data collection and dissemination, meeting coordination, coordination of the plans and technical specifications for the project.

- Identify whether you will be taking any exceptions to the scope of services desired by the City for the prime consultant on this project; and,
- Specifically, identify exactly who will provide services for each task not assigned to the bioengineering consultant.

Work Load. Provide a list of all projects presently under contract by your firm including the name, type, location, client, the client's representative & phone number, the estimated consulting fee and the percent of project completed.

References. Provide a list of representative work comparable to this project, performed by you or your firm. Each should include:

- Year services were performed
- Name of the project and the client
- Name of the client's representative & phone number
- Cost of the work performed
- Personnel and subcontractors who worked with you on these projects
- A discussion of any claims related to the project

Required Exhibits: This section of the proposal must list or attach:

- Resumes of all key personnel who will have a role in this contract
- A current Kenai Peninsula Borough Tax Compliance Certificate Signed by a Representative of the Borough (See Exhibit B)

SECTION III PROPOSAL EVALUATION CRITERIA AND SELECTION PROCEDURES

Consultant Selection Committee

Each proposal received will be reviewed and evaluated by a Selection Committee which has been appointed by the City Manager. The Committee consists of representatives of agencies who are providing funding or in-kind services for the project. The City Manager will serve as staff to the Committee.

Evaluation and Selection Process

Phase 1 - Initial Evaluations:

Each proposal received on or before the proposal submission due date shall be reviewed and evaluated by the Committee. Initially, a "pass/fail" evaluation shall be made of the proposals to determine compliance with the provisions of this "Request for Proposals." The Committee will evaluate whether the proposal contains adequate responses to the information requested in Section II of this Booklet ("Instruction of Submitting Proposals"). The determination to disqualify a proposal shall be at the discretion of the Committee. All proposals passing the initial evaluation will be reviewed and rated according to these evaluation criteria:

- The extent to which the project team (the firm, the proposed project manager and proposed subcontractors) demonstrates unique qualifications and experience in the design of erosion control projects along river banks and the successful use of cold weather plant materials
- Past results of other projects completed by the firm; the extent to which the projects have been completed on time and budget without substantial claims
- Extent to which the References and Exhibits demonstrate the capability of the proponent to carry out the consultant services desired
- Current total work load and capacity to accomplish work on time
- Confidence in the ability of the firm to understand the City's needs and to work with representatives of the City, the bioengineering consultant and representatives of funding and permitting agencies
- Exceptions to the scope of services desired by the City
- Extent to which the proponent demonstrates a commitment to employ Kenai Peninsula Borough subcontractors and residents for their services

Phase 2 - Oral Presentation:

The firms receiving the highest rating in the initial evaluation will be invited to make oral presentations to the Selection Committee. Each presenter will be allotted up to 45 minutes to discuss their qualifications and respond to questions. Each firm will be requested to be represented by a principal of the firm and the proposed project manager.

Phase 3 - Committee Recommendation:

The Selection Committee will make a recommendation to the City Council by ranking each firm on the basis of the evaluation criteria and oral presentations. The Council will be responsible for making the decision as to final ranking of the firms. Numerical values assigned by the Selection Committee will be used only as a guide and will not bind the City Council in determining which firm is the most qualified.

Phase 4 - Contract Negotiations:

The City Manager will commence negotiations with the firm which is determined to be "most qualified" by the City Council. If the manager finds that negotiations with the first firm are unsuccessful, he may discontinue negotiations with that firm and commence negotiations with the firm which has been ranked the next most highly qualified. Revisions of proposals may be permitted during the negotiation phase for the purpose of obtaining best and final offers. The determination to disqualify a firm for unsuccessful negotiations shall be at the discretion of the City Manager.

Phase 5 - Award of Contract:

The City Manager will make recommendations on the proposed contract for consideration by the City Council. City management desires to conclude these selection procedures in a timely manner so that the consultant may be given notice to proceed with the project by March 3, 1993.

Appeals:

Determinations to disqualify a firm by either the Selection Committee or the City Manager are subject to appeal to the City Council. Any aggrieved proposer may, within five days after a determination by the Committee or the Manager, submit a written appeal to the City Council for a hearing, with notice to interested parties, for a final determination.

SECTION IV

PROJECT DESCRIPTION

KENAI RIVER
EROSION CONTROL AND HABITAT
RESTORATION DEMONSTRATION PROJECT

1.00 Problem. Intense sport fishing along the Kenai River during the summer months is causing bank erosion, loss of fish habitat and degradation of aesthetic values desired for the river. If bank fishing is allowed to continue unrestrained, it is feared that there will be further loss of valuable river front property, degradation of water quality and loss of more riparian habitat.

2.00 Potential Solution. In the past, eroding stream banks have been stabilized with hardened structures (such as retaining walls, rip rap or gabions). While inert structures can control erosion quite effectively, they generally adversely affect fish habitat. Bioengineering technology may offer techniques for stabilizing the river bank in a manner which may be more acceptable than conventional erosion control methods. Bioengineered stream bank protection systems utilize both structural and vegetative elements for erosion control in a complimentary and integrated manner. The vegetative element is more than a cosmetic adjunct to the structure. Planting of vegetation plays important functional roles by: binding and restraining soil particles; filtering soil particles out of runoff; retarding the velocity of runoff; and, providing shade for habitat enhancement.

3.00 Funding. The City of Soldotna has received some grants to design and construct demonstration projects to evaluate whether bioengineering techniques will work in Alaska.

3.01 A \$60,000 grant has been received from the Alaska Science and Technology Foundation for consultant services from a pre-selected firm which specializes in bioengineering technology.

3.02 A \$100,000 federal grant has been offered from the Coastal America Program, an interagency partnership of the Department of the Interior, the Corps of Engineers, and the Environmental Protection Agency.

3.03 The City expects to receive additional grants for construction of the demonstration projects. Construction will start in the Spring of 1994 and proceed in increments based upon the funding available.

4.00 Project Sites. The work will be undertaken at two city parks along the Kenai River where intense bank fishing has degraded vegetation and accelerated bank erosion. One site is located at Soldotna Creek Park where there is approximately 800 lineal foot of eroded bank; the other site is located at Centennial Park where there is about 1,200 lineal foot of unstable bank.

5.00 Planning Team. Representatives of funding agencies, local engineers, plant material experts, habitat biologists, sport fishing enthusiasts, planners, property owners, land use regulators, scientists, students and the general public will participate in the review, monitoring and evaluation of the project.

5.01 Hydrographic survey consultations are expected to be available from a planning team member representing U. S. Geological Survey.

5.02 Soil nutrient testing and analysis consultations are expected to be available from a planning team member representing the Soil Conservation Service.

5.03 Fisheries biology consultations are expected to be available from a planning team member representing U. S. Fish & Wildlife Service.

5.04 Plant ecology consultations are expected to be available from a planning team member representing the Plant Materials Center, Alaska Department of Natural Resources.

6.00 Project Manager. City Manager Richard Underkofler will manage the project on behalf of the City. City Engineer Steve Bonebrake (who has knowledge of conditions prevailing at the sites, local engineering and construction) will assist the city manager in relations with consultants and members of the planning team. The City Engineer will be responsible for submitting permit applications for the project.

7.00 Results. The project is intended to demonstrate more desirable means of river bank erosion control and fish habitat enhancement; and, whether bioengineering technology can be transferred to Alaska. Measures developed and implemented will have aesthetic value by reducing or eliminating muddy, unsightly paths made by anglers hiking along river banks; but, the project must incorporate means (such as boardwalks, stairs or ramps - some of which must be handicapped accessible) so that anglers may continue to access the river for sport fishing.

8.00 Scope of Consultant Services.

8.10 General. The City of Soldotna intends to retain a prime consultant contractor to work with the Soil Conservation Service, a pre-selected bioengineering consultant and other specialty subcontractors on this project. Robbin B. Sotir & Associates is the bioengineering consultant who will be a subcontractor to prime consultant. The City desires the prime consultant contractor to:

- Have overall responsibility for administration of subcontracts, data collection, data dissemination, meeting coordination, coordination of plans, technical specifications and cost estimates for the project;
- Participate in the preparation of conceptual plans to deal with pedestrian traffic and sport fishing access issues and to identify sites where bioengineering techniques should be demonstrated;
- Provide topographic and hydrographic surveying; geotechnical analysis and reports; hydrologic and hydraulic engineering; landscape architecture, civil and structural engineering services for the project; and,
- Design the stairways, ramps, boardwalks and other improvements necessary to provide access to the river for sport fishing, yet to protect areas along the river bank where the intent is to preserve and enhance habitat.

8.20 Concept Plans. The Soil Conservation Service (which has completed an extensive inventory of soil and vegetation conditions along the Kenai River) will formulate a conceptual plan for Soldotna Creek Park to deal with pedestrian traffic and sport fishing access issues and identify appropriate locations where demonstration biotechnical slope protection techniques should be attempted. The Consultant will formulate a conceptual plan for Centennial Park based upon the criteria proposed by the Soil Conservation Service for Soldotna Creek and input from the Planning Team at an orientation session. Final drafts of the concept plans will be presented at a public hearing prior to ratification by the City Council.

8.30 Site Analysis Phase. The consultant will provide topographic and hydrographic surveys, soil borings and geotechnical investigations at the sites selected for the demonstration projects. Results of these endeavors will be shared with the bioengineering consultant and representatives of the planning team to formulate the basis for the design of the demonstration projects. Vegetation to be utilized on the projects will be selected. Design criteria for structural pedestrian access features of the project (boardwalks, stairways, ramps, etc.) will be established. At least one means of access to the river at each park must comply with requirements of the Americans with Disabilities Act.

8.40 Design Phase. The consultant will prepare preliminary plans, technical specifications and cost estimates for the demonstration projects. These documents will integrate plans for the bioengineering systems with the structural pedestrian access features of the project. The preliminary plans and specifications will be submitted to the planning team for review, comment and suggestions for revision to assure accommodation of concerns which may emerge pertaining to habitat preservation and enhancement, sport fishing adaptability, constructibility, operation, maintenance and cost. Final plans, technical specifications and cost estimates will be submitted at the conclusion of the review by the planning team in a manner to assure that permits may be secured for construction.

8.50 Construction Phase. Consultant services for the construction phase of this project will be defined at the conclusion of the design phase when final estimates of construction cost have been submitted and better information will be available about how much funding will be available for construction of the demonstration projects.

8.60 Monitoring and Evaluation Phase. The planning team will reconvene to evaluate results of the demonstration projects at the conclusion of three growing seasons.

Exhibit A



TM

RECEIVED AUG 17 1992

434 Villa Rica Road
Marietta, Georgia 30064
Telephone (404) 424-0719
Fax (404) 499-8771

Robbin B. Sotir & Associates

Soil Bioengineering Consultants

August 12, 1992

Mr. Richard Underkofler
City Manager
City of Soldotna
177 North Birch
Soldotna, AK 99669

RE: Proposal to Provide Soil Bioengineering Services for Bank Stabilization at Soldotna Creek Park and Centennial Park in Soldotna, Alaska.

Dear Mr. Underkofler:

In response to our recent clarified telephone conversation, and your request regarding the City's interest to install soil bioengineering at these two (2) sites within the available grant monies, we are pleased to respond by submitting this proposal to provide Soil Bioengineering services to meet the City of Soldotna's needs. Four phases are visualized to complete this project, i.e., Site Analysis, Design, Construction Observation and Monitoring and Evaluation. At this time, per your request, we are providing you with a Consultant cost estimate for Phases I, II, and III.

The Site... Soldotna Creek Park: The site is an approximate eight hundred (800) lineal foot section of eroded bank. Centennial Park: This site is an approximate twelve hundred (1,200) lineal foot of unstable bank.

The Problem... 1) The demonstration sites: These are eroding and failing due to heavy recreational use over a short time frame, coupled with easily damaged thin and delicate soil layers. The entire lengths of the banks appear to be somewhat critical from a potential land loss and stability perspective. Additionally, the aesthetic quality and riparian habitat values are being lost. If allowed to continue, it appears that the problems will become greater, and possibly cause further bank erosion, water quality damage through sediment transport and general degradation. Additional contributing conditions may be the following: material properties, loss of soil reinforcement and cover due to vegetation changes, ice conditions, oversteepened banks, loss of toe support, surface water runoff, and seepage. 2) Local professionals: The City of Soldotna desires its local engineers and other agencies to develop an understanding of the merits of soil bioengineering for streambank stabilization and habitat enhancement. Typically, these groups are versed in conventional engineering expertise.

Mr. Richard Underkofler
August 12, 1992
Page Two

The Scope of Work... Robbin B. Sotir & Associates (Consultant) proposes to work with The City of Soldotna (Client), and a selected engineering firm (Prime) to perform the following tasks (detailed in Attachment A): At this time, we are proposing to stabilize the two (2) eroding bank sections utilizing Soil Bioengineering technology. It is assumed that the projects would be done concurrently. It is our understanding that the City (as well as using a Prime) shall be utilizing the local engineering firms and other invited parties to critique the designs. A soil bioengineering presentation shall be given. The Client (and the Client's Prime) agrees to supply the Consultants with an individual knowledgeable of the site conditions and the surrounding area for two (2) days, at no additional cost to the Consultants. The Client shall locate the vegetation prior to the Consultants site visit. We shall work with the City and the Prime to assist them in organizing this effort prior to our arrival.

See Attachment E for the Advertisement for the Prime and to understand the Prime's Scope of Services on this project.

PHASE I

Site Analysis... conduct on-site investigations at both sites to assess the two (2) bank failures in order to develop the best possible, most cost effective living structure design systems, conducive and enhancing to the park settings, natural recovery requirements and future planned use. This shall be accomplished with the Prime being on-site for at least part of the time during this effort. A careful review of required information will also be made (See Attachment A). This, combined with the soil bioengineering relationships, geomorphic, aesthetic, and recreational requirements, shall be the basis for the developed criteria for the recommendations.

We shall work with the Prime to ground truth and approve the selected vegetation harvesting sites. It will be necessary for the Client or Prime to provide a person knowledgeable of this work for the duration of the approval effort.

PHASE II

Design... prepare a preliminary design and final biddable document of the proposed Soil Bioengineering systems. The final document would be the basis for determining the next stage, i.e., construction. With the assistance of the Prime, a cost estimate, schedule and suggested time frame for the construction works shall also be provided. The prepared documents shall become the property of the Client for use on these specific project sites. They may not be used for any other purpose.

Mr. Richard Underkofler
August 12, 1992
Page Three

We will prepare and offer a two (2) hour presentation to better familiarize the Client and invited interested parties with soil bioengineering concepts, merits, and techniques and vegetation search and harvesting activities and procedures. Case histories shall also be shown and discussed. This shall be presented during the preliminary design presentation trip.

We will offer a personal presentation of the design (80%) to the Client and other invited local engineering firms and agencies for a design critique meeting. The purpose of this meeting is to familiarize the Client, Prime and local engineering firms and other parties with the merits of the technology for these sites. This meeting shall be held in the Clients offices and shall also be held on-site for clarification of system location. It is also an opportunity for hands-on discussions, and to make appropriate adjustments to the design prior to completion.

PHASE III

Construction Observation... to assist the Client and selected Prime with on-site construction observation in the correct harvesting, handling, preparation/fabrication and installation of the proposed Soil Bioengineering systems. The Contractor and or the Client shall be responsible for lines and grades. We shall supply the Client with permission letter information to use for acquiring harvest site access. A soil bioengineering construction pre-bid meeting shall be offered to the prospective bidders. This shall entail specific information on the proposed systems, crew types and sizes, equipment and tool needs, as well as harvesting information. The sites shall also be visited during this effort.

All phases need to be incorporated for the highest possible success rate. The costing has been prepared as follows: The cost for performing the Phase I and Phase II work would be Forty-three Thousand, One Hundred Thirty-eight dollars and Sixty-three cents (\$43,138.63). The products of Phase I and II are intended to enable Phase III, Construction, to proceed with a representative of Robbin B. Sotir & Associates on site during the construction activities. Attachment B is enclosed and indicates the basis for this estimated fee. The cost for performing Phase III, Construction Observation, is estimated to be Thirty-six Thousand, Seven Hundred Thirty-five dollars and Sixty-four cents (\$36,735.64). The combined costs for performing Phases I, II, and III is estimated to be Seventy-nine Thousand, Eight Hundred Seventy-four dollars and Twenty-seven cents (\$79,874.27).

Mr. Richard Underkofler
August 12, 1992
Page Four

We appreciate the opportunity to submit this proposal for your review and comments. The information and material prepared in the plans and specifications phase and in this document, verbal or written, and the on-site work was and will be provided in response to requester (the Client). Soil Bioengineering is not an exact science; therefore, no warranty or guarantee, either written or implied, is applicable to this work. However, our company shall offer you state of the art capabilities and expertise in this field. The Soil Bioengineering work is intended to provide this site with a living, soil reinforcing and beautiful, natural method of stabilizing these bank sites.

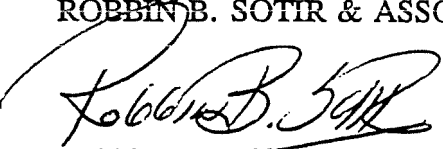
Attachments A, B, C, D, and E are part of this proposal. Should you feel comfortable with the terms and presentation of this document, please execute one copy as our notice to proceed. The proposal offer is firm for a period of sixty (60) days.

We look forward to the possibility of working with you and the City of Soldotna to fulfill its needs in the area of soil bioengineering on these project sites.

Please telephone us should you require any further information or should you have any questions.

Respectfully,

ROBBIN B. SOTIR & ASSOCIATES



Robbin B. Sotir
President

RBS/kp/soldotna.pro

Signature

Typed Name

Title

Date

ATTACHMENT A

PROPOSED SCOPE OF THE WORK

PHASE I AND II

SITE ANALYSIS/DESIGN

1. On-site investigations of the existing conditions at both sites, and immediate surrounding area conditions, (upstream and downstream of the specific sites), and a practical study of the existing and proposed drainage onto the specific site to be protected.
*Review of the Client's plans, reports and site surveys.
 2. *Collection of significant support data. This information would include, but not be limited to, nutrient soils tests/analysis, air photographs, rainfall data, hydrologic data, flood frequency and level information, stream gradient, geotechnical information (such as borings), pertinent existing, as-built or to-be-built drawings for the particular site, upstream construction information, proposed recreational use, habitat requirements, clean reproducible plans, surveys (1" = 10' scale), cross sections (1" = 5' V-H scale), typical machinery and labor costs for the local area, and an on the ground survey (pre-staked for the site analysis and pre-bid meetings).
 3. Assistance in preparing the cost estimates of the Soil Bioengineering work and recommendations concerning the approach that should be used to accomplish the required remedial, protective, environmental and aesthetic measures.
 4. Robbin B. Sotir & Associates will assist in approving (via ground truthing) the suitable biotechnical vegetation for the project, which shall have been previously located by the Client.
 5. Robbin B. Sotir & Associates will prepare and supply the Client with a preliminary design and final biddable document, which shall include a reproducible set of plans and specifications.
 6. Robbin B. Sotir & Associates shall conduct a personal presentation of the preliminary design and soil bioengineering presentation to the Client, Prime, the local engineers and other invited parties. The purpose of these presentations would be to allow for a better understanding of this technology and the merits of the proposed design as it relates to the needs of the specific sites.
- * It is anticipated that this information shall be supplied by the Client at no cost to the Consultant.

Permits, permissions and easement requirements, should they be necessary, shall be the responsibility of the Client. Should our services be of value to the Client in interfacing with the various governmental agencies or other additional agencies, we would be pleased to amend this agreement.

ATTACHMENT A, Continued

PHASE III

CONSTRUCTION OBSERVATION

7. Robbin B. Sotir & Associates shall give a teaching slide presentation in the Client's offices and an on-site visit, at each area with the Client, Prime and the prospective contractors at a pre-bid meeting,
8. Robbin B. Sotir & Associates shall give a teaching slide presentation to the Client's chosen contractor and/or crews, for the purpose of initial training and explanation of the Soil Bioengineering construction techniques.
9. Robbin B. Sotir & Associates will provide on-site construction observation to observe the contractors construction methods in harvesting, transporting, handling/fabricating and installing, for the Client.

ATTACHMENT B

BREAKDOWN OF CONSULTING FEES

PHASES I and II, SITE ANALYSIS/DESIGN

While the fee for this job is considered to be a lump sum fixed fee, this fee is broken down to provide an understanding of the basis for the fee:

CONSULTANT FEES:

<u>Classification</u>	<u>Rate Per Hr.</u>	<u>Site Time/Hr.</u>	<u>Office Time/Hr.</u>	<u>Total Time</u>	<u>Sub Total</u>
Soil Bioengineer (Principal)	\$125.00	60	32	92	\$ 11,500.00
Project Manager (Principal)	95.50	30	24	54	5,157.00
Vegetation Specialist Fluvial	89.90	30	12	42	3,775.80
Geomorphologist	100.00	-0-	12	12	1,200.00
Cost Estimator	78.00	-0-	8	8	624.00
Apprentice Soil Bioengineer	75.00	40	32	72	5,400.00
Drafting Technician	52.00	-0-	56	56	2,912.00
Administrative	39.51	-0-	20	20	<u>790.20</u>
<i>Consultant Fees:</i>					\$ 31,359.00

CONSULTANT DIRECT EXPENSES:

Air Flight, Atlanta/Anchorage (rt) @ \$1,794 (5 trips)	\$ 8,970.00
Airport transfers @ \$19.75/Ea. (5)	98.75
Auto Rental, 6 Days @ \$65/Day	390.00
Film, Development, Reproductions, etc.	250.00
Room and Board, 10 Days @ \$100/Day	<u>1,000.00</u>
Sub Total	\$ 10,708.75
Handling @ 10%	<u>1,070.88</u>
<i>Consultant Direct Expenses:</i>	\$ 11,779.63

TOTAL PHASES I AND II **\$ 43,138.63**

Note: Includes a site analysis trip and a personal presentation trip.
Travel time is considered billable time.

On-site time is considered to be ten (10) hours.

ATTACHMENT B, Continued

BREAKDOWN OF CONSULTANT FEES

PHASE III, CONSTRUCTION OBSERVATION

While the fee for this phase is considered to be an estimate, this fee has been broken down to provide an understanding of the basis for the fee.

CONSULTANT FEES:

<u>Classification</u>	<u>Rate Per Hr.</u>	<u>Site Time/Hr.</u>	<u>Office Time/Hr.</u>	<u>Total Time</u>	<u>Sub Total</u>
Soil Bioengineer (Principal)	\$125.00	50	8	58	\$ 7,250.00
Project Manager (Principal)	95.50	120	-0-	120	11,460.00
Apprentice Soil Bioengineer	75.00	80	4	84	6,300.00
Administrative	39.51	-0-	4	4	<u>158.04</u>

Consultant Fees: \$ 25,168.04

CONSULTANT DIRECT EXPENSES:

*Air Fare Atlanta/Anchorage (rt) @ \$1,794 (4 trips)	\$ 7,176.00
**Auto Rental 20 Days @ \$65/Day	1,300.00
**Room and Board, 24 Days @ \$85/Day	<u>2,040.00</u>
Sub Total	\$ 10,516.00
Handling @ 10%	<u>1,051.60</u>

Consultant Direct Expenses: \$ 11,567.60

ESTIMATED TOTAL - PHASE III **\$ 36,735.64**

* Includes pre-bid meeting to the prospective contractors and a pre construction meeting (held on the first day of construction). On-site time is considered to be a ten (10) hour day. Saturdays, snow days, and rain days are considered a work day. Travel time is billable time.

** Includes Saturdays and Sundays. Travel time is considered billable time. This offers ten (10) days of on-site coverage.

ATTACHMENT C

GENERAL CONDITIONS OF THE WORKS

1. In return for the proposed fee of Forty-three Thousand, One hundred Thirty-eight dollars and Sixty-three cents (\$43,138.63), the Consultant (Robbin B. Sotir & Associates) agrees to provide the Client (City of Soldotna) with the Soil Bioengineering services previously described in Phases I and II.
2. The result of this work by the Consultant would be to provide the Client with the Soil Bioengineering plan and specification design documents. This shall include a construction cost estimate for the proposed Soil Bioengineering systems. This document will be adequate to proceed directly into construction, with a Robbin B. Sotir & Associates representative on-site.
3. In return for the proposed fee of Thirty-six Thousand, Seven Hundred Thirty-five dollars and Sixty-four cents (\$36,735.64), the Consultant (Robbin B. Sotir & Associates) agrees to provide and serve the Client (City of Soldotna) on site with the professional Soil Bioengineering services previously described in Phase III.
4. The result of this Phase III work by the Consultant would be to offer the Client with Soil Bioengineering on-site construction observation services.
5. These services and fees are based on the sites being worked on simultaneously.

ATTACHMENT D

PAYMENT

1. The Client agrees to make a fifty percent (50%) payment of Twenty-one Thousand, Five Hundred Sixty-nine dollars and Thirty-two cents (\$21,569.32), of the described Phase I and II Project Services upon completion of the site analysis visit, within thirty (30) days after the date of the invoice.
2. The Client agrees to make an additional thirty-five percent (35%) payment of Fifteen Thousand, Ninety-eight dollars and Fifty-two cents (\$15,098.52), upon completion and delivery of the described Phase II Preliminary Design Project Services, within thirty (30) days after the date of the invoice.
3. The Client agrees to make a fifteen percent (15%) payment of Six Thousand, Four Hundred Seventy dollars and Seventy-nine cents (\$6,470.79), upon completion and delivery of the described final Phase II Project Services, within thirty (30) days after the date of the invoice.
4. The Client has agreed to make a fifteen percent (15%) payment of Five Thousand, Five Hundred Ten dollars and Thirty-five cents (\$5,510.35), upon completion of the pre-bid and soil bioengineering presentation meetings of the Phase III Services, within thirty (30) days after the date of the invoice. Upon completion of the described Phase III on-site Project Services, the Client agrees to make a final eighty-five percent (85%) payment of Thirty-one Thousand, Two Hundred Twenty-five dollars and Twenty-nine cents (\$31,225.29), within thirty (30) days after the date of the invoice.

ATTACHMENT E

Advertisement

The City of Soldotna is seeking a Civil/Geotechnical engineering firm to serve as an administrative agent for soil bioengineering services. The engineering firm will be considered the Prime for the project and will work with a preselected firm who specializes in soil bioengineering technology. The engineering firm should be connected to a university. The general scope of services for the Prime would include the following tasks:

1. Contract Administration;
2. Data Collection and Dissemination; and
3. Meeting Coordination;

The general scope of services for the soil bioengineering firm would include the following tasks:

1. Site Reconnaissance and Prioritization;
2. Draft Workbook/Manual and Workshop Preparation;
3. Demonstration Project Document Preparation and On-site Construction Services;
4. Workbook/Manual Revisions and Finalization; and
5. Evaluation and Monitoring of Demonstration Project.

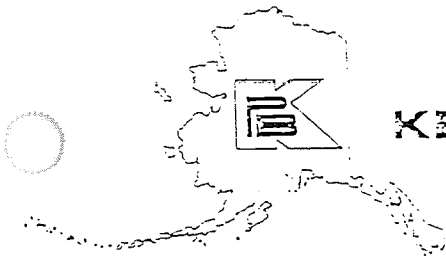
The soil bioengineering firm will provide the technical design services exclusive of surveying, geotechnical investigations, hydrology/hydraulic calculations, and fisheries habitat enhancement to be provided by the Prime.

The purpose of the soil bioengineering firms efforts is to provide for technology transfer of soil bioengineering to local engineering firms. These services will be performed over the next four (4) years (inclusive of Evaluation and Monitoring).

The Prime firm should have the capability to provide the following services, either by in-house expertise or through the use of Sub Consultants:

1. Topographic/Hydrographic Surveying;
2. Soil Borings, Geotechnical Investigation and Analysis;
3. Soil Nutrient Testing and Analysis;
4. Hydrologic and Hydraulic Engineering;
5. Fisheries Biology;
6. Contract Administration; and
7. Plant Ecology.

Exhibit B



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA 99669
PHONE (907) 262-4441

TAX COMPLIANCE CERTIFICATION

DON GILMAN
MAYOR

SUBMIT TO KPB FINANCE DEPARTMENT 48 HOURS PRIOR TO BID DATE TO ENSURE TIMELY PROCESSING

Date Rec'd by Finance: _____ Bidding For Project of: _____

Business Name: _____ a. individual _____

b. corporation _____

Owner Name(s): _____ c. partnership _____

Business Mailing Address: _____

Telephone: _____ Fax: _____

As a business or individual, have you ever conducted business or owned real or personal property within the Kenai Peninsula Borough ____ yes ____ no (If yes, please supply the following account numbers and sign below. If no, please sign below.)

Kenai Peninsula Borough Code of Ordinances, Chapter 5.28.140, requires that business or individuals contracting to do business with the Kenai Peninsula Borough be in compliance with Borough tax provisions. No contract will be awarded to any individual or business who is found to be in violation of the Borough Code of Ordinances in the several areas of taxation.

TAX ACCOUNTS/STATUS

SALES TAX ACCOUNTS

Number	Account Name
_____	_____
_____	_____
_____	_____

PERSONAL PROPERTY/BUSINESS PROPERTY ACCOUNTS

Number	Account Name
_____	_____
_____	_____
_____	_____

REAL PROPERTY ACCOUNTS

Number	Account Name
_____	_____
_____	_____
_____	_____
_____	_____

(TO BE COMPLETED BY BOROUGH PERSONNEL)			
FILED THRU	M/F's	BALANCE DUE	IN COMPLIANCE
_____	_____	_____	YES ____ NO ____
_____	_____	_____	YES ____ NO ____
_____	_____	_____	YES ____ NO ____
YEAR LAST PAID		BALANCE DUE	IN COMPLIANCE
_____		_____	YES ____ NO ____
_____		_____	YES ____ NO ____
_____		_____	YES ____ NO ____
YEAR LAST PAID		BALANCE DUE	IN COMPLIANCE
_____		_____	YES ____ NO ____
_____		_____	YES ____ NO ____
_____		_____	YES ____ NO ____
_____		_____	YES ____ NO ____

I, _____, the _____ hereby certify that to the best of my knowledge, the above
(Signature Required) (Title) information is correct _____ (Date).

(TO BE COMPLETED BY BOROUGH PERSONNEL) I hereby certify to the best of my knowledge the above business is:

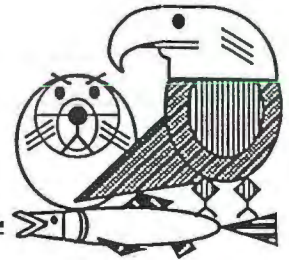
- A. ____ IN COMPLIANCE WITH ALL BOROUGH TAX PROVISIONS.
- B. ____ NOT IN COMPLIANCE WITH ALL BOROUGH TAX PROVISIONS.

DATE: _____

KENAI PENINSULA BOROUGH FINANCE DEPARTMENT (SIGNATURE REQUIRED)

Exxon Valdez Oil Spill Trustee Council

645 G Street, Anchorage, Alaska 99501
Phone: (907) 278-8012 Fax: (907) 276-7178



To: Trustee Council
From: Dave R. Gibbons
Interim Administrative Director & Restoration Team
Date: December 29, 1992
Subj: Recommended Coordination with the Public Advisory Group

In order to facilitate distribution of material produced by the Restoration Team to the Public Advisory Group and facilitate the process for the Public Advisory Group input to the Trustee Council, we offer the following process for your approval.

1. Materials produced by the Restoration Team and Trustee agencies for Trustee Council use and action at their meetings will be sent to Trustee Council members and Public Advisory Group members 10 days prior to the Trustee Council meeting.
2. In accordance with Restoration Team Operating Procedures, documents provided to the Public Advisory Group shall be reviewed by the Restoration Team prior to distribution.
3. We recommend the Public Advisory Group schedule its meetings, if appropriate, 2-3 days prior to Trustee Council meetings. This allows the Public Advisory Group to review and discuss items on the Trustee Council agenda and to provide the Trustee Council with advice on those matters prior to, or at the Trustee Council meeting. This does not preclude the Public Advisory Group from having additional meetings, as they deem necessary and if the budget allows.

We would appreciate Trustee Council guidance on the above suggested procedure.

cc: Public Advisory Group

**EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP
KODIAK WORK GROUP MEETING**

1:30-4:30 PM TUESDAY, JANUARY 5, 1993
Conference Room
Fisheries Industrial Technology Center
Kodiak, Alaska

A meeting of the Kodiak Work Group of the *Exxon Valdez* Oil Spill Public Advisory Group will be held in Kodiak to review and comment on the proposed 1993 Work Plan for restoration projects. The Work Plan is under consideration by the *Exxon Valdez* Oil Spill Trustee Council.

Access is tentatively available via teleconference at the Oil Spill Information Center (645 G Street, Anchorage).

For more information, please contact Doug Mutter in Anchorage at 907/271-5011, or L.J. Evans in Anchorage at 907/278-8008 or toll free at 1-800-478-7745 (within Alaska).

***** PUBLIC SERVICE ANNOUNCEMENT *****

PLEASE POST

**EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP
KENAI PENINSULA WORK GROUP MEETING**

**9:30 AM-4:00 PM MONDAY, DECEMBER 21, 1992
Borough Assembly Building, Conference Room A
Soldotna, Alaska**

A meeting of the Kenai Peninsula Work Group of the *Exxon Valdez* Oil Spill Public Advisory Group will be held in Soldotna to review and comment on the proposed 1993 Work Plan for restoration projects. The Work Plan is under consideration by the *Exxon Valdez* Oil Spill Trustee Council.

For more information, please contact Doug Mutter in Anchorage at 907/271-5011, or L.J. Evans in Anchorage at 907/278-8008 or toll free at 1-800-478-7745 (within Alaska).

PLEASE POST

**EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP
PRINCE WILLIAM SOUND WORK GROUP MEETING**

10:00 AM-3:00 PM MONDAY, JANUARY 4, 1992

**Legislative Information Office
State Court and Office Building
Valdez, Alaska**

A meeting of the Prince William Sound Work Group of the *Exxon Valdez* Oil Spill Public Advisory Group will be held in Valdez to review and comment on the proposed 1993 Work Plan for restoration projects. The Work Plan is under consideration by the *Exxon Valdez* Oil Spill Trustee Council.

Access is tentatively (check with the teleconference moderator in your area) available at teleconference sites at: Anchorage Oil Spill Information Center (645 G Street), Chenega Bay, Cordova City Hall, Seward Public Library, Tatitlek IRA Council Office, and Whittier Kittiwake Room in Begich Towers.

For more information, please contact Doug Mutter in Anchorage at 907/271-5011, or L.J. Evans in Anchorage at 907/278-8008 or toll free at 1-800-478-7745 (within Alaska).

***** PUBLIC SERVICE ANNOUNCEMENT *****

PLEASE POST

Meeting Summary

- A. MEETING:** Exxon Valdez Oil Spill Public Advisory Group (PAG)
- B. DATE/TIME:** Wednesday, December 2, 1992
- C. LOCATION:** Anchorage, Alaska
- D. MEMBERS IN ATTENDANCE:**

<u>Name</u>	<u>Principal Interest</u>
Rupert Andrews	Sport Hunting & Fishing
Pamela Brodie	Environmental
James Cloud	Public-at-Large
James Diehl	Recreation Users
Richard Eliason	Public-at-Large
Donna Fischer	Local Government
John French	Science/Academic
Paul Gavora	Public-at-Large
James King	Conservation
Richard Knecht	Subsistence
Vern McCorkle	Public-at-Large
Gerald McCune	Commercial Fishing
John McMullen	Aquaculture
Brad Phillips	Commercial Tourism
Kim Benton (for J. Sturgeon)	Forest Products
Charles Totemoff	Native Landowners
Llewellyn Williams	Public-at-Large

E. NOT REPRESENTED:

<u>Name</u>	<u>Principal Interest</u>
Cliff Davidson (<i>ex officio</i>)	Alaska State House
Jalmar Kertulla (<i>ex officio</i>)	Alaska State Senate

F. OTHER PARTICIPANTS:

<u>Name</u>	<u>Organization</u>
Pamela Bergmann	Restoration Team Dept. of Interior
Mark Broderon	Restoration Team AK Dept. Envir. Conservation
David Bruce	AK Dept. Envir. Conservation
Charlie Cole	Trustee Council AK State Attorney General
Shep Dale	AK Dept. Envir. Conservation
Chris Dillon	Cook Inlet Regional Citizens Advisory Council

LJ Evans	Restoration Team Public Information Officer
Dave Gibbons	Restoration Team Interim Administrative Director
Keith Goltz	Dept. of Interior
Jeff Guard	Cordova Dist. Fishermen United
Peg Kehrer	AK Dept. Fish & Game
Theo Mathews	VEIDA
Curt McVee	Trustee Council Special Assistant to the Secretary of Interior - AK
Jerome Montague	Restoration Team AK Dept. Fish & Game
Byron Morris	Restoration Team Nat. Marine Fisheries Ser.
Doug Mutter	Designated Federal Officer Dept. of Interior
Alan Phipps	AK Center for the Environment
Sandy Rabinowitch	National Park Service
Ken Rice	Restoration Team Forest Service
Marty Rutherford	Restoration Team AK Dept. Natural Resources
Cordell Roy	National Park Service
John Sandor	Trustee Council Commissioner, Alaska Dept. Environmental Conservation
Alex Swiderski	AK Dept. Law
Craig Tillery	AK Dept. Law
Anne Wieland	KBCC

G. SUMMARY:

The meeting was called to order by Doug Mutter at 9:40 a.m. and introductions were made by all present. Dave Gibbons distributed informational materials (see list, section J). Mutter suggested that the election of officers be held at this time. It was moved by Williams and seconded by French that the elections be postponed until 3:30 P.M. Said motion was passed by a majority vote. Approval of the summary of the last meeting was moved by Phillips and seconded by Cloud. Said motion was passed by consensus.

The draft "PAG Background and Guidelines" were reviewed. It was decided not to have staggered terms for PAG members at this time. The use of alternates to officially designated members was discussed. Legal questions about the subject were not resolved and the issue was tabled. The number of members to establish a quorum was changed from 9 to 12. A restriction of membership on subcommittees to PAG members only was rejected. It was moved by Cloud and seconded by McCorkle that the procedures be presented to the Trustee Council for approval. Said motion was passed by unanimous vote.

Brodie moved and McCorkle seconded that the Trustee Council forward any restoration staff/organizational changes and applications for the permanent position of Administrative Director to the PAG and the public for review and comment prior to making any decisions. After discussion, the motion failed by a vote of 6 to 11.

Sandy Rabinowitch reviewed the draft outline and alternative themes for the restoration plan.

Craig Tillery discussed the applicability of the Alaska Open Meetings Law to the PAG. The PAG is subject to the law. Reasonable public notice of a meeting must be given (eg. a notification in a public place). He also summarized the draft legal view of what the joint settlement monies can be spent for; the first level being for restoration, rehabilitation, replacement and/or enhancement of impacted resources and services; the second being for acquisition of equivalent resources/services. He also distributed and summarized the recent court settlement with Alyeska.

Dave Gibbons gave a brief overview of the 1993 Restoration Team work plan. Discussion ensued about the role of the PAG in advising the Trustee Council on the 1993 plan. Some PAG have examined projects in depth and have comments to make from their principal interest viewpoint. It was agreed that they should forward such comments to the Trustee Council and give a copy to Mutter, who will distribute to the PAG. Two levels of concern were identified: one with the process of plan development and decision making, the second with the merit of individual projects. There was a discussion about the use of non-government contractors and local involvement in projects. It was moved by McMullen and seconded by Phillips that a resolution prepared by Totemoff be passed. Said resolution was amended and passed (attached). It was moved by Williams and seconded by Cloud that the PAG meet again January 6 and 7 to make its recommendations on the 1993 projects. Said motion passed. It was moved by Phillips and seconded by Fischer to request that the Trustee Council refrain from final decision on the 1993 projects from its December 11, 1992 meeting until after the PAG meeting in January 1993. Said motion was passed (attached).

The election of officers for the next year was held. Nominees for Chairperson were Brad Phillips and John French. Phillips was elected. The nominees for Vice-chairperson were Donna Fischer and Lew Williams. Fischer was elected.

Brodie moved and it was seconded by McCorkle that three regional work groups (Kenai Peninsula, Kodiak, Prince William Sound) be established for PAG members to use to review and discuss restoration plans. Said motion was passed. The Chair asked for volunteers to chair each work group, the following were identified: Kodiak: John French, Kenai: Vern McCorkle,

PWS: Donna Fischer. Work group leaders must contact Mutter prior to holding meetings to ensure travel is authorized, meetings are given public notice and the Designated Federal Officer is in attendance. Brodie moved and it was seconded by Benton to create a scientific work group and a habitat work group. Said motion failed.

The meeting was opened to public comment. Jeff Guard presented a letter (attached) from the Cordova District Fishermen United.

H. ACTION ITEMS:

1. Chairperson Phillips will present the four resolutions of the PAG to the Trustee Council at their December 11, 1992 meeting.
2. The three work group leaders, French, McCorkle, and Fischer, will arrange for discussions on the 1993 projects and report at the January 6-7, 1993 meeting. They will coordinate with Mutter.
3. Mutter will follow-up on the use of alternates for PAG members.

I. NEXT MEETING:

January 6 and 7, 1993 at 9:30 a.m., First Floor Conference Room, 645 G Street, Anchorage, AK

J. ATTACHMENTS:

1. Resolution #1 Public Advisory Group procedures
2. Resolution #2 local involvement in 1993 restoration projects
3. Resolution #3 review period for 1993 restoration projects
4. Resolution #4 election of PAG officers
5. PAG Background and Guidelines (vol. I tab IV.C)
6. Handouts attached for those not present:
 - a. Flow chart for Exxon Valdez Settlement Funds (vol. I tab VI.D)
 - b. Exxon Valdez oil spill settlement account #1 (vol. I tab VI.D)
 - c. Exxon Valdez oil spill settlement account #2 (vol. I tab VI.D)
 - d. Final work group procedures for Restoration Team (vol. I tab III.B)
 - e. Draft alternative themes for restoration plan (vol. II tab II)
 - f. Draft annotated outline for draft restoration plan (vol. II tab II)
 - g. Totemoff statement to PAG (vol. I tab X)

- h. Exxon Valdez oil spill symposium brochure (vol. I tab VIII.C)
- i. Valdez Charter Boat Assoc. letter (vol. I tab X)
- j. Cordova District Fishermen United letter (vol. I tab X)

7. Handouts at the meeting not attached:

- a. Restoration Team administrative record of 1993 project decisions
- b. Look-up tables for 1993 projects
- c. Public comments on 1993 projects
- d. Agreement and Consent Decree: Alyeska case
- e. Options for Identifying and Protecting Strategic Fish and Wildlife Habitats and Recreation Sites a handbook by The Nature Conservancy.

K. CERTIFICATION:

PAG Chairperson

Date

EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP
Recommendation to the Trustee Council

RESOLUTION NO. 1

WHEREAS, the Trustee Council established the Exxon Valdez Oil Spill Public Advisory Group through the Charter filed by the Secretary of the Interior on October 26, 1992; and


WHEREAS, the Public Advisory Group finds it necessary and beneficial to establish operational procedures as set forth in the Exxon Valdez Oil Spill Public Advisory Group Background and Guidelines; and

WHEREAS, the Charter states that "All rules and procedures governing the proceedings of the Public Advisory Group must be approved by the Trustee Council";

NOW, THEREFORE BE IT RESOLVED BY THE PUBLIC ADVISORY GROUP to advise that the Trustee Council approve the above named procedures (attached) for use by the Public Advisory Group.

ADOPTED the 2nd day of December, 1992, by majority vote.

ATTEST:



Chairperson

EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP
Recommendation to the Trustee Council

RESOLUTION NO. 2_____

WHEREAS, the United States of America and the State of Alaska entered into a Memorandum of Agreement and Consent Decree ("MOA") on August 28, 1991, in which the United States and the State of Alaska agreed to act as co-equal trustees; and

WHEREAS, the MOA provided that all future Natural Resource Damage Recoveries from Exxon must be used "for purposes of restoring, replacing, enhancing, rehabilitating or acquiring the equivalent of natural resources injured as a result of the oil spill and the reduced or lost services provided by such resources;" and

WHEREAS, the trustees for the State of Alaska and the United States of America entered into a Memorandum of Understanding (MOU) on October 1, 1992, the purpose of which MOU was to confirm the establishment of and the authority granted to the Exxon Valdez Oil Spill Trustee Council; and

WHEREAS, the Trustee Council established, pursuant to the MOU, and appropriate policies and procedures, including standards and procedures "for meaningful public participation, including the receipt of advice by the Trustee Council of advice from the Public Advisory Group on behalf of the Trustees;" and

WHEREAS, the Federal members of the Trustee Council and the state members of the Trustee Council are to take action in order to release settlement funds and transfer those funds to the United States Department of the Interior Natural Resource Damage Assessment and Restoration Fund and to an account designated by the State of Alaska, respectively with the Trustee Council sharing the expectation that the Federal portion of the budget will be completed within thirty (30) days of receipt in Washington, D.C.; and

WHEREAS, the 1993 Draft Work Plan has been reviewed and submitted for public comment and for advice from the Public Advisory Group on behalf of the Trustees; and

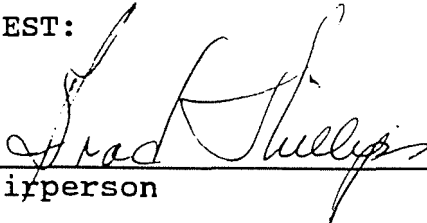
WHEREAS, the Public Advisory Group believes that significant participation in restoration contracts is a necessary component, pursuant to the MOU, in order to restore, replace, enhance, rehabilitate, or acquire the equivalent of natural resources injured as a result of the Exxon Valdez oil spill, and the reduced or lost services provided by such resources; and

WHEREAS, the 1993 Draft Work Plan appears heavily in favor of agency-control of all work projects;

NOW, THEREFORE BE IT RESOLVED BY THE PUBLIC ADVISORY GROUP to advise that the Trustee Council direct the Restoration Team and agencies to work with Native landowners and other residents of the oil-spill impacted area to be certain that the 1993 work projects utilize the services of these people whenever feasible.

ADOPTED the 2nd day of December, 1992, by majority vote.

ATTEST:



Chairperson

EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP

Recommendation to the Trustee Council

RESOLUTION NO. 3 _____

WHEREAS, the Trustee Council established the Exxon Valdez Oil Spill Public Advisory Group, in part, to review and comment upon program plans under consideration by the Trustee Council; and

WHEREAS, the Trustee Council has requested that the Public Advisory Group review and comment upon the proposed 1993 work plan projects and budget; and

WHEREAS, the Public Advisory Group received a significant amount of pertinent information since October 29 and as recent as December 2, 1992 and has not had ample time to digest this information; and

WHEREAS, the Public Advisory Group recognizes and fully appreciates the importance of moving forward in a timely manner with 1993 programs; and

WHEREAS, the Public Advisory Group has serious concerns about the 1993 program process and individual project proposals; and

WHEREAS, the Public Advisory Group believes it is in the best interest of the Trustee Council to ensure that adequate public review and comment be provided for prior to making final decisions for the 1993 program;

NOW, THEREFORE BE IT RESOLVED BY THE PUBLIC ADVISORY GROUP to respectfully request that the Trustee Council withhold final approval of 1993 projects and budgets until after the January 6 and 7, 1993 meeting of the Public Advisory Group to review 1993 programs in depth and make recommendations to the Trustee Council.

ADOPTED the 2nd day of December, 1992, by unanimous vote.

ATTEST:



Chairperson

EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP
Recommendation to the Trustee Council

RESOLUTION NO. 4 _____

WHEREAS, the Charter of the Exxon Valdez Oil Spill Public Advisory Group provides for the election of officers, including Chairperson and Vice-chairperson; and

WHEREAS, the Charter requires Trustee Council approval, in consultation with the Public Advisory Group, of these two officers; and

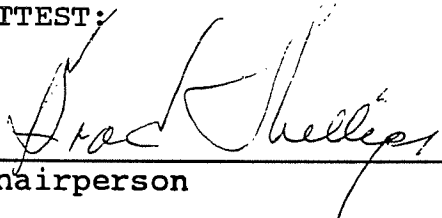
WHEREAS, the Public Advisory Group, by majority vote on a secret ballot, elected Brad Phillips to serve for one year as Chairperson; and

WHEREAS, the Public Advisory Group, by majority vote on a secret ballot, elected Donna Fischer to serve for one year as Vice-chairperson;

NOW, THEREFORE BE IT RESOLVED BY THE PUBLIC ADVISORY GROUP to request that the Trustee Council approve the two officers elected to serve the Public Advisory Group for the upcoming year.

ADOPTED the 2nd day of December, 1992, by majority vote.

ATTEST:



Chairperson

Meeting Announcement

- A. MEETING:** Exxon Valdez Oil Spill Public Advisory Group (PAG)
- B. DATE/TIME:** Wednesday, December 2, 1992 @ 9:30 AM
- C. LOCATION:** First floor conference room
645 G Street, Anchorage, AK
- D. PURPOSE:**
1. Review and discuss the status of current restoration and related activities.
 2. Review and make recommendations on the 1993 Work Plan for the Exxon Valdez Oil Spill Trustee Council.
 3. Elect officers.

E. AGENDA

<u>Time</u>	<u>Topic</u>	<u>Person</u>
9:30	Call to order	Designated Federal Officer
9:35	Election of officers	
10:00	Approval of minutes	PAG Chairperson
10:05	PAG Operating Guidelines	PAG Chairperson
	--State Open Meetings Law	
	--Modifications to procedures	
10:45	Break	
11:00	Draft Restoration Plan	Work Group Chairperson
	--Key elements	
	--Review schedule	
12:00	Lunch break	
1:00	1993 work plan	PAG Chairperson
	--Brief overview	
	--Chief Scientist review	
	--Discussion/recommendations	
2:30	Break	
2:15	Continue discussion of 1993 work plan	PAG Chairperson

3:30 Schedule next meeting

PAG Chairperson

4:00 Public comment

PAG Chairperson

5:00 ADJOURN

F. ATTACHMENTS: None

Meeting Summary

A. MEETING: Exxon Valdez Oil Spill Public Advisory Group

B. DATE/TIME: Thursday, October 29, 1992

C. LOCATION: Anchorage, Alaska

D. MEMBERS IN ATTENDANCE:

<u>Name</u>	<u>Principal Interest</u>
Pamela Brodie	Environmental
James Cloud	Public-at-Large
James Diehl	Recreation Users
Donna Fischer	Local Government
John French	Science/Academic
Paul Gavora	Public-at-Large
James King	Conservation
Vern McCorkle	Public-at-Large
Gerald McCune	Commercial Fishing
Brad Phillips	Commercial Tourism
Kim Benton (for J. Sturgeon)	Forest Products
Charles Totemoff	Native Landowners
Cliff Davidson (ex officio)	Alaska State House

E. NOT REPRESENTED:

<u>Name</u>	<u>Principal Interest</u>
Rupert Andrews	Sport Hunting & Fishing
Richard Eliason	Public-at-Large
Richard Knecht	Subsistence
John McMullen	Aquaculture
Llewellyn Williams	Public-at-Large
Jalmar Kertulla (ex officio)	Alaska State Senate

F. OTHERS PRESENT:

<u>Name</u>	<u>Organization</u>
Pamela Bergmann	Restoration Team member Dept. of Interior
Mark Broderon	Restoration Team member AK Dept. Envir. Conservation
Charlie Cole	Trustee Council member AK State Attorney General
Deborah French	Applied Science Assoc.
Keith Goltz	Dept. of Interior
Bob Loeffler	AK Dept. Environ. Conservation
Regina Martinez	Fish & Wildlife Service
Charles McKee	Citizen

Curt McVee	Trustee Council member Spec. Assistant to the Secretary of Interior - AK
Chuck Meacham	AK Dept. Fish & Game
Cathy Miller	Fish & Wildlife Service
Jerome Montague	Restoration Team member AK Dept. Fish & Game
Byron Morris	Restoration Team member Nat. Marine Fisheries Ser.
Frank Murkowski	US Senator for Alaska
Doug Mutter	Designated Federal Officer Dept. of Interior
Natalie Phillips	Anchorage Daily News
Sandy Rabinowitch	Nat. Park Service
Ken Rice	Restoration Team member Forest Service
Yereth Rosen	Reuters
Marty Rutherford	Restoration Team member AK Dept. Natural Resources
John Sandor	Trustee Council member Commissioner, Alaska Dept. Environmental Conservation
John Strand	Nat. Oceanic & Atmos. Admin
Arliss Sturgulewski	AK State Senate
Craig Tillery	AK Dept. Law
Eric Yould	Ebasco Environmental
Don Young	US Representative for Alaska

G. SUMMARY:

The meeting was called to order at 9:55 a.m. by State Trustee Council member Charlie Cole. Trustee Council members in attendance were introduced (Curt McVee and John Sandor, Chuck Meacham for Carl Rossier). Public Advisory Group (PAG) members introduced themselves. Representative Don Young spoke of the need to consider people impacts caused by the oil spill. Senator Frank Murkowski spoke of the need to enhance specifically injured resources and services and also discussed the recent events surrounding the action on Alaska provisions of the Energy Bill before Congress.

Mr. Cole provided an overview of the history, damage assessments, settlement and ensuing restoration efforts of the Trustee Council. He outlined the purpose of the Restoration Team (RT) and the Chief Scientist (Dr. Robert Spies), noting that Dr. Spies was available to the Public Advisory Group. He discussed the purpose of the Public Advisory Group as assisting the Trustee Council in discharging its duties as defined in the Consent Decree and Agreement (see Volume I, Tab VII). The Public Advisory Group is expected to give advice on how to spend the settlement money, what projects should be conducted, and long-range expenditures within the Restoration Plan. Key areas to focus on at this time are the proposed 1993 projects and protection of threatened habitat.

Curt McVee discussed the role of the Department of the Interior as the lead agency for the Public Advisory Group (see Volume I, Tab X). He noted that Federal regulations required a plan to be in place prior to spending restoration funds, unless there was an imminent threat to a resource or service. He also noted that restoration activities must comply with the National Environmental Policy Act. He requested the Public Advisory Group meet to make recommendations on the 1993 work plan prior to the December 11 meeting of the Trustee Council.

John Sandor made brief welcoming comments, stating that it was good to reach a quick settlement on the oil spill so that the important work of restoration could begin. Chuck Meacham also made some introductory, welcoming comments on behalf of Alaska Department of Fish & Game Trustee Council member, Carl Rosier. Cliff Davidson said that the Alaska State Legislature was very interested in the restoration process.

A general discussion and questions about the role of the Public Advisory Group and how the Trustee Council operates ensued. Some thoughts were: (1) the Trustee Council needs to look more at chronic oil spill problems, not just acute, damage assessment type of problems; (2) new projects could be suggested for the 1993 work plan; (3) the members of the Public Advisory Group are expected and encouraged to present information about restoration efforts to their interest groups; (4) the Public Advisory Group has a certain degree of independence in determining its method of operation--in keeping with the charter and applicable State and Federal rules; (5) the Public Advisory Group can take the initiative to identify issues and concerns to relay to the Trustee Council.

Regina Martinez and Cathy Miller presented the procedures for Public Advisory Group members to use in requesting travel and getting reimbursed for expenses.

Doug Mutter presented a suggested agenda and date for the next meeting of the Public Advisory Group which was adopted (see attachment). The draft Public Advisory Group Background and Guidelines (Volume I, Tab IV) was briefly outlined, the Public Advisory Group needs to determine how they wish to operate. Keith Goltz, Department of the Interior Office of the Solicitor reviewed conflict of interest and ethics requirements for serving on a Federal advisory committee. He noted that each member was viewed as representing a larger group, and was not serving as an individual. If an issue that directly affects the financial well being of the member arises, it should be viewed as a potential conflict of interest and the member should avoid taking action on the issue. A question was raised as to the applicability of the State Open Meetings Law (to be reviewed at the next meeting).

The Restoration Team introduced themselves. Mark Broderson presented the status of settlement funds to date. Marty Rutherford outlined the history and role of public participation in developing restoration programs and projects. John Strand and Bob Loeffler presented the current status and general schedule for the overall Restoration Plan (see Volume II, Tab II). The draft Restoration Plan is due this winter.

Ken Rice discussed the requirements for National Environmental Policy Act (NEPA) compliance for the Restoration Plan. A draft environmental impact statement is being prepared by a contractor, Walcoff & Associates, and is due in February. A scoping meeting is set for Anchorage on November 4. Some individual projects may need additional environmental compliance actions. Mr. Rice also presented a status report (Volume II, Tab V) on the analysis of threatened habitat that may need protection via the acquisition of rights or title, or the pursuit of other protection strategies. Habitat protection is a significant portion of the 1993 budget.

Byron Morris outlined the upcoming symposium to present oil spill damage assessment information. This is scheduled for February 2-5, 1993, in Anchorage (see brochure and Volume I, Tab VIII). Jerome Montague reported on the process to develop the 1993 work plan (see Volume II, Tab IV). Over 460 ideas were submitted from the public and agencies. These were reduced to approximately 50 projects that are contained in the 1993 Work Plan, which is out for public review prior to a December 11 meeting during which the Trustee Council will approve projects for 1993.

Each of the Public Advisory Group members in attendance offered a brief statement or asked questions of the staff and Restoration Team.

PUBLIC COMMENT: Public comment was presented by Arliss Sturgulewski supporting the establishment of an Exxon Valdez marine sciences endowment. Charles McKee presented his views on restoration. The meeting was adjourned at 5:00 pm.

H. ACTION ITEMS: None.

I. NEXT MEETING: December 2, 1992 at 9:30 a.m., Anchorage, AK

J. ATTACHMENTS: 1. Agenda for next meeting.
2. Handouts from the meeting for those not in attendance.

K. CERTIFICATION:

PAG Chairperson

Date

Information Session Summary

- A. GROUP:** Exxon Valdez Oil Spill Public Advisory Group
(PAG)
- B. DATE/TIME:** February 10, 1993
- C. LOCATION:** Anchorage, Alaska
- D. MEMBERS IN ATTENDANCE:**

<u>Name</u>	<u>Principal Interest</u>
Kim Benton (for Sturgeon)	Forest Products
Pamela Brodie	Environmental
James Cloud	Public-at-Large
James Diehl	Recreation Users
Richard Eliason	Public-at-Large
John French	Science/Academic
Paul Gavora	Public-at-Large
Richard Knecht	Subsistence
Vern McCorkle	Public-at-Large
Mary McBurney (for McCune)	Commercial Fishing
Brad Phillips	Commercial Tourism
Charles Totemoff	Native Landowners
Dan Warren (for McMullen)	Aquaculture
Llewellyn Williams	Public-at-Large

E. NOT REPRESENTED:

<u>Name</u>	<u>Principal Interest</u>
Rupert Andrews	Sport Hunting & Fishing
Cliff Davidson (<i>ex officio</i>)	Alaska State House
Donna Fischer	Local Government
James King	Conservation
Jalmar Kertulla (<i>ex officio</i>)	Alaska State Senate

F. OTHER PARTICIPANTS:

<u>Name</u>	<u>Organization</u>
Mark Broderon	Restoration Team AK Dept. Envir. Conservation
Ralph Eluska	AKI
Thomas Fink	Private Consultant
Dave Gibbons	Restoration Team Interim Administrative Director
Chuck Gilbert	National Park Service
Carol Gorbics	Fish and Wildlife Service
Kathy Hess	The Nature Conservancy
Bill Hines	Nat'l. Marine Fisheries Ser.
Rita Kasper	Rusher Services

Bob Loeffler	AK Dept. Envir. Conservation
Johanna Munself	Self
Doug Mutter	Designated Federal Officer
	Dept. of the Interior
Alan Phipps	AK Center for the Environment
Ken Rice	Restoration Team
	U.S. Forest Service
Jerry Rusher	Rusher Services
Marty Rutherford	Restoration Team
	AK Dept. Natural Resources
Joe Sullivan	AK Dept. of Fish & Game
Chris Swenson	AK Dept. of Fish & Game
Kim Sundberg	AK Dept. of Fish & Game
Ray Thompson	US Forest Service
Art Weiner	AK Dept. Natural Resources

G. SUMMARY:

The information session was opened at 9:30 a.m. by Chairperson Brad Phillips. It was determined that a quorum was not present and agreed to that the PAG would continue with an informal information and discussion session. There were no problems with the summary of the January 6-7 PAG meeting.

Dave Gibbons provided a summary of the January 19-20, 1993 Trustee Council meeting (attachment J.4.a). Actions taken by the Trustee Council on the PAG recommendations are:

#1--PAG procedures: tabled until 2-16-93 meeting

#2--Local involvement in restoration: passed a like motion

PAG recommendations for 1993 Work Plan projects: see attachment J.4.c.

The Trustee Council also approved a motion directing the PAG not to spend funds for public hearings (attachment J.3).

Gibbons suggested that the PAG discuss what they want to report to the Trustee Council to be clear on the issues and recommendations. There was discussion about the need to prioritize recommendations, in particular the upcoming 1994 projects, and to pass that information to the Trustee Council. This could be done by a grading system and then averaging grades per project, or by setting a budget ceiling and prioritizing within those limits. It was made clear that the Trustee Council desired a more critical PAG review of proposed activities.

The subject of PAG alternate members was discussed. It was suggested that the Trustee Council examine the possibility of having PAG alternates that could vote. This would aid in

achieving a quorum. If this was not possible, the PAG should revisit the number of members required for a quorum. Names of potential alternates are to be forwarded, along with the request to designate voting alternates, to the Trustee Council. PAG members should be called before a scheduled meeting to verify their attendance.

Art Weiner, Kim Sundberg, and Chuck Gilbert presented the proposed draft analysis (attachment J.4.b) of imminent threat lands to be brought before the Trustee Council February 16. The overall goal of habitat protection is to protect lands and habitat in order to protect injured resources and services affected by the oil spill. The immediate goal is to protect parcels imminently threatened by changes in land use. The Trustee Council is expected to approve the staff moving ahead with discussions with landowners as to collecting data on their property, whether they are willing to participate, and whether they are willing to sell title or rights. The question of consideration of land exchanges in lieu of purchases was raised. It was recommended that restoration staff contact landowners and timber owners early on in the process. It was suggested that additional weight be given to fish and services in evaluating habitat. The location of the "spill affected area" was raised--there is no spill boundary map. The exact role of the PAG in this process is unclear.

Bob Loeffler and Carol Gorbics presented the injured resources table and the table of 5 proposed alternatives for the Restoration Plan (attachments J.4.a & d). A similar table on injured services is being developed. The relationship of alternatives to existing Area Plans was raised. The amount of money identified for expenditure throughout the Restoration Plan time-frame was \$522 million (\$610 million corrected for inflation--this is what is left of the \$950 million after reimbursements and current work plans). Three types of endowments are to be considered separate from the alternatives. There were comments that endowments should be more of an integral part of the alternatives.

Joe Sullivan outlined the status of the 1994 Work Plan. A mid-March work session with the Trustee Council will be used to develop the basis for the 1994 Work Plan, which will then be drafted for public review late in the spring. The Trustee Council plans to approve a 1994 Work Plan around August. Comments were made that it would be useful for the PAG to get draft portions as soon as possible in order to better respond.

Issues and concerns were identified, but not agreed upon by all PAG members, for transmittal to the Trustee Council at their February 16 meeting (attachment J.4.1).

The information session was opened for public comment. Jerry Rusher presented a proposed project (attachment J.4.g) for beach restoration.

H. FOLLOW-UP:

1. Chairperson, Brad Phillips, will give the status report at the February 16, 1993 Trustee Council meeting.
2. Phillips will consult with Gibbons and Mutter regarding scheduling the next PAG meeting.
3. Each PAG member is to get to Mutter by Friday, February 12 (or as soon as possible), the name, address, telephone number and a short description of background for a proposed alternate.

I. NEXT MEETING: Not Scheduled (probably late April to mid-May).

J. ATTACHMENTS:

1. Issues/concerns raised at the February 10, 1993 PAG information session.
2. Proposed modifications to the PAG operating procedures, for consideration by PAG members.
3. Excerpt from the January 19, 1993 Trustee Council meeting transcript.
4. Handouts attached for those not present:
 - a. Trustee Council Meeting Notes
 - b. Opportunities for Habitat Protection/Acquisition (vol. II tab V)
 - c. 1993 Work Plan Summary Recommendation Matrix (vol. II tab IV)
 - d. Table V--Degree of Injury (vol. II tab II)
 - e. Letter from Alaska Wilderness Recreation and Tourism Assoc. (vol. I tab X)
 - f. Notice of Second Withdrawal from Settlement Account (vol. I tab VII.C)
 - g. Letter from Rusher Services (vol. I tab X)

K. CERTIFICATION:

PAG Chairperson

Date

**Selected Issues and Concerns Identified
at the EVOS Public Advisory Group Information session
February 10, 1993**

The following items were raised, but not necessarily agreed upon by all members. This is presented for the information of the Trustee Council.

1. Land trades should be considered as a tool to use in the habitat protection process.
2. Fish species are underweighted in the habitat classification system (eg. there should be 3 categories of fish). Also, services are not given enough weight.
3. More site-specific information about linkage to injured species was suggested by some members as a need in the habitat protection summary data.
4. Landowners and timber owners should be involved earlier in the habitat protection process, rather than later.
5. The possible uses of lands acquired under the Restoration Program should be identified in the parcel summary tables.
6. Commercial fishing should be considered a service in the habitat protection analysis.
7. The PAG needs feedback from the Trustee Council as to what it should be focussed on and how it should approach its responsibilities.
8. Allowing for the selection, with Trustee approval, of voting alternates for PAG members should be reconsidered--this may involve an amendment to the charter. An option is to reduce the number of members required for a quorum.
9. Contracting to private concerns should be considered for upcoming projects.
10. The overlap of agency and project plans should be determined to prevent unnecessary duplication.
11. Should the PAG be prioritizing projects as part of their recommendations to the Trustee Council?
11. Endowments should be incorporated into Restoration Plan alternatives and included in the Plan summary.
12. Some PAG members suggested looking at a "no habitat acquisition" alternative.
13. Areas close to, but not within, the spill-affected area should be considered for application of restoration efforts.

DRAFT

E. Officers

The Public Advisory Group shall have a chairperson and a vice-chairperson, who shall be elected annually from the voting membership by a majority vote of the membership, and approved by the Trustee Council in consultation with members of the Public Advisory Group. Officers shall serve a one-year term. The chairperson and vice-chairperson are eligible for re-election and reappointment to successive one-year terms.

F. Alternate Members

** Public Advisory Group members may designate one alternate to attend a meeting(s) in place of the official member in case they cannot attend. Designated alternates must have prior approval of the Trustee Council in order to have a vote. The official member must inform the Designated Federal Officer ahead of time, if travel funds are requested for the alternate to attend. At the Public Advisory Group meeting, the alternate can participate in discussions and can vote for the official member.

DRAFT

E. Action/Rules of Voting

- ** Matters before the Public Advisory Group requiring a vote to make a recommendation to the Trustee Council shall have a majority approval of the voting members present (which must constitute a quorum). The Designated Federal Officer and any *ex officio* members shall not vote on matters before the Public Advisory Group. When recommendations are approved with less than unanimous consent, a minority report(s) indicating the range of opinion on the issue will be submitted, along with the majority recommendation, to the Trustee Council.

F. Subcommittees

The Public Advisory Group may create *ad hoc* subcommittees or work groups to review in depth subject matter brought before the Public Advisory Group. Under Federal law, the Designated Federal Officer must approve the agenda and any travel involved and be present at all subcommittee or work group meetings. Meetings will be publicly announced ahead of time by the issuance of public service announcements to relevant local media, posting of meeting notices at the Oil Spill Information Center and local libraries and teleconference sites, and by distribution of meeting notices to Public Advisory Group members, the Restoration Team and the Trustee Council. A record of the subcommittee or work group meeting will be maintained, noting the time and location of the meeting, who was in attendance/their organizations represented, and the issues raised.

G. Public Information

- ** The official spokesperson for the Public Advisory Group is the chairperson, or in his/her absence, the vice-chairperson. All inquiries regarding the official position of the Public Advisory Group shall be referred to these officers.

H. Records

All accounts and records of the activities and transactions of the Public Advisory Group shall be kept and maintained by the staff of the Administrative Director and, subject to the provisions of 5 U.S.C 552, such accounts and records shall be available for public inspection at the offices of the Administrative Director.

I. Amendment of Procedures

The Public Advisory Group may adopt appropriate procedures for operating and decision making consistent with applicable Federal and State law and the Public Advisory Group charter--such procedures require the approval of the Trustee Council. The Public Advisory Group may suggest amendments to their charter to the Trustee Council, who must approve such amendments by unanimous consent. Charter amendments must be submitted by the Trustee Council to the Secretary of the Interior for signature.

EXCERPTS 1/19-20/93 TRUSTEE COUNCIL
MTG TRANSCRIPTS

1 -- in the blue book, following page 16. There are two charts. The
2 second page after page 16 of your blue book, which the
3 administrative director's budget -- well, what's the --who's
4 prepared to do this? Dr. Gibbons can you summarize quickly the
5 proposed -- proposed expenditure for administration.

6 DR. GIBBONS: Yes. I'll quickly summarize it. If you
7 go to page -- it's after page 16. It's form 1A, page two of three.
8 At the bottom of the page, it's listed 93AD, administrative
9 director's office, direct project support, five hundred seventy-six
10 thousand four hundred. That is for the chief scientist and peer
11 review monies for the 1993 work plan. 93RT, the following line,
12 Restoration Team support, direct support, for two million forty-two
13 thousand eight hundred, is in support of work groups, which I will
14 list -- which are listed on page 24, and they include the 1994 work
15 plan, the Cultural Resources Work plan -- Work Group, the GIS Work
16 Group, the Environmental Compliance Work Group, the Restoration
17 Planning Work Group, and the Habitat Protection Work Group.
18 Basically, on page 24, they're the ones below the middle line,
19 excluding the chief scientist, peer review, for five hundred and
20 seventy-six thousand four hundred. Going onto page 3 -- 3, form
21 1A, 93AD, the administrative director's office -- that is this
22 building, the staff, and the Public Advisory Group -- includes
23 those three, three facets of the one point two nine three million
24 dollars. 93FC, the finance committee, that is the separate
25 committee set up for a hundred and five thousand five hundred, and
26 the final item is 93RT, the Restoration Team support, and this is

1 the Restoration Team itself, the public partation -- Publ
2 Participation Work Group and the Management Work Group. To gi
3 you notes on -- the Public Advisory Group spent considerable ti
4 discussing this, they had several resolutions, one concerning t
5 expense of the chief scientist and peer review. The could n
6 reach closure on that so that was tabled. The thing that they to
7 the Restoration Team was to -- it was high, to reduce it. The
8 didn't specify where to reduce, but they said it seemed high, ar
9 the action they did take was concerning the Public Advisory Group
10 They increased the budget from a hundred, and I believe, fift
11 thousand to two hundred and twenty-five thousand.

12 MR. COLE: Mr. Chairman.

13 MR. SANDOR: Yes, Mr. Cole.

14 MR. COLE: On that Public Advisory Group, I move t
15 delete any funds for the Public Advisory Group for expenses o
16 public hearings.

17 MR. PENNOYER: Second.

18 MR. SANDOR: It's been moved and seconded that any
19 funds in the Public Advisory Group that were allocated for conduct
20 of public hearings be removed. Is there any objection to that
21 motion?

22 MR. ROSIER: Mr. Chairman.

23 MR. SANDOR: Yes.

24 MR. ROSIER: I don't have any problem with what he's
25 recommending, but are we talking about the budget as it's prepared
26 here and does it have such funds in it, or are we talking about the

1 expanded budget that they're requesting?

2 DR. GIBBONS: -- As I understand it, the expanded budget
3 has money for public hearings.

4 MR. SANDOR: Yeah, the expanded budget for -- well, but
5 the motion then would apply to whatever budget applied

6 MR. ROSIER: The addition of the fifty-five thousand
7 dollars.

8 MR. SANDOR: Yeah, and -- well, can we take care
9 that motion on the floor with respect to that, but I wanted to ask
10 him a basic question about the total budget process and the way
11 which we're dealing with this administration budget. But, Carl,
12 was your question answered?

13 MR. ROSIER: Yes, it was. Thank you.

14 MR. SANDOR: And then, Curt McVee.

15 MR. McVEE: I think I understand the motion, but just
16 for clarification, I assume that that would not prevent the Public
17 Advisory Group from taking public comment at one of their scheduled
18 meetings.

19 MR. SANDOR: Yeah, I presume that's not --

20 MR. COLE: Yeah, if -- if it's -- it's not a
21 expense. I'm not saying that they can't have a meeting and send
22 forth, but this business of going throughout the state and holding
23 hearings, and it's not the purpose of the motion is not that we
24 shouldn't have public input, but when we have -- send out these and
25 get two hundred fifty responses, have people come and testify at
26 these hearings, I mean, that's, I think, as Mr. Barton said, we're

1 working the public to death, and I think they get confused, and w
2 never know, you know --- this is duplicate testimony or the sam
3 group or -- it just gets too much to be able to evaluate the publi
4 response. And I would like to say those people were appointe
5 because of their broad experience and -- and special abilities, an
6 we thought that they generally themselves represented the public i
7 their areas of qualification.

8 MR. SANDOR: Any further comments or questions on the
9 - yes, Mr. Pennoyer.

10 MR. PENNOYER: I was just going to reiterate that. I
11 don't think it was our intent that the Public Advisory Group be a
12 focus -- a synthesis for us on public comment and that they
13 basically hold the hearings and distill the public comment to us,
14 that they are another form of public comment, and I think that we
15 intended that our hearings and our mailouts, and so forth,
16 continue, and we would get independent public comment for that
17 reason. So at this time there is no reason for the Public Advisory
18 Group to hold public hearings.

19 MR. SANDOR: If there's no further comments or
20 questions, then we will ask if there is any objections to the
21 passage of that motion. There being none, the motion passes. Yes.

22 MR. COLE: Let me ask this, can -- can we defer this
23 until the February meeting, and let me say why. I sense that there
24 is sense among the Trustees that we need to examine the Restoration
25 Team process. If -- if I'm on track on that, and that is the sense
26 of this group, then I think it would be inappropriate to deal with

Resource Development Council for Alaska, Inc.

and

the Alaska Oil and Gas Association

Present a special summer luncheon forum

**Shoreline impacts in the
Gulf of Alaska region
following the
Prince William Sound Oil Spill**

Thursday, July 29, 1993
Hotel Captain Cook, Anchorage

Doors open 11:30 a.m., Program 12 Noon

Keynote Speakers:

Dr. David Page, Professor of Chemistry and Chairman
of the Chemistry Department at Bowdoin College, Brunswick, Maine

Over the past 23 years, Dr. Page has published more than 60 professional papers, most dealing with the fate and effects of petroleum and other pollutants on the marine environment. Dr. Page has conducted interdisciplinary research to determine the fate and effects of major oil spills on natural communities of animals and plants and to measure sublethal pollutant stress on plants and animals. Dr. Page has extensive experience in fingerprinting samples from over 75 mystery oil spills.

Dr. Edward S. Gilfillan, Director of the Marine Research Laboratory at
Bowdoin College

Dr. Gilfillan's research interests include studying the effects of oil spills on natural community of plants and animals, using statistical techniques to follow changes in community structure over time in order to assess recovery. Cases studied include Zoe Colocotroni, Amoco Cadiz and Exxon Valdez among many other smaller spills. He has published more than 20 articles on the effects of petroleum on marine organisms.

Tickets: \$20 Members \$25 Non-members

Reservations: 276-0700

Tables of 8 available

ID	RESOURCE	PROJECT TITLE	COST	RT VOTE	LEAD AGENCY	COOPERATING AGENCIES	NEPA LEAD/FEDERAL
7	Archaeology	Site-specific Archaeological Restoration - Interagency	\$300	5	DOI	ADNR, USFS, USFWS	DOI
386	Archaeology	Artifact Repository and Cultural Centers, Planning, Site Selection and Design (PWS and GOA)	\$250	4	ADNR	DOI, USFS	USFS
15	Archaeology	Archaeological Site Stewardship Program	\$194	3	ADNR	DOI, USFS	DOI
345	Commercial Fish	Evaluation and Enumeration Projects for the Streams on the Lower Kenai Peninsula	\$250	5	ADF&G		DOI
137	Commercial Fish	Stock Identification of Chum, Sockeye, and Chinook Salmon in PWS	\$250	2	ADF&G		NOAA
139	Commercial Fish	Instream Habitat and Stock Restoration Techniques for Salmon	\$480	4	USFS	ADF&G	USFS
39	Common Murre	Common Murre Population Monitoring	\$191	6	DOI		DOI
41	Common Murre	Removal of Introduced Predators from Chirikof and Little Koniujii Islands	\$150	4	DOI		DOI
40	Common Murre	Education Program to Reduce Disturbance Near Murre Colonies Injured by the Oil Spill	\$40	3	DOI		DOI
43	Cutthroat/Dolly Varden	Cutthroat Trout and Dolly Varden Habitat Restoration in PWS, 4 Projects	\$200	5	USFS	ADF&G	USFS
290	General	Hydrocarbon Data Analysis and Interpretation	\$105	6	NOAA		NOAA
417	General	Waste Oil Disposal Facilities and Hazardous Waste Disposal Plan	\$500	4	ADEC		USFS
199	General	Seward Sea Life Center	\$25,000	4	ADNR		NOAA
64	Harbor Seal	Harbor Seals Habitat Use, Monitoring, Population Modelling, and Information Synthesis	\$230	6	ADF&G		NOAA
66	Harlequin Duck	Harlequin Duck Recovery Monitoring	\$200	6	ADF&G		DOI
83	Intertidal	Monitoring of Natural Recovery of Oiled and Treated Shorelines	\$600	2	NOAA		NOAA
85	Intertidal	Recovery Monitoring of Intertidal Oiled Mussel Beds in PWS and GOA	\$500	6	NOAA	DOI	NOAA
145	Intertidal	Shoreline Assessment	\$400	6	ADEC	ADF&G, ADNR, DOI, NOAA, USFS	NOAA
68	Intertidal	Deposit Sand on Cleaned Beaches to Promote Clam Recruitment-Feasibility Study	\$20	5	ADF&G		NOAA
86	Intertidal	Herring Bay Experimental and Monitoring Studies	\$495	5	ADF&G		NOAA
81	Intertidal	Monitoring for Recruitment of Littleneck Clams	\$186	4	ADF&G	NOAA	NOAA
70	Intertidal	Restoration of High-Intertidal Fucus	\$300	3	ADF&G		NOAA
90	Intertidal	Restoration of Mussel Beds	\$500	3	NOAA	ADEC, ADNR	NOAA
92	Killer Whale	Recovery Monitoring of Killer Whales in PWS through Photo-Identification	\$120	6	NOAA		NOAA
102	Marbled Murrelets	Monitor Recovery of Marbled Murrelets Throughout Oil Spill Area	\$250	6	DOI		DOI
110	Multiple Resources	Habitat Protection, Data Acquisition and Support	\$400	6	ADNR	ADEC, ADF&G, DOI, USFS	USFS
126	Multiple Resources	Habitat Protection and Acquisition Fund	TBD	6	ADNR	DOI, USFS	USFS
266	Multiple Resources	Shoreline Oil Removal	\$500	6	ADEC		NOAA
163	Multiple Resources	Abundance and Distribution of Forage Fish and Their Influence on Recovery of Injured Species	\$500	6	NOAA	ADF&G	NOAA
147	Multiple Resources	Comprehensive Monitoring Program, Plan and Administer	\$250	3	NOAA	TBD	NOAA
316	Multiple Resources	Shoreline Trash Cleanup for Oil Spill Area	\$30	3	ADNR		USFS
320	Multiple Resources	Baseline Scientific Research - Ecosystem Study Plan	\$500	2	NOAA	TBD	NOAA
159	Multiple Resources	Monitor Marine Bird and Sea Otter Populations - Boat Surveys	\$275	3	DOI		DOI
20	Oystercatcher	Black Oystercatcher Interaction with Intertidal Communities	\$108	6	DOI		DOI
166	Pacific Herring	Herring Spawn Deposition, Egg Loss, and Reproductive Impairment	\$400	6	ADF&G		NOAA
165	Pacific Herring	Genetic Stock Identification for Herring in PWS	\$205	5	ADF&G		NOAA
173	Pigeon Guillemot	Pigeon Guillemot Recovery Monitoring	\$180	6	DOI		DOI
184	Pink Salmon	Coded Wire Tag Recoveries from Pink Salmon in PWS Salmon Fisheries	\$250	5	ADF&G		NOAA
185	Pink Salmon	Coded Wire Tagging of Wild Stock Pink Salmon for Stock Identification	\$245	5	ADF&G		NOAA
187	Pink Salmon	Otolith Marking - Inseason Stock Separation Tool to Reduce Wild Salmon Exploitation	\$152	2	ADF&G		NOAA
192	Pink Salmon	Evaluation, Enumeration and effects of Hatchery Straying on Wild Pink Salmon in PWS	\$650	5	ADF&G		NOAA
189	Pink Salmon	PWS Pink Salmon Stock Genetics	\$150	4	ADF&G		NOAA
191	Pink Salmon	Investigating and Monitoring Oil Related Egg and Alevin Mortalities, Lab and Field Work	\$686	5	ADF&G	NOAA	NOAA
217	Recreation	Implement Prince William Sound Area Recreation Plan	TBD	4	USFS	ADNR	USFS
200	Recreation	17(b) Easement Identification-Public Land Access	\$100	3	ADNR	USFS	USFS
216	Recreation	Development of Gulf of Alaska Recreation Plan	\$140	3	DOI	ADNR	DOI
237	River Otter	River Otter Recovery Monitoring	\$180	6	ADF&G	NOAA	USFS
241	Rock Fish	Develop a Rockfish Management Plan	\$175	4	ADF&G		NOAA
246	Sea Otter	Monitoring of Sea Otter Population Abundance, Distribution, Reproduction, and Mortality	\$337	6	DOI		DOI

ID	RESOURCE	PROJECT TITLE	COST	RT VOTE	LEAD AGENCY	COOPERATING AGENCIES	NEPA LEAD/FEDERAL
259	Sockeye Salmon	Restoration of the Coghill Lake Sockeye Salmon Stock	\$165	5	ADF&G	USFS	USFS
258	Sockeye Salmon	Sockeye Salmon Overescapement	\$700	4	ADF&G		NOAA
255	Sockeye Salmon	Kenai River Sockeye Salmon Restoration	\$650	4	ADF&G		NOAA
260	Sockeye Salmon	Red Lake Salmon Restoration	\$72	3	ADF&G		DOI
244	Subsistence	Harbor Seal and Sea Otter Cooperative Subsistence Harvest Assistance	\$40	6	ADF&G		DOI
279	Subsistence	Subsistence Food Safety Testing	\$100	6	ADF&G	NOAA	NOAA
272	Subsistence	Chenega Chinook and Coho Release Program	\$55	5	ADF&G		NOAA
273	Subsistence	Port Graham Salmon Hatchery	\$500	5	ADF&G		NOAA
277	Subsistence	Village Mariculture Project - Oyster Farming	\$589	4	ADF&G		NOAA
280	Subtidal	Spot Shrimp Survey and Juvenile Spot Shrimp Habitat Identification	\$180	2	ADF&G		NOAA
285	Subtidal	Recovery Monitoring of Hydrocarbon-Contaminated Subtidal Marine Sediment Resources	\$390	3	NOAA		NOAA
	TOTAL		\$41,565				

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



1994 EXXON VALDEZ RESTORATION WORK PLAN ASSUMPTIONS

1. A Restoration Plan will not be completed by the time the 1994 Work Plan needs to be approved, however, a draft Restoration Plan will be completed by the time the 1994 Work Plan is implemented. The Trustee Council can approve for implementation any appropriate restoration action prior to having a draft Restoration Plan in place if that action is time critical or represents a lost opportunity. Other approved restoration projects to be implemented must be consistent with the draft Restoration Plan.
2. The 1994 Work Plan will be required to include projects contained in the 1993 Work Plan which have not been completed.
3. Direct restoration and applied studies supporting restoration will be emphasized.
4. Identification and protection of critical habitat should proceed as rapidly as possible giving priority consideration to the habitat of species directly or consequentially injured by the spill.
5. Agencies will not be funded for projects unrelated to the Exxon Valdez Oil Spill or for costs that agencies would normally fund if the Exxon Valdez Oil Spill had not occurred.
6. Restoration projects will be limited to resources that have suffered injury, and the services reduced or lost as a result of injury to those natural resources,¹ which are defined as:
 - 1) direct mortality: animals killed by contact with oil or by the cleanup;
 - 2) sublethal and chronic effects: injuries to a life stage such as eggs or larvae, but that may not result in mortality;

¹ After reviewing Trustee Council changes to the assumptions, the Restoration Team recommends inclusion of the highlighted words to clarify the intent of this assumption.

Trustee Agencies

State of Alaska: Departments of Fish & Game, Law, and Environmental Conservation

United States: National Oceanic & Atmospheric Administration, Departments of Agriculture and Interior

June 3, 1993

- 3) degradation of habitat: alteration or contamination of flora, fauna, and the physical components of the habitat;
 - 4) reduction in the physical or biological functions performed by natural resources; or
 - 5) the aesthetic, intrinsic, or other indirect uses provided by natural resources that have been significantly reduced.
7. Restoration activities will be restricted to the oil spill affected area.
 8. National Environmental Policy Act (NEPA) compliance, if required, must be completed on all projects prior to approval by the Trustee Council.

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PROPOSED 1994 PROJECTS RECEIVING 3-6 RESTORATION TEAM VOTES: BRIEF DESCRIPTIONS AND COSTS

Project ID #	Project Title/Description/Cost
7.	Site-Specific Archaeological Restoration-Interagency: Complete site-specific restoration work at the 24 known archaeological sites. This project is a continuation of the 1993 Project 93006. (\$300K)
386.	Artifact Repository and Cultural Centers Planning, Site Selection and Preliminary Design for PWS and the Gulf of Alaska: Develop an approach/plan for addressing cultural artifacts within Prince William Sound and the Gulf of Alaska. Once this plan is complete, then, if appropriate identify the repository sites and develop preliminary designs for all facilities. (\$1,400K)
15.	Archaeological Site Stewardship Program: This is phase two of a program that recruits and trains local residents to protect archeological resources in their areas. As part of the 1992 Work Plan, the Trustee Council spent approximately \$160,000 to develop the materials to be used in Phase II of the site stewardship program. In 1993, the Phase II project received unanimous support from the Restoration Team and was also supported by the archeological peer reviewer. The Restoration Team does not believe that the main criticism voiced against the project by the Public Advisory Group and the Trustee--namely that "pot hunters" will be recruited to be site stewards--is valid. Additionally, the development of cultural artifact repositories does <u>not</u> address the need to protect artifacts that remain at their sites. (\$194K)
345.	Evaluation and Enumeration Projects for the Streams on the Lower Kenai Peninsula: Determine the health of pink and chum salmon populations in Lower Kenai Peninsula streams by determining the number of spawners versus escapement goals and egg/fry survival versus expected (oil effects). The results will be used to intensify fisheries management actions to protect these stocks. (\$250K)
139.	Instream Habitat and Stock Restoration Techniques for Salmon: Project 93063 is the identification of anadromous fish streams in Prince William Sound, Lower Kenai Peninsula

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and Kodiak areas requiring rehabilitation and recommended appropriate techniques (e.g. spawning channels, incubation boxes, fish passes, debris management, fry rearing) for each. The proposed 1994 project implements these recommendations. While the Chignik area was not studied in 93063, the current project will also try to rehabilitate sockeye salmon runs in this area. (\$480K)

39. **Common Murre Population Monitoring:** Continue monitoring of common murre to determine recovery. (\$191K)
41. **Removal of Introduced Predators from Chirikof and Little Koniuji Islands:** Remove introduced foxes from Chirikof and Little Koniuji Islands in the oil spill affected area to enhance bird recruitment. (\$150K)
40. **Education Program to Reduce Disturbance Near Murre Colonies Injured by the Oil Spill:** Reduce disturbances around common murre breeding colonies through a public education program and enforcement program. This project was supported by the Chief Scientist in 1993. He stated that "This may help a number of greatly affected murre colonies subject to periodic disturbance from firearm discharge on halibut charter boats." (\$60K)
43. **Cutthroat Trout and Dolly Varden Habitat Restoration in Prince William Sound, 4 Projects:** Stream improvements, debris management and fish passes will increase the availability of cutthroat trout and Dolly Varden habitat spawning and rearing areas. This would support approximately four projects. (\$200K)
290. **Hydrocarbon Data Analysis and Interpretation:** Continue to interpret hydrocarbon data and maintain hydrocarbon database for samples collected by all restoration projects. (\$105K)
417. **Oil and Hazardous Waste Disposal Facilities:** Construct hazardous waste (including oil) collection and disposal facilities in convenient locations in the oil spill area. (\$500K)
199. **Seward Sea Life Center:** Develop a research rehabilitation and education center for marine birds and mammals, and develop restoration actions for declining species. (\$25,000K)
64. **Harbor Seal Habitat Use, Monitoring, Population Modelling, and Habitat Information:** This continues the 1993 program

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of aerial surveys during pupping and molting to monitor population trends. It documents seal movements using satellite monitoring, identifies important habitat, and develops a population model for Prince William Sound seals. (\$230K)

66. **Harlequin Duck Recovery Monitoring:** This project is a continuation of 93033 which investigates the proposed link between reproductive failure and contaminated intertidal food, monitors recruitment and population trends of harlequin ducks in PWS, Kenai, and Afognak. (\$200K)
85. **Recovery Monitoring of Intertidal Oiled Mussel Beds in PWS and GOA:** Continue the 1993 project 93036 to determine the rate of recovery of oiled mussel beds as a source of contamination. (\$500K)
145. **Shoreline Assessment:** Survey shorelines in the spill area for the presence of Exxon Valdez hydrocarbons to determine the degradation rate, if necessary depending on the results of the 1993 survey. (\$400K)
68. **Deposit Sand on Cleaned Beaches to Promote Clam Recruitment-Feasibility Study:** Clam recruitment on cleaned beaches was impacted when lighter sediments needed by settling spat were washed into the subtidal zone. This is a pilot project which identifies and evaluates the feasibility of depositing sand on cleaned beaches to promote recruitment. (\$20K)
86. **Herring Bay Experimental and Monitoring Studies:** This is a continuation of the intertidal study at Herring Bay (93039) to understand the factors that limit and/or facilitate recolonization of intertidal algae and invertebrates. It provides long term intertidal data. (\$495K)
81. **Monitoring for Recruitment of Littleneck Clams:** Clams may not be recruiting to beaches they previously occupied on which cleanup efforts removed the sediment necessary for larval settling. If clams are not recruiting, direct restoration measures may be needed to restore this species. (\$186K)
70. **Restoration of High Intertidal Fucus:** Fucus (rockweed), removed by cleaning activities, has not regenerated in the high intertidal zone because young plants dehydrate at low tide. This project uses burlap, which will biodegrade, to provide cover for young plants. This will be dependent

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upon the results of the feasibility study conducted in 1993. (\$300K)

90. **Restoration of Mussel Beds:** Test the feasibility cleaning mussel bed sites in PWS with new hydrocarbon removal methods that cause minimal disturbance. The project will include the removal of existing Exxon Valdez hydrocarbons to background levels in contaminated mussel beds in PWS (\$500K)
92. **Recovery Monitoring of Killer Whales in PWS through Photo-Identification:** This project is a continuation of the current killer whale photo-identification study (93042) of the AB pod in PWS. It will be conducted if necessary based on the results of the 1993 project. (\$120K)
102. **Monitor Recovery of Marbled Murrelets Throughout the Oil Spill Area:** Monitor marbled murrelet populations in the oil spill area utilizing the current monitoring technologies (such as: boat surveys, ground monitoring), to determine species trends in the affected area. (\$250K)
110. **Habitat Protection Data Acquisition and Support:** This project provides an opportunity to acquire new data deemed necessary for the analysis of habitat proposed for protection, as well as synthesizing existing data into a usable format. This includes GIS and other types of support associated with this process. (\$400K)
126. **Habitat Protection and Acquisition Fund:** Identify a fund of monies to be used to protect identified habitats that have high restoration value through various protection tools. (\$TBD)
266. **Oil Removal Restoration Project:** Remove oil from beaches where necessary for restoration activities. Sites will be determined by the 1993 shoreline assessment project (93038). (\$500K)
163. **Abundance and Distribution of Forage Fish and Their Influence on Recovery of Injured Species:** The recovery of several impacted species depends on the health of forage fish populations upon which they feed. The forage fish population dynamics and the interrelationships between forage fish and impacted predators will be investigated. (\$500K)
147. **Comprehensive Monitoring Program, Plan and Administer:** Continue project 93041, completing the integrated natural

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resource monitoring plan, implementing and administering it. This plan monitors species and resources that are indicators of the rate of recovery of the oil impacted ecosystem. (\$250K)

316. **Garbage Cleanup and Trail Maintenance for Oil Spill Area:** Garbage cleanup and trail maintenance restore lost recreational opportunities. (\$30K)
159. **Monitor Marine Birds and Sea Otter Populations-Boat Surveys:** Determine marine bird and sea otter populations in PWS through boat surveys. The boat survey data will be used to identify population distributions and trends. (\$275K)
20. **Black Oystercatcher Interaction with Intertidal Communities:** Evaluate the interaction of Black Oystercatchers with oil contaminated intertidal communities. The study will emphasize the Black Oystercatcher reproductive success and chick development relationships with the intertidal community. (\$108K)
166. **Herring Spawn Deposition, Egg Loss, and Reproductive Impairment:** This applied research program will determine reproductive success by measuring the spawning biomass, the loss of eggs due to wave action, dehydration, possible chronic effects of oil on spawners, etc. and the proportion of the remaining eggs which will produce viable offspring. (\$400K)
165. **Genetic Stock Identification for Herring in PWS:** The number and the discreteness of herring stocks which need to be protected in PWS will be identified. This will be accomplished by genetic stock identification techniques, distribution and movement monitoring, and determination of fidelity to spawning locations. (\$205K)
173. **Pigeon Guillemot Recovery Enhancement and Monitoring:** Monitor pigeon guillemot populations. (\$180K)
184. **Coded Wire Tag Recoveries from Pink Salmon in PWS Salmon Fisheries:** Recovery of tags from pink salmon is used for in-season fisheries management decisions which allow optimal escapement of impacted wild stocks and harvest of excess hatchery and wild fish in high market quality condition. Tags will be recovered from commercial fisheries and hatchery sources while tags in project #192 will be recovered from carcasses in streams. This is a cost share project with matching funds from aquaculture

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organizations and the Alaska Department of Fish and Game.
(\$250K)

185. **Coded Wire Tagging of Wild Stock Pink Salmon for Stock Identification:** This project tags wild fish to more accurately determine the rate of return and contribution to the commercial fisheries. Information gained by recovery of these tags will be used to alter fisheries management practices allowing optimal escapement of wild stocks. This is a cost shared project with matching funds from aquaculture organizations and the Alaska Department of Fish and Game. (\$245K)
192. **Restoration Monitoring, Effects of Straying and Preservation of Wild Populations of Pink Salmon:** This project will monitor the recovery of pink salmon and quantify the extent of straying of both hatchery and wild stocks. Accurate inseason estimates of wild pink salmon escapement will improve management's ability to fine-tune the commercial fishery to benefit injured wild stocks. Recovery of hatchery-applied tags from carcasses in wild streams will help establish the magnitude and seriousness of the straying problem and may lead to modification of hatchery practices to preserve wild stocks. (\$650K)
189. **Prince William Sound Pink Salmon Stock Genetics:** Electrophoresis will be used to distinguish Prince William Sound pink salmon stocks. Identification of these stocks will determine the management or direct restoration actions which can be used to restore these stocks. (\$150K)
191. **Investigating and Monitoring Oil Related Pink Salmon Egg and Alevin Mortalities, Laboratory and Field Work:** This project will measure egg and alevin mortalities in oiled and unoled streams and monitor recovery (continuation of 93003). Laboratory rearing and dose response experiments will be conducted to verify oil as the cause for increased mortality observed in oiled streams in 1989 through 1992. These experiments will also examine the possibility of genetic injury as an explanation for chronic mortalities and assess the likely time frame for natural recovery. (\$686K)
209. **Green Island Cabin Replacement:** Replace a Forest Service public recreation cabin degraded during the response actions. (\$20K)
217. **Implement Prince William Sound Area Recreation Plan:** Project 93065 is developing a comprehensive recreation plan

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for Prince William Sound in 1993 identifying long term recreational opportunities, goals, objectives, options, state and federal designation procedures. The proposed project implements this plan. (\$TBD) This amount to be determined following the public participation process that occurs as part of 93065 in early November 1993.

200. **17 (b) Easement Identification-Public Land Access:** Prepare an atlas for distribution to the public that identifies 17 (b) easement lands. These easements allow access to public lands across private property. The money for this project funds printing of information within Prince William Sound, documentation and printing within Kodiak Island Borough, and posting these lands identifying them as easements in both areas. (\$100K)
216. **Development of Gulf of Alaska Recreation Plan:** This project develops a comprehensive recreation plan for oil-impacted areas outside Prince William Sound identifying long term recreational opportunities, goals, objectives, options, state and federal designation procedures (project 93065 is doing this for Prince William Sound in 1993). (\$140K)
237. **River Otter Recovery Monitoring:** Population trends will be monitored on the basis of scat counts at latrine sites examined two years ago. (\$180K)
241. **Develop a Rockfish Management Plan:** Rockfish harvest increased ten-fold following the EVOS due to the closure of commercial salmon fishing. Harvest rates have remained high. Maximum sustainable yield is unknown because the population size is unknown. This project would estimate the population size from which a management plan would be developed. (\$175K)
246. **Monitoring of Sea Otters Population Abundance, Distribution, Reproduction, and Mortality:** Monitor the recovery of sea otters in the spill area by determining distribution, mortality, and other baseline population dynamics data through aerial surveys, and carcass retrieval. The project will include weanling studies and data comparison studies so that accurate population models can be developed to manage sea otter populations. (\$337K)
259. **Restoration of the Coghill Lake Sockeye Salmon Stock:** Increase the natural productivity of Coghill Lake and the resident sockeye salmon stock through use of established lake fertilization techniques. Limnological and fisheries

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studies will closely monitor the recovery of the lake ecosystem and the sockeye salmon population. (\$165K)

258. **Sockeye Salmon Overescapement:** Overescapement of sockeye salmon adults as a result of the Exxon Valdez Oil Spill produced more juveniles than several Kenai and Kodiak ecosystems could support. The ability of these ecosystems to produce pre-spill numbers of sockeye smolts has not yet recovered. This year the study will also investigate the Chignik system. This study continues to monitor continuing injury and the progress of recovery. (\$700K)
255. **Kenai River Sockeye Salmon Restoration:** This project identifies sockeye salmon stocks bound for the Kenai River and other Cook Inlet streams by genetic, scale and parasite analysis. The commercial fisheries will be directed away from Kenai River stocks but allow harvest of unimpacted stocks. (\$650K)
260. **Red Lake Salmon Restoration:** Below minimal escapement levels, some eggs will be incubated and fry short term reared at Pillar Creek Hatchery to reduce natural egg and fry mortalities. Fingerlings will be returned to Red Lake which now has the zooplankton productivity to support them and the stock will recover faster. (\$72K)
244. **Harbor Seal and Sea Otter Cooperative Subsistence Harvest Assistance:** Monitors subsistence harvest of harbor seals and sea otters. The project will redirect subsistence harvest to other areas if this study determines there are localized areas of overharvest. (\$40K)
279. **Subsistence Food Safety Testing:** This is a continuation of 93017 which tests hydrocarbon contamination of subsistence foods from sites identified as important by subsistence gatherers, reports test results to these users and recommends resource enhancement or replacement projects. This project will be done only if the results of 93017 indicate specific areas require followup investigation. (\$100K)
272. **Chenega Chinook and Coho Release Program:** Produce 50,000 chinook and 50,000 coho smolts for transportation and release at sites near Chenega Village. The project will produce 1500 adult chinook and 2500 adult coho annually. (\$55K)
273. **Port Graham Salmon Hatchery:** This hatchery is attempting to restore an impacted wild sockeye salmon run. During the

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oil spill, fry were impinged on and killed by booms; others were exposed to oil from a cleaning station. This is a cost-share program to restore the run. (\$500K)

277. **Village Mariculture Project - Oyster Farming:** Oysters will be farmed at several native villages to replace oil-contaminated subsistence shellfish. The oysters will also be marketed in order to cover operating expenses. (\$589K)

285. **Recovery Monitoring of Hydrocarbon-Contaminated Subtidal Marine Resources:** This is a continuation of 93047 which monitors recovery of subtidal communities and sediments. (\$390K)

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PROPOSED 1994 PROJECTS RECEIVING 1-2 RESTORATION TEAM VOTES: BRIEF DESCRIPTIONS AND COSTS

Project ID #	Project Title/Description/Cost
18.	Bald Eagle Productivity Survey and Catalog: This project will identify and catalogue important Bald Eagle habitat. (\$10K)
19.	Long-Term Population Monitoring for Bald Eagles: This project entails long-term population monitoring to make sure the eagles have recovered. (\$200K)
137.	Stock Identification of Chum, Sockeye and Chinook Salmon in Prince William Sound: Coded wire tags applied in Trustee Council-sponsored projects will be recovered in this project that is a continuation of 93068. Stock identification allows escape of impacted wild stocks and optimal harvest of hatchery stocks. (\$250K)
377.	Hatchery Debt Retirement (PWSAC, VFDA): Pay Prince William Sound Aquaculture Corporation's (PWSAC) and/or Valdez Fisheries Development Association's (VFDA) hatchery debt. Both are non-profit corporations of fishers which enhances salmon. Paying off the hatchery debt would primarily support the recovery of commercial salmon fishing and to a smaller extent would support the recovery of sport salmon fishing. (\$25,000K)
44.	Enhanced Management of Cutthroat Trout and Dolly Varden: Closing oil-impacted stocks of cutthroat trout and Dolly Varden to sport fishing redirected effort to other Prince William Sound stocks. Identify populations of cutthroat trout and Dolly Varden outside the closed area that can sustain fishing pressure and direct fishers to them. (\$285K)
54.	Prince William Sound Brochures: Produce a series of public information brochures about the oil spill injury and subsequent recovery. (\$65K)
59.	Science of the Sound-Education Program: This project will develop a public education program about the science of Prince William Sound. (\$53K)

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83. **Monitoring of Natural Recovery of Oiled and Treated Shorelines:** Survey and evaluate shorelines for the presence of Exxon Valdez hydrocarbons. The project will include as part of the evaluation the identification of natural resources that may still be affected by residual hydrocarbons. (\$600K)
77. **Coastal Habitat Comprehensive Intertidal Monitoring Program:** Develop and carry out a monitoring program to assess recovery of injured intertidal resources. (\$500K)
320. **Baseline Scientific Research-Ecosystem Study Plan:** Develop a study plan for acquiring baseline knowledge of major components of the oil spill ecosystem and their interactions. (\$500K)
341. **Establish a National Marine Sanctuary Adjacent to Katmai National Park:** Develop a proposal for establishment of a national marine sanctuary adjacent to Katmai National Park. (\$TBD)
342. **Establish a National Marine Sanctuary Adjacent to Kenai Fjords National Park:** Develop a proposal for establishment of a national marine sanctuary adjacent to Kenai Fjords National Park. (\$TBD)
154. **Migratory Waterfowl and Shorebird Monitoring in the Spill Area:** Document the population dynamics of migratory waterfowl and shorebirds in the spill area. These species were not investigated by the NRDA projects but are important components of the spill area ecosystem. (\$300K)
155. **Monitor Population Status of Seabird Nesting Colonies in the Spill Area:** Increases the frequency of seabird nesting colony surveys. This project is in addition to normal agency management activities and will document the recovery of injured seabird species. (\$100K)
161. **Public Information and Education:** Produce and distribute information to the public concerning the Exxon Valdez Oil Spill, the injuries it caused, and the recovery of impacted resources. (\$316K)
356. **Fund a Chair in Natural Sciences at the University of Alaska:** This project provides funds for a chair in natural sciences at the University of Alaska to investigate resources injured by the Exxon Valdez Oil Spill. (\$2,000K)

ATTACHMENT 4

187. **Otolith Marking - Inseason Stock Separation Tool to Reduce Wild Stock Salmon Exploitation:** Thermal marking of otoliths by varying water temperatures in hatcheries permits cheap marking of all hatchery fish without the negative marking effects of other methods. It is rapidly evolving, but is still experimental. This technology may allow separation and protection of impacted wild stocks from hatchery stocks. This would require approximately 3 years of research and development but would replace coded wire tagging of hatchery stocks. This project would have long-term benefit to the management of the fishery. (\$152K)
195. **Monitoring Early Marine Growth of Juvenile Salmon in Prince William Sound:** this project will estimate the growth rate of juvenile pink and chum salmon during the first two months of marine residence. Growth during this critical period largely determines the number of returning adult fish. Growth rate estimates will be used to (1) develop improved forecast techniques, (2) examine interactions between wild and hatchery stock, and (3) monitor recovery of wild salmon. (\$50K)
240. **Develop Harvest Guidelines to Aid Restoration of Injured Terrestrial Mammals and Seaducks:** This project determines harvest rates and compares them to recovery rates of the injured species, particularly river otters and harlequin ducks. This information will be used to alter harvest regulations if necessary to assist the recovery of injured species. (\$99K)
242. **Monitoring Injury to Rockfish in Prince William Sound:** Rockfish may have received injuries of a long term, debilitating nature and, in some cases, may continue to be exposed to hydrocarbons. This project assesses the significance of these injuries using histopathology and mixed function oxidase analysis. (\$117K)
245. **Habitat Utilization by Sea Otters and Designation of Protected Areas:** Identify critical habitats used by sea otters and recommend them for designation as protected areas. (\$83K)
247. **Radio-Telemetry Project to Monitor Recovery of Sea Otters:** Attach radio-tags to sea otters allowing tracking of their movements for a better understanding of their life history in the oil-impacted area. Information will be used for a sea otter management plan. (\$450)

ATTACHMENT 4

275. **Subsistence Harvest Replacement - Transport Subsistence Users to Unoiled Areas:** Oiled subsistence resources near many traditional users are considered to be of suspect quality and some have been destroyed by cleanup activities. This project provides transportation to subsistence resource users to pristine areas to allow harvest of subsistence foods and supports delivery of subsistence foods contributed by communities not directly impacted by the spill. (\$55K)
280. **Spot Shrimp Survey and Juvenile Spot Shrimp Habitat Identification:** Spot shrimp are a significant part of the food base of the Prince William Sound ecosystem and are important to commercial fisherman. Understanding the habitat requirements of juveniles and the distribution of the species will help direct restoration efforts involving spot shrimp. (\$180K)

ID	RESOURCE	PROJECT TITLE	COST	AREA	LINK TO	TECHNICALLY	AGENCY	DIRECT	TIME	DEER REVIEW	* PUBLIC	RT	LEAD	NTPA	
						FEASIBLE	LEGAL	MGMT	RESTORATION	CRITICAL	WORKSHOP RECOMMENDATIONS	SUPPORT	VOTE	AGENCY	LEAD/FEDERAL
18	Bald Eagle	Bald Eagle Productivity Survey and Catalog	\$10	Y	Y	Y	Y	N	Y	N	N	Y	1	DOI	DOI
19	Bald Eagle	Long-Term Population Monitoring for Bald Eagles	\$200	Y	Y	Y	Y	N	N	N	N	N	1	DOI	DOI
137	Commercial Fish	Stock Identification of Chum, Sockeye and Chinook Salmon in PWS	\$250	Y	Y	Y	Y	N	Y	Y	Y	Y	2	ADF&G	NOAA
377	Commercial Fish	Hatchery Debt Relievement (PWSAC, VEDA)	\$25,000	Y	Y	Y	?	N	N	N	U	N	2	ADF&G	NOAA
44	Cutthroat/Dolly Varden	Enhanced Management of Cutthroat Trout and Dolly Varden	\$285	Y	Y	Y	Y	N	Y	N	Y	N	1	ADF&G	USFS
54	General	PWS Brochures	\$65	Y	Y	Y	?	N	N	N	U	N	2	USFS	USFS
69	General	Science of the Sound - Education Program	\$53	Y	Y	Y	?	N	N	N	U	Y	2	NOAA	NOAA
83	Intertidal	Monitoring of Natural Recovery of Oiled and Treated Shorelines	\$600	Y	Y	Y	Y	N	N	N	U	Y	2	NOAA	NOAA
17	Intertidal	Coastal Habitat Comprehensive Intertidal Monitoring Program	\$500	Y	Y	Y	Y	N	N	N	N	Y	1	ADF&G	NOAA
221	Multiple Resources	Baseline Scientific Research - Ecosystem Study Plan	\$600	Y	Y	Y	Y	N	N	N	U	N	2	NOAA	NOAA
241	Multiple Resources	Establish a National Marine Sanctuary Adjacent to Katmai National Park	180	Y	Y	Y	Y	N	Y	N	U	N	1	DOI	DOI
242	Multiple Resources	Establish a National Marine Sanctuary Adjacent to Kenai Fjords National Park	180	Y	Y	Y	Y	N	Y	N	U	N	1	DOI	DOI
154	Multiple Resources	Migratory Waterfowl and Shorebird Monitoring in Spill Area	\$300	Y	Y	Y	Y	N	N	N	U	N	1	DOI	DOI
155	Multiple Resources	Monitor Population Status of Scaup Nesting Colonies in the Spill Area	\$100	Y	Y	Y	Y	N	N	N	U	N	1	DOI	DOI
161	Multiple Resources	Public Information and Education	\$316	Y	Y	Y	?	N	N	N	U	N	1	DOI	DOI
356	Multiple Resources	Find a Chick in a Natural Sciences at University of Alaska	\$2,000	Y	?	Y	?	N	N	N	U	U	1	NOAA	NOAA
187	Pink Salmon	Oralith Marking - Invason Stock Separation Tool to Reduce Wild Stock Salmon Exploitation	\$152	Y	Y	Y	Y	N	Y	N	U	Y	2	ADF&G	NOAA
195	Pink Salmon	Monitoring Early Marine Growth of Juvenile Salmon in PWS	\$50	Y	Y	Y	Y	N	Y	N	U	Y	2	ADF&G	NOAA
240	River Otter	Develop Harvest Guidelines to Aid Restoration of Injured Terrestrial Mammals and Seaducks	\$99	Y	Y	Y	Y	N	Y	N	U	N	1	ADF&G	DOI
242	Rockfish	Monitoring Injury to Rockfish in PWS	\$117	Y	Y	Y	Y	N	N	N	U	Y	2	ADF&G	NOAA
245	Sea Otter	Habitat Utilization by Sea Otters and Designation of Protected Areas	\$83	Y	Y	Y	Y	N	Y	N	U	Y	2	DOI	DOI
247	Sea Otter	Radio Telemetry Project to Monitor Recovery of Sea Otters	\$450	Y	Y	Y	Y	N	N	N	U	N	1	DOI	DOI
275	Subsistence	Subsistence Harvest Replacement-Transport Subsistence Users to Unalut Areas	\$55	Y	Y	Y	?	N	Y	Y	Y	N	1	ADF&G	DOI
280	Subtidal	Spot Shrimp Survey and Juvenile Spot Shrimp Habitat Identification	\$180	Y	?	Y	Y	N	Y	N	U	Y	2	ADF&G	NOAA
	TOTAL		\$31,185												

6/28/94 1:23 PM

*Column Reflects Only Public Comments Received on the Project Titles List. But Decision to Place on First Priority List Included Consideration of All Other Public Comment

ID	RESOURCE	PROJECT TITLE	COST	LINK TO AREA	INJURY	TECHNICALLY			AGENCY		DIRECT	TIME	PEER REVIEW	FRESH	RT	LEAD	NEPA
						FEASIBLE	LEGAL	MGMT	RESTORATION	CRITICAL							
39	Common Murre	Common Murre Population Monitoring	\$191	Y	Y	Y	Y	N	N	Y	Y	Y	Y	6	DOI	DOI	
290	General	Hydrocarbon Data Analysis and Interpretation	\$105	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	6	NOAA	NOAA	
64	Harbor Seal	Harbor Seal Habitat Use, Monitoring, Population Modelling, and Information Synthesis	\$230	Y	Y	Y	Y	N	N	Y	Y	Y	Y	6	ADF&G	NOAA	
66	Harlequin Duck	Harlequin Duck Recovery Monitoring	\$200	Y	Y	Y	Y	N	N	Y	Y	Y	Y	6	ADF&G	DOI	
85	Intertidal	Recovery Monitoring of Intertidal Oiled Mussel Beds in PWS and GOA	\$500	Y	Y	Y	Y	N	N	Y	Y	Y	Y	6	NOAA	NOAA	
145	Intertidal	Shoreline Assessment	\$400	Y	Y	Y	Y	N	Y	Y	U	U	N	6	ADEC	NOAA	
92	Killer Whale	Recovery Monitoring of Killer Whales in PWS through Photo Identification	\$120	Y	Y	Y	Y	N	N	Y	Y	Y	Y	6	NOAA	NOAA	
102	Marbled Murrelets	Monitor Recovery of Marbled Murrelets Throughout Oil Spill Area	\$250	Y	Y	Y	Y	N	N	U	U	U	Y	6	DOI	DOI	
110	Multiple Resources	Habitat Protection, Data Acquisition and Support	\$400	Y	Y	Y	Y	N	Y	Y	U	U	Y	6	ADNR	USFS	
126	Multiple Resources	Habitat Protection and Acquisition Fund	18D	Y	Y	Y	Y	N	Y	Y	U	U	Y	6	ADNR	USFS	
266	Multiple Resources	Shoreline Oil Removal	\$500	Y	Y	Y	Y	N	Y	Y	U	N	6	ADEC	NOAA		
163	Multiple Resources	Abundance and Distribution of Forage Fish and Their Influence on Recovery of Injured Species	\$500	Y	Y	Y	Y	N	Y	Y	Y	U	N	6	NOAA	NOAA	
200	Oystercatcher	Black Oystercatcher Interaction with Intertidal Communities	\$108	Y	Y	Y	Y	N	N	Y	Y	Y	Y	6	DOI	DOI	
166	Pacific Herring	Herring Spawn Deposition, Egg Loss, and Reproductive Impairment	\$400	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	6	ADF&G	NOAA	
173	Pigeon Guillemot	Pigeon Guillemot Recovery Monitoring	\$180	Y	Y	Y	Y	N	N	Y	U	N	6	DOI	DOI		
237	River Otter	River Otter Recovery Monitoring	\$180	Y	Y	Y	Y	N	N	Y	Y	Y	6	ADF&G	USFS		
246	Sea Otter	Monitoring of Sea Otter Population Abundance, Distribution, Reproduction, and Mortality	\$337	Y	Y	Y	Y	N	N	Y	Y	Y	6	DOI	DOI		
244	Subsistence	Harbor Seal and Sea Otter Cooperative Subsistence Harvest Assistance	\$40	Y	Y	Y	Y	N	Y	Y	U	N	6	ADF&G	DOI		
279	Subsistence	Subsistence Food Safety Testing	\$100	Y	Y	Y	Y	N	Y	Y	U	N	6	ADF&G	NOAA		
7	Archaeology	Site specific Archaeological Restoration - Interagency	\$300	Y	Y	Y	Y	N	Y	Y	U	N	5	DOI	DOI		
345	Commercial Fish	Evaluation and Enumeration Projects for the Streamson the Lower Kona Peninsula	\$250	Y	Y	Y	Y	N	Y	Y	U	U	5	ADF&G	DOI		
43	Cutthroat/Dolly Varden	Cutthroat Trout and Dolly Varden Habitat Restoration in PWS, 4 Projects	\$200	Y	Y	Y	Y	N	Y	Y	U	N	5	ADF&G	USFS		
68	Intertidal	Deposit Sarc on Cleaned Beaches to Promote Clam Recruitment Feasibility Study	\$20	Y	Y	U	Y	N	Y	Y	U	Y	5	ADF&G	NOAA		
86	Intertidal	Herring Bay Experimental and Monitoring Studies	\$495	Y	Y	Y	Y	N	N	Y	U	N	5	ADF&G	NOAA		
165	Pacific Herring	Genetic Stock Identification for Herring in PWS	\$205	Y	Y	Y	Y	N	Y	U	Y	Y	5	ADF&G	NOAA		
184	Pink Salmon	Coded Wire Tag Recoveries from Pink Salmon in PWS Salmon Fisheries	\$250	Y	Y	Y	Y	N	Y	Y	U	Y	5	ADF&G	NOAA		
185	Pink Salmon	Coded Wire Tagging of Wild Stock Pink Salmon for Stock Identification	\$245	Y	Y	Y	Y	N	Y	N	Y	Y	5	ADF&G	NOAA		
192	Pink Salmon	Evaluation, Enumeration and effects of Hatchery Straying on Wild Pink Salmon in FWS	\$650	Y	Y	Y	Y	N	Y	Y	Y	Y	5	ADF&G	NOAA		
191	Pink Salmon	Investigating and Monitoring Oil Related Egg and Alevin Mortalities, Lab and Field Work	\$686	Y	Y	Y	Y	N	N	Y	Y	Y	5	ADF&G	NOAA		
259	Sockeye Salmon	Restoration of the Coghil Lake Sockeye Salmon Stock	\$165	Y	Y	Y	Y	N	Y	Y	Y	Y	5	ADF&G	USFS		
272	Subsistence	Chenega Chinook and Coho Release Program	\$55	Y	Y	Y	Y	N	Y	Y	U	N	5	ADF&G	NOAA		
273	Subsistence	Port Graham Salmon Hatchery	\$500	Y	Y	Y	Y	N	Y	Y	U	N	5	ADF&G	NOAA		
386	Archaeology	Artifact Repository and Cultural Centers, Planning, Site Selection and Design (PWS and GOA)	\$250	Y	Y	Y	Y	N	Y	N	U	U	4	ADNR	USFS		
139	Commercial Fish	Instream Habitat and Stock Restoration Techniques for Salmon	\$480	Y	Y	Y	Y	N	Y	Y	U	N	4	ADF&G	USFS		
41	Common Murre	Removal of Introduced Predators from Chirikof and Little Konig Islands	\$150	Y	Y	Y	Y	N	Y	N	U	N	4	DOI	DOI		
417	General	Waste Oil Disposal Facilities and Hazardous Waste Disposal Plan	\$500	Y	Y	Y	Y	N	Y	N	U	U	4	ADEC	USFS		
199	General	Seward Sea Life Center	\$25,000	Y	Y	Y	Y	N	Y	N	U	N	4	ADNR	NOAA		
81	Intertidal	Monitoring for Recruitment of Littleneck Clams	\$186	Y	Y	Y	Y	N	N	N	U	N	4	ADF&G	NOAA		
189	Pink Salmon	PWS Pink Salmon Stock Genetics	\$150	Y	Y	Y	Y	N	Y	Y	U	Y	4	ADF&G	NOAA		
209	Recreation	Green Island Cabin Replacement	\$20	Y	Y	Y	Y	N	Y	N	U	N	4	USFS	USFS		
217	Recreation	Implement Prince William Sound Area Recreation Plan	18D	Y	Y	Y	Y	N	Y	N	Y	N	4	ADNR	USFS		
241	Rock Fish	Develop a Rockfish Management Plan	\$175	Y	Y	Y	Y	N	Y	N	Y	Y	4	ADF&G	NOAA		
258	Sockeye Salmon	Sockeye Salmon Overescapement	\$700	Y	Y	Y	Y	N	Y	Y	Y	N	4	ADF&G	NOAA		
255	Sockeye Salmon	Kendal River Sockeye Salmon Restoration	\$650	Y	Y	Y	Y	N	Y	Y	Y	Y	4	ADF&G	NOAA		
277	Subsistence	Village Manufacture Project - Oyster Farming	\$589	Y	Y	Y	Y	N	Y	N	Y	N	4	ADF&G	NOAA		
15	Archaeology	Archaeological Site Stewardship Program	\$194	Y	Y	Y	Y	N	Y	N	U	N	3	ADNR	DOI		
40	Common Murre	Education Program to Reduce Disturbance Near Murre Colonies Injured by the Oil Spill	\$40	Y	Y	Y	Y	N	Y	Y	U	Y	3	DOI	DOI		
70	Intertidal	Restoration of High-Intertidal Fucus	\$300	Y	Y	Y	Y	N	Y	Y	U	N	3	ADF&G	NOAA		
90	Intertidal	Restoration of Mussel Beds	\$500	Y	Y	Y	Y	N	Y	Y	Y	Y	3	NOAA	NOAA		
147	Multiple Resources	Comprehensive Monitoring Program, Plan and Administer	\$250	Y	Y	Y	Y	N	N	Y	U	Y	3	NOAA	NOAA		

6/25/93 3:03 PM

*Column Reflects Only Public Comments Received on the Project Titles List. But Decision to Place on First Priority List Included Consideration of All Other Public Comments

ID	RESOURCE	PROJECT TITLE	COST	AREA	LINK TO	TECHNICALLY	AGENCY	DIRECT	TIME	PEER REVIEW	PUBLIC	RT	LEAD	NEPA	
						FRAMIBLE	LEGAL	MGMT	RESTORATION	ETHICAL	WORKSHOP RECOMMENDATIONS	SUPPORT	VOTE	AGENCY	LEAD/FEDERAL
316	Multiple Resources	Garbage Cleanup and Boat Maintenance for Oil Spill Areas	\$30	Y	Y	Y	?	N	Y	N	U	U	3	USFS	USFS
159	Multiple Resources	Monitor Marine Bird and Sea Otter Populations - Boat Surveys	\$275	Y	Y	Y	Y	N	N	N	N	Y	3	DOI	DOI
200	Recreation	17(b) Easement Identification-Public Land Access	\$100	Y	Y	Y	?	N	Y	N	U	N	3	ADNR	USFS
716	Recreation	Development of Gulf of Alaska Recreation Plan	\$140	Y	Y	Y	?	N	Y	N	Y	N	3	DOI	DOI
260	Sockeye Salmon	Red Lake Salmon Restoration	\$72	Y	Y	Y	Y	N	Y	Y	U	N	3	AD & G	DOI
285	Subtidal	Recovery Monitoring of Hydrocarbon-Contaminated Subtidal Marine Sediment Resources	\$390	Y	Y	Y	Y	N	N	N	Y	N	3	NOAA	NOAA
TOTAL			\$399												

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*Column Reflects Only Public Comments Received on the Project Titles List. But Decision to Place on First Priority List Included Consideration of All Other Public Comments

ID	RESOURCE	RESOURCE OPTION	PROJECT TITLE	COST	AREA	IMPACT	TECHNICALLY	LEGAL	AGENCY	DIRECT	TIME	SCIENTIST	PUBLIC	WT	LLAD	NEPA
							FEASIBLE									
137	Commercial Fish	Intensity Management	Stock Identification of Chum, Sockeye and Chinook Salmon in PWS	\$250		Y	Y	Y	N	Y	Y	Y	Y	2	ADF&G	NOAA
377	Commercial Fish	Option Not Identified	Hatchery Debt Retirement (PWSAC, VI DA)	\$25,000		Y	Y	Y	N	N	N	N	N	2	ADF&G	NOAA
54	General	Public Information	PWS Brochures	\$65		Y	Y	Y	N	N	N	N	N	2	USFS	USFS
59	General	Public Information	Science of the Sound: Education Program	\$53		Y	Y	Y	N	N	N	N	Y	2	NOAA	NOAA
63	Intertidal	Recovery Monitoring	Monitoring of Natural Recovery of Oiled and Treated Shorelines	\$400		Y	Y	Y	N	N	N	N	Y	2	NOAA	NOAA
320	Multiple Resources	Option Not Identified	Baseline Scientific Research - Ecosystem Study Plan	\$500		Y	Y	Y	N	N	N	N	N	2	NOAA	NOAA
187	Prink Salmon	Intensity Management	Otolith Marking - In-season Stock Separation Tool to Reduce Wild Stock Salmon Exploitation	\$152		Y	Y	Y	N	Y	N	N	Y	2	ADF&G	NOAA
195	Prink Salmon	Recovery Monitoring	Monitoring Early Marine Growth of Juvenile Salmon in PWS	\$50		Y	Y	Y	N	N	N	Y	Y	2	ADF&G	NOAA
242	Rockfish	Recovery Monitoring	Monitoring Injury to Rockfish in PWS	\$117		Y	Y	Y	N	N	N	N	Y	2	ADF&G	NOAA
245	Sea Otter	Habitat Protection (Public Land)	Habitat Utilization by Sea Otters and Designation of Protected Areas	\$83		Y	Y	Y	N	N	N	N	Y	2	DOI	DOI
18	Bald Eagle	Recovery Monitoring	Bald Eagle Productivity Survey and Counting	\$10		Y	Y	Y	N	N	N	N	Y	1	DOI	IXS
19	Bald Eagle	Recovery Monitoring	Long Term Population Monitoring for Bald Eagles	\$200		Y	Y	Y	N	N	N	N	N	1	DOI	IXS
44	Cutthroat/Dolly Varden	Intensity Management	Enhanced Management of Cutthroat Trout and Dolly Varden	\$285		Y	Y	Y	N	Y	Y	N	N	1	ADF&G	USFS
77	Intertidal	Recovery Monitoring	Coastal Habitat Comprehensive Intertidal Monitoring Program	\$500		Y	Y	Y	N	N	N	Y	Y	1	ADF&G	NOAA
341	Multiple Resources	Option Not Identified	Establish a National Marine Sanctuary Adjacent to Katmai National Park	180		Y	Y	Y	N	N	N	N	N	1	DOI	DOI
342	Multiple Resources	Option Not Identified	Establish a National Marine Sanctuary Adjacent to Kenai Fjords National Park	180		Y	Y	Y	N	N	N	N	N	1	DOI	IXS
154	Multiple Resources	Recovery Monitoring	Migratory Waterfowl and Shorebird Monitoring in Spill Area	\$300		Y	Y	Y	N	N	N	N	N	1	DOI	DOI
155	Multiple Resources	Recovery Monitoring	Monitor Population Status of Seabird Nesting Colonies in the Spill Area	\$100		Y	Y	Y	N	N	N	N	N	1	DOI	DOI
161	Multiple Resources	Reduce Disturbance Public Info	Public Information and Education	\$316		Y	Y	Y	N	N	N	N	N	1	DOI	DOI
356	Multiple Resources	Option Not Identified	Fund a Chair in a Natural Sciences at University of Alaska	\$2,000		Y	?	Y	N	N	N	N	N	1	NOAA	NOAA
240	River Otter	Sport/Trap Harvest Guidelines	Develop Harvest Guidelines to Aid Restoration of Injured Terrestrial Mammals and Seaducks	\$77		Y	Y	Y	N	Y	Y	N	N	1	ADF&G	DOI
247	Sea Otter	Recovery Monitoring	Radio Telemetry Project to Monitor Recovery of Sea Otters	\$450		Y	Y	Y	N	N	N	N	N	1	DOI	DOI
275	Subsistence	Replace Harvest Opportunities	Subsistence Harvest Replacement-Transport Subsistence Users to Unoilied Areas	\$55		Y	Y	Y	N	Y	Y	Y	N	1	ADF&G	DOI
TOTAL				\$31,185												

ATTACHMENT 7

Restoration Team Evaluation Procedures for the Identification of 1994 Restoration Work Projects:

The Restoration team established a five-stage process to identify and rank two lists of approximately 50 projects each representing our first and second priorities to be transmitted to the Trustee Council as directed June 2, 1993 by the Council. The Trustee Council will then identify projects from the lists to include in the 1994 Draft Work Plan. This process included the development of criteria to evaluate projects identified from the following sources.

- The 1994 Potential Project Title list created from past public and agency input that was transmitted to the public in April 1993.
- Public identified new projects based on review of the 1994 Potential Project Title list.
- Projects identified by the Trustee Council to be included in the 1994 Draft Work Plan.
- Projects identified by letters and public petitions transmitted to the Trustee Council.

Stage 1. Threshold Criteria

Each Restoration Team member used the following threshold criteria before considering a project for further evaluation:

- a. The action occurs in the area affected by the oil spill;
- b. The action is linked to an identified injured resource or associated service (see Trustee Council assumptions, June 2, 1993);
- c. The action is technically feasible;
- d. The action is legal (meets all requirements of the Settlement documents and/or Federal/State laws);
- e. The action is not normal agency management.

Stage 2. Evaluation Criteria

Each Restoration Team member reviewed the project list bearing in mind the 1994 Work Plan Assumptions approved by the Trustee Council and also evaluated the

ATTACHMENT 7

projects using the following criteria:

- a. The project is time critical or represents a lost opportunity;
- b. The Trustee Council has not rejected the project in the past, or, if it has been rejected, there is good reason to support it now;
- c. The project received support in the public review of the 1994 Potential Project Titles and other letters that were mailed between April 19 and May 20 (though the final decision to place a project on the recommended list included consideration of all forms of public comments);
- d. Comments provided by the peer reviewers during the January 1993 workshop suggested a project was or was not a logical action to restore an injured resource;
- e. The project represents a direct restoration action or applied study supporting restoration.

Stage 3. Individual Restoration Team Member Prioritization

Each Restoration Team member developed a list of about 50 projects based upon their application of the criteria identified in Stage 2. These six lists were compared and any project that was on any RT member's list was considered further. Some members developed a second priority list of 50 projects; however, they were not used by the Restoration Team.

Stage 4. Develop a list of 1994 Work Plan Projects recommended by the Restoration Team:

Related projects were combined into single projects in order to prepare a consolidated list. The projects were then prioritized by voting on each project. Projects that received three or more votes went to the top priority list. Those with one and two votes comprise the second priority list. After discussion, some projects originally included in an RT member's list no longer had the support of that member or of any other RT member and does not appear on the lists of projects being submitted to the Trustee Council.

Stage 5. Chief Scientist

The Chief Scientist will supply his comments directly to the Trustee Council on these lists.

ATTACHMENT 8

RESTORATION TEAM MEETING
JUNE 9, 1993
9:00 a.m.

ATTENDEES

Byron Morris
Ken Rice
Marty Rutherford
Dave Gibbons
Pamela Bergmann
Jerome Montague
Bob Loeffler
Chris Swenson
Ray Thompson
Karen Klinge
James Mackler, Sierra Club
Donna Fischer, PAG
Conni Linsey, Faulkner, Banfield, Doogan & Holmes
Tom Van Brocklin, City of Valdez

The following items were distributed:

Agenda

1994 Project Evaluation and Ranking
Trustee Council Meeting Notes - June 1-2, 1993
Restoration Team Summary - June 3, 1993
1993 Work Plan - Summary Recommendation Matrix
June 8, 1993 Memo to Dave Gibbons from RPWG
1994 Exxon Valdez Restoration Work Plan Assumptions

Dave asked for any changes or additions to the agenda.

A brochure was received from the Citizens Oversight Council on Oil and Other Hazardous Substances. The accompanying letter alleges endorsement by the TC. Dave had attended one meeting of this group.

Action: Dave will provide a copy of the brochure to each TC member to see if there is any problem with participation in the forum on oil spill prevention.

REVIEW AND APPROVAL OF JUNE 3 RESTORATION TEAM MINUTES

The minutes were reviewed.

Action: The Restoration Team adopted the minutes.

REVIEW AND APPROVAL OF TRUSTEE COUNCIL MINUTES

Pamela asked if a copy of the assumptions will be attached. Dave

ATTACHMENT 8

stated "yes".

Action: Dave will finalize the minutes using RT comments on 6/10/93.

REVIEW SUPPLEMENTAL DRAFT RESTORATION ALTERNATIVES PACKAGE

Bob stated the package will be called the Supplement to the Summary of Alternatives. Dave stated the only two areas which changed were the introduction and Appendix D; however, all sections were reviewed for comments.

Bob recorded the RT's editorial suggestions for incorporation.

Action: Bob will draft a letter stating the RT will go out with the six examples to the TC, based on their direction, and if they want the additional ten examples included to let the RT know. Bob will forward a draft of the letter to the RT for review.

Action: Dave asked RPWG to make the changes to the cover letter and introduction quickly and run them back through the RT this afternoon, possibly they can go to the TC tomorrow.

DEVELOPMENT OF 1994 WORK PLAN STUDIES LIST

Dave stated the RT needs to discuss the process of dealing with the projects. Jerome questioned if the habitat projects will be dealt with separately. Marty stated they will all be considered under the habitat acquisition fund. Byron stated he is not comfortable with that and would like some assurances that they all are covered. Dave stated the first step would be to ask if anyone threw any out based on the threshold criteria.

Byron stated the individual projects should not drive what the entire program is going to contain. Dave stated we need to track back on the public comments and the PWS letter to see how they fit with the overall 1994 plan. Marty stated she incorporated all that into her priority. Marty stated when this list is complete, we will go to the agencies to draft a three pager, we need to give them some direction. Ken stated the TC does want a little more than the title. Pamela stated we are trying to give the TC the top 50 titles. Jerome stated we need to come up with a list of 100 and have some sort of write up. Pamela supports filling out the chart for the ones recommended to go forward.

It was decided it would be useful to go through each category and determine the projects any RT member had on their list of 50 voted for. The voting record was recorded as follows:

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INITIAL RT 50 PROJECT VOTING RECORD¹

<u>Project</u>	<u>In Favor</u>
Archaeology	
4	DNR, DEC
7	DOI, FS, DEC, DNR
15	DOI, DNR, DEC, FS
Bald Eagles	
17	DOI, NOAA
18	NOAA
19	DOI
Black Oystercatcher	
20	DOI, F&G, FS, DEC, NOAA
21	NOAA
Commercial Fishing	
30	NOAA
31	NOAA, DEC, DNR
33	FS, F&G
34	F&G
Common Murres	
36	FS
39	DOI, DNR, F&G, DEC, NOAA, FS
40	DNR, DEC, DOI, FS
41	DOI
Cutthroat Trout/Dolly Varden	
43	F&G, DNR, DEC, FS
44	DEC, DNR, F&G
General	
50	NOAA

¹Using Trustee Council guidance, all public input and threshold and evaluation criteria, individual Restoration Team members selected the top 50 projects. Those not listed did not get votes.

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54
59

DNR, DEC
NOAA

Harbor Seals

61
62
64

DOI, FS, NOAA,
DEC, DNR
DEC, DNR, FS, F&G, NOAA

Harlequin Ducks

65
66

DOI, FS
DNR, F&G, NOAA, DEC, DOI

Intertidal

68
69
70
76
77
78
81
83
85
86
87
88
89
90

DOI, F&G, DEC
DOI, DEC, F&G, FS
DOI, FS
DOI
DOI, FS, NOAA
DOI
DEC
DOI, NOAA
NOAA, DOI, DNR, F&G, FS, DEC
DOI, F&G
DNR, DEC
DNR, DEC
DNR, DEC
DOI, FS, DNR, DEC

Killer Whales

92
93

NOAA, F&G, DNR, FS
NOAA, DOI

Marbled Murrelets

96
97
99
101
102

DOI, F&G, NOAA, FS
DOI, NOAA
FS
DNR, DOI
DNR, DEC, DOI

Multiple Resources

103
126
130

FS
DOI, NOAA, DNR, DEC, FS, F&G
NOAA

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133	F&G
137	NOAA, F&G
147	DNR, NOAA, F&G, FS
150	DNR, FS
153	DOI
154	DOI
155	DOI
159	DOI, NOAA
161	DOI
163	DOI, NOAA, DNR, DEC, FS, F&G

Pacific Herring

165	F&G, NOAA, DEC
166	FS, F&G, NOAA, DNR, DEC

Pigeon Guillemot

173	DNR, FS, DOI, DEC
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Pink Salmon

178	F&G, FS
180	FS, F&G
184	F&G, DEC
185	F&G, FS, NOAA
186	NOAA
187	NOAA
189	NOAA, F&G
191	NOAA, F&G, FS
192	NOAA, F&G, FS
193	DOI, F&G, NOAA
194	NOAA
195	NOAA, FS
196	FS, F&G, DNR, DEC

Recreation

199	DNR, FS, DEC
200	DNR, FS
209	DEC, DNR, FS
213	DEC, DNR
215	FS
216	DOI
217	DEC, DNR, FS
236	DNR, FS, DEC

River Otters

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237 F&G, FS, DOI, NOAA
240 F&G

Rockfish

241 DEC, F&G
242 NOAA, DOI

Sea Otters

244 DNR
245 DOI, NOAA
246 DOI, NOAA, DEC
247 DOI
248 F&G, FS, NOAA

Sockeye Salmon

254 F&G, DEC
255 F&G
258 F&G
259 F&G, FS, NOAA
260 F&G

Subsistence

265 DEC, DNR
266 DEC, DNR, NOAA, DOI
267 DNR
268 DNR
269 F&G, DNR
270 DEC
271 DNR
272 F&G, NOAA, FS
273 DNR, FS
275 DNR
277 DNR, DEC, NOAA, F&G
278 DNR, FS
279 DOI, NOAA, DEC, F&G, DNR

Subtidal

280 NOAA
281 F&G, DEC, DNR
282 NOAA
285 DOI, FS, DEC
286 F&G, NOAA

Technical Services

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290	F&G, DOI, NOAA
294	DEC

New Projects

307	F&G
316	DNR, DEC
320	F&G, DNR, DEC
341	DOI
342	DOI
345	F&G
356	F&G
377	DNR
382	F&G
386	DNR, F&G, DEC

Recent Projects

417	DEC, FS
418	DEC

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REQUESTED DELETIONS AS A RESULT OF LIMITING RESTORATION TEAM ONLY 50 VOTES

<u>NOAA</u>	<u>ADF&G</u>	<u>ADNR</u>
15	23	254
40	30	270
289	35	272
293	52	
	62	
	81	
<u>DEC</u>	103	
21	104	
35	139	
50	150	
76	188	
92	194	
150	267	
244	268	
272		
278		

ADDITIONS

<u>DOI</u>	<u>FS</u>	<u>ADNR</u>
83	15	92
85	40	271
279	43	273
216	92	
155	96	
	147	
	273	

RT will review the following tomorrow (June 10th):

- TC Minutes
- Fact Sheet
- Alternatives Cover Letter
- Continue with 1994 Work Plan

PROCESS FOR REVIEW OF 1994 PROJECTS

It was suggested to go resource by resource and discuss the projects' intent and subsequent agency support. (Projects will be briefly discussed to determine duplication). A re-vote based

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upon discussion will be taken and the top 50 determined.

Meeting adjourned until 8:30 on 6/10/93.

June 10, 1993
8:30 a.m.

FACT SHEET

The need for a fact sheet was due to comments in the press saying the TC has done no restoration at all. The purpose of the fact sheet is to show restoration actions funded. Pamela stated if we are trying to show the public money has been spent on restoration, it might be a good idea to show the five tables broken out, which are consistent with the alternatives. Dave will take a shot at this and return it to the RT for review. The verbiage was reviewed.

Action: LJ will capture the revisions and distribute a draft copy for review.

ASSIGNMENTS

Lead agency recommendations will be done by the 1994 Work Group.

RT members will fax any comments regarding the cover letter to the Supplemental Summary of Alternatives to Dave by 9:00 a.m. on 6/11/93.

RT will get a breakdown of number of votes on each project and the minutes to look at.

Notes taken on the June 1-2, Trustee Council meeting were approved with some small changes.

Minutes will be faxed to Dave tomorrow for his initial review.

The next RT meeting is 6/17 at 9:00 a.m.

Meeting adjourned at 4:35.

The projects were reviewed as follows:

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1994 PROJECT PRIORITIZATION VOTE

PROJECT	RT VOTE	DISCUSSION
ARCHAEOLOGY		
4. Coastal Archaeological Inventory and Evaluation of Archaeological Sites - Interagency	No votes	Dave stated he thought that this is an inventory of archaeological sites. Pamela stated the purpose is to do baseline inventory work for future spills, which is a legitimate thing to do. Marty stated the PWS Recreation Plan has recommended this project. They have worked very closely with all the major entities in PWS and identified that the artifacts are part of recreation. Dave stated that there was a comprehensive inventory of cultural sites completed as part of the damage assessment studies in 1991-92 throughout the oil-spill area.
7. Site-specific Archaeological Restoration - Interagency	FS, DOI, DNR, DEC, NOAA	Pamela stated in 1993 the TC approved Project 93006 which was to begin doing site-specific restoration. The project for 1994 would complete restoration work at the 24 known injured sites.

6. Project 266, shoreline oil removal, time critical

NOAA-Y
USFS-Y
ADEC-Y
ADFG-Y
ADNR-Y
DOI -N
Time critical

7. Project 316, garbage cleanup and trail maintenance, time critical

NOAA-N
USFS-N
ADEC-N
ADFG-N
ADNR-N
DOI -N
Not time critical

8. Project 166, Herring spawn deposition, time critical

NOAA-Y
USFS-Y
ADEC-Y
ADFG-Y
ADNR-Y
DOI -Y
Time critical

9. Project 184, CWT recovery in PWS, time critical

NOAA-Y
USFS-Y
ADEC-Y
ADFG-Y
ADNR-Y
DOI -N
Time critical

10. Project 185, CWT of wild stocks in PWS, time critical

NOAA-Y
USFS-N
ADEC-Y
ADFG-Y
ADNR-Y
DOI -N
Not time critical

11. Project 192, Pink salmon monitoring, time critical

NOAA-Y
USFS-Y
ADEC-Y
ADFG-Y
ADNR-Y
DOI -N
Time critical

12. Project 209, Green Island Cabin, time critical

NOAA-N
USFS-Y
ADEC-N
ADFG-Y
ADNR-N
DOI -N
Not time critical

13. Project 241, rockfish management plan, time critical

NOAA-Y
USFS-N
ADEC-Y
ADFG-Y
ADNR-N
DOI -N
Not time critical

14. Project 260, red Lake restoration, time critical

NOAA-Y
USFS-Y
ADEC-Y
ADFG-Y
ADNR-Y
DOI -N
Time critical

15. Project 272, Chenega Chinook release, time critical

NOAA-Y
USFS-Y
ADEC-Y
ADFG-Y
ADNR-Y
DOI -N
Time critical

16. Project 273, Port Graham Hatchery, time critical

NOAA-Y
USFS-Y
ADEC-Y
ADFG-Y
ADNR-Y
DOI -N
Time critical

17. Project 280, Spot Shrimp, RT vote

NOAA-N
USFS-N
ADEC-N
ADFG-Y
ADNR-Y
DOI -N
Move to second priority list

18. Project 44, Dolly Varden Management Enhancement, time critical

NOAA-N
USFS-N
ADEC-N
ADFG-Y
ADNR-N
DOI -N
Not time critical

19. Project 81, Littleneck Clam Monitoring, time critical

NOAA-Y
USFS-N
ADEC-N
ADFG-Y
ADNR-Y
DOI -N
Not time critical

20. Project 81, Littleneck Clam Monitoring, RT vote

NOAA-Y
USFS-N
ADEC-N
ADFG-Y
ADNR-Y
DOI -Y
Move to first priority list

21. Project 240, Harvest Guidelines for mammals and seaducks, time critical

NOAA-N
USFS-N
ADEC-N
ADFG-N
ADNR-N
DOI -N
Not time critical

22. Project 421, GIS restoration support, RT vote

NOAA-Y
USFS-Y
ADEC-Y
ADFG-Y
ADNR-Y
DOI -(Not present)
Develop new project

23. No members of the public were present.

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<p>15. Archaeological Site Stewardship Program</p>	<p>DNR, DOI, DEC</p>	<p>Pamela stated in 1992 the TC funded a program to begin developing the site stewardship program, which would use local people to go out and protect archaeological sites from further vandalism. The TC did not approve work in 1993. The reasoning behind that is an archaeologist commented that he had some concerns with site stewardship programs because some of the people designated to protect the sites end up vandalizing them. Marty stated the Peer Reviewer (Don Dummond) felt this was an effective program. All the training material was already completed under R104A in 1992 and is ready to use.</p>
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<p>386. Native Museums and Cultural Centers at Eyak, Chenega, Tatitlek, and Valdez</p>	<p>FS, F&G, DNR, DEC</p>	<p>Marty stated the people in PWS are looking for small village repositories with a larger facility in Valdez or Nuchek. Dave stated there are some basic requirements for a cultural center, and Pamela stated it is an expensive proposition. Bob stated in Kodiak, they heard the same thing, but they wanted it in Old Harbor or Larson Bay to educate their kids. Marty stated the people in PWS are suggesting a commitment of matching funds up to \$3 million dollars. The whole point is if we got approval to go forward, some of the unknowns could be resolved. Marty added this project has the support of the entire PWS area, and she would like this project amended to include Valdez. Some concern was expressed concerning the remoteness of the Nuchek site and was thus, removed. Ken suggested dropping Nuchek. Ken stated the cost is \$1.4 million for four sites.</p>
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BALD EAGLE		
17. Identification and Protection of Important Bald Eagle Habitats	No vote taken	Ken stated part of this project is doing field surveys to identify where the bald eagle are and the selection process which is part of habitat protection. This project will be included as appropriate as habitat protection data acquisition under multiple resources (Project #110), and will not be voted on at this time.
18. Bald Eagle Productivity Survey and Catalog	NOAA	Dave stated this project was included in 1993 for identification of important eagle habitat and rejected by the TC. The RT, PAG and Chief Scientist all did not recommend Project 052. Byron stated this project had public support.
19. Long-term Population Monitoring for Bald Eagles	DOI	Pamela stated this project entails long-term population monitoring to make sure the eagles have recovered. One Peer Reviewer believes in 1993-94 you may be seeing some decline in the population because of the high nest failures.
BLACK OYSTERCATCHER		

ATTACHMENT 8

20. Black Oystercatcher Interaction with Intertidal Communities	FS, DOI, F&G, DNR, DEC, NOAA	Pamela stated this project would be looking at the feeding ecology and reproductive success. Project 21 should be eliminated and captured in Project 20, which is more comprehensive.
21. Feeding Ecology and Reproductive Success of Black Oystercatchers in PWS		This project integrated into Project 20.
COMMERCIAL FISH		
30. Recovery of Coded Wire Tags from Pink Salmon in Commercial Catches, Hatchery Cost Recovery	No vote taken	Jerome stated this project is very similar to 184. Project 30 is subsumed in Project 184.
31. Wild Fish Stock Information Assessment	No vote taken	Jerome recommended this be dropped and replaced with 185 because of obvious duplication. Byron stated he wants these to stay with all the other pink salmon projects. He will insist on showing how all these projects inter-relate and fit in the package. Project subsumed in #185.
33. Montague Island Chum Salmon Restoration	No vote taken	An existing project was not funded this year by the TC. Project subsumed under Project 139.
34. Paint River Fish Ladder Salmon Stocking Program	No vote taken	This is a sockeye salmon enhancement project in Cook Inlet. Project subsumed under Project 139.

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137. Stock Identification of Chum, Sockeye and Chinook Salmon in PWS	NOAA, F&G	Jerome stated this is a coded wire tagging project for non-pinks. Funded by the TC in 1993 for \$126,400.
345. Evaluation and Enumeration Projects for the Streams in Lower Cook Inlet	DNR, F&G, NOAA, DEC, FS	Jerome stated this is an evaluation project for lower Cook Inlet for fish returning to the streams. Its value is intensified management. Dave stated this project is supported by fishing groups. Ken stated he is uncomfortable with reacting to a perceived need by the users, if the proposed project does not satisfy the objective of restoring injured resources. Jerome stated it would restore injured pink and chum salmon.
377. Hatchery Debt Retirement	DNR, F&G	Ken questioned if this meets the threshold criteria. There is \$25 million worth of debt, and they want to pay it off. Dave stated it might not be legal under the MOA. This project will be flagged to determine if it is legal under the settlement agreement.
382. Lower Cook Inlet - Port Dick Chum Salmon Restoration Site Survey	No vote taken	Dave stated this is a chum project for possible enhancement. Jerome stated Project 139 could cover all salmon fish. Ken recommended figuring out how we want to arrange the projects. The categories will be rearranged so that all the salmon are together. Project subsumed under Project 139.

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139. Instream Habitat and Stock Restoration Techniques for Anadromous Fish	FS, DEC, DNR, F&G	See comments on Projects 33, 34, and 382.
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COMMON MURRE		
36. Testing of the Feasibility of Enhancing Productivity	No support	The TC rejected this project in 1993.
39. Common Murre Population Monitoring	F&G, FS, NOAA, DEC, DNR, DOI	Pamela stated this project includes continuing monitoring for recovery like what has been approved in 1992.
40. Reduce Disturbance Near Murre Colonies Injured by the Oil Spill	DEC, NOAA, DOI	Marty stated this is an education program. Pamela stated this is the same project as last year which was recommended by the Chief Scientist, but was voted down by the TC
41. Removal of Introduced Predators from Bird Colonies	DOI, DNR, FS, F&G	Pamela stated this includes removing foxes. FWS stated if there are murre hatching on these islands and if they spend part of their life in the oil spill area, would that meet the injury link. Dave stated "no" because the area is defined as work within the oil spill area. Dave suggested this project could be renamed: Removal of Introduced Predators from Islands in the Oil Spill Area. Thus, it would cost less and would meet the criteria.

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CUTTHROAT TROUT/DOLLY VARDEN		
43. Cutthroat Trout and Dolly Varden Habitat Restoration	DNR, DEC, F&G, NOAA, FS	Jerome stated this identifies a number of cutthroat and Dolly Varden streams and those areas which would benefit from enhancement. It includes doing four fish stream enhancement projects. Title changed to: Cutthroat/Dolly Varden Habitat Restoration in PWS.
44. Enhanced Management of Cutthroat Trout and Dolly Varden	F&G	Jerome stated this project was not approved last year. It redirects fishing efforts from injured areas and includes identifying the production of other systems. The end product is a management plan which prevents fragile areas with increased pressure from falling into an impacted status. Jerome stated the PI's felt there is a fair amount of variability so that they can't fully link the changes in population to the oil spill, but there are proven effects on growth.
GENERAL		
50. Hazardous Material Collection Facility	No vote taken	Byron stated this appears to be the same as 417 under multiple resources. Project is subsumed in Project 417.

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54. PWS Brochure	DNR, FS	This project develops educational brochures for the public on PWS. This project was rejected by the TC in 1992.
59. Science of the Sound-Education Program	F&G, NOAA	Dave stated this is the only general project supported by the public. Marty stated this project develops "What Science in the Sound" is.
417. Waste Oil Disposal Plan and Hazardous Waste Disposal Planning	DEC, NOAA, DNR, FS	Byron stated this project provides facilities for disposal of oil properly. Marty stated this is based on the further degradation issue. Pamela stated this should be the responsibility of other entities. Dave stated this project should be flagged for further legal review.
199. Seward Sea Life Center	DNR, DEC, FS, F&G	Dave stated this project's cost is \$25 million. \$12.5 million is pending in State criminal funds and the remaining about \$9 million needed will be obtained through other sources. The project is aimed at rehabilitation of marine birds and mammals, research into their decline, and public education.

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200. 17(b) Easement Identification-Public Access	DNR, DEC, FS	This project is for publication of an atlas so that people know where they can legally camp. Cost is \$100,000 and would cover PWS and Kodiak. Marty stated some of this may fall under normal agency management but, in reality, will probably never get done. It is normal agency management to mark the sites but not to publish it (\$40,000 is for the PWS printing of information. \$60,000 is for the KIB document and printing). This project goes under Recreation.
209. Green Island Cabin Replacement	F&G, FS, DNR, DEC	Ken stated this is a public recreation cabin administered by the Forest Service which was trashed during cleanup. This money would replace the cabin.
213. Public Use Cabins in State Marine Parks	No vote taken	Project 213 is subsumed in 217.
215. PWS Recreation Facilities	No vote taken	Project 215 is subsumed in 217.
216. Development of Gulf of Alaska Recreation Plan	DOI, DNR, FS	Marty proposed amending this to identify Kenai Peninsula and Kodiak Island for regional plans. Pamela feels that it is encompassed. The description should say that appropriate geographic areas within the Gulf of Alaska be broken out into individual plans.

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217. Implement Prince William Sound Area Recreation Plan	DNR, DEC, FS, F&G	This project includes 213 and 215. See proposal on PWS Recreation Plan.
236. Valdez Visitor Center		Marty stated she thought they wanted an interpretive center. Input was received from the public supporting a repository. This project is deleted because of duplication with Project 386 as stated by Tom Van Brocklin (public present).
290. Hydrocarbon Data Analysis and Interpretation	NOAA, DEC, DNR, FS, DOI, F&G	This project maintains and updates hydrocarbon data.
294. Develop User Friendly Synopsis of Oil Spill Information	No support	Dave stated this project would include information on an area-wide oil-spill area.
HARBOR SEAL		
61. Monitoring Trends in Abundance of Harbor Seals in PWS	No vote taken	This project is subsumed in Project 64.
62. Subsistence Harvest Assistance	No vote taken	This monitors subsistence projects in conjunction with Native programs. An information dissemination program will be developed. It also includes redirecting harvest. Project 62 is subsumed in Project 244.
64. Habitat Use, Monitoring, Population Modeling, and Information Synthesis	DOI, DEC, DNR, FS, F&G, NOAA	This project covers PWS and was approved by TC in 1993 for \$230,500.
HARLEQUIN DUCK		

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65.		This project deleted since it is subsumed in Project 90.
66. Harlequin Duck Recovery Monitoring, Population Modeling and Habitat Information Synthesis	DOI, DNR, DEC, FS, DEC, NOAA	The cost was \$300,000 in 1993. This project is for the PWS, Kenai and Afognak oil-spill area. TC approved in 1993 but felt no further habitat work would be required for this species.
INTERTIDAL		
68. Deposit Sand on Cleaned Beaches, to Promote Clam Recruitment-Feasibility Study	DEC, F&G, FS, DNR, DOI	This project's cost is \$20,000. There was a large amount of support just as a feasibility project to restore clam beds.
69. Fucus Restoration Feasibility Study	No vote taken	This project is deleted because it is subsumed in Project 86.
70. Restoration of High-Intertidal Fucus	FS, DOI, F&G	Need to look at natural recovery rate. This resource has shown injury.
76. Fate and Transport of Subsurface Hydrocarbons in Beach Deposits in PWS		Pamela stated this is very similar to Project 83. Project 76 is deleted because it is subsumed in Project 83.
77. Coastal Habitat Comprehensive Intertidal Monitoring Program	NOAA	This project includes sampling throughout the oil spill area. Jerome stated the cost is not sufficient for this project.

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78. Hydrocarbons in Mussels from Coastal Gulf of Alaska, Cook Inlet and Shelikof Strait	No vote taken	This project looks at mussels outside PWS. Byron stated this would be included in 85. Project 78 is subsumed in Project 85, and Project 85 includes PWS and the Gulf of Alaska.
81. Monitoring for Recruitment of Littleneck Clams	F&G, NOAA, DNR, DOI	Jerome stated this is not a hard restoration project but is monitoring.
83. Natural Recovery of Oiled and Treated Shorelines and Monitoring	NOAA, F&G	This is a HAZMAT (NOAA) project and includes Project 76. Byron thinks it is being funded this year out of federal criminal money.
85. Recovery Monitoring of Intertidal Oiled Mussel Beds	DNR, DOI, DEC, FS, F&G, NOAA	This project was funded in 1993 for \$400,000 by the TC.
86. Herring Bay Experimental and Monitoring Studies	DNR, DOI, DEC, FS, F&G	This project was funded for \$570,500 by the TC.
87. Bivalve Shellfish Rehabilitation Project	No support	This project involves the villages transplanting clams and seeding beaches with clam spat.
88. Clam Enhancement	No vote taken	This project is deleted and is subsumed in 87.
89. Replacement of Oiled Mussels with Commercially Produced Mussels	No support	This is operational cost for a hatchery and mussels being placed in the field.

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90. Restoration of Mussel Beds	DOI, F&G, DEC	Dave questioned whether this can be done before finishing 85, since 85 includes some feasibility studies concerning oil removal from mussel beds. Pamela suggested including this until there is more information.
KILLER WHALE		
92. Photo-identification Studies of PWS Killer Whales	F&G, NOAA, DNR, DEC, FS, DOI	This was funded in 1993 for \$120,000. This sounds like something the agencies should be doing. The title is changed to: Recovery Monitoring of Killer Whales Using Photo-identification. Byron stated the project wasn't funded in 1992 except for close-out and final reports. It was decided to take the chapters from the book written by the PI as the final report; however, the contractor did not get his chapter done. This would be dependent next year on this year's results. This year's study might be done next year instead as a result of slow preparation of the 1992 final report.

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93. Recovery Monitoring	No vote taken	This project subsumed in Project 92.
MARbled MURRELET		
96. Identification of Nesting Habitat Criteria and Reproductive Success for Marbled Murrelet	No vote taken	This project subsumed in 110.
97. Survey to Identify Upland Use by Murrelets	No vote taken	This project subsumed in 110.
99. Marbled Murrelet Nesting and Feeding Site Characterization and Assessment	No vote taken	This project subsumed in 110.
101. Determine Status of Marbled Murrelet Populations in Kenai Fjords and Katmai National Parks	No vote taken	This project subsumed in Project 102.
102. Survey to Monitor Recovery of Marbled Murrelets	DOI, DEC, DNR, F&G, NOAA, FS	"Throughout the oil spill area" is added to the title.
MULTIPLE RESOURCES		
103. Habitat Modeling	No vote taken	The cost is \$150,000. Ken stated this project is aimed at determining a red-face test so you know when you have had enough information. This project is subsumed in 110.

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110. Characterization and Identification of Habitat Important to Upland Species	DOI, DNR, DEC, FS, NOAA, F&G	This project would include marbled murrelets, harlequin ducks and anadromous fish. The Habitat Protection Work Group will determine the amount of work to be done and flush out this project. GIS capabilities could be accommodated as was done in 1993. HPWG not sure anything is needed for this species.
126. Habitat Acquisition Fund	DOI, DNR, DEC, FS, NOAA, F&G	The TC needs to determine the amount of money for this project. Instead of a blank for cost, TBD will be inserted. Appraisals, title searches, and hazardous material surveys could be accommodated as was done in 1993.
130. Kodiak Bear Refuge Stream Mouth Inholdings Acquisition		This project is subsumed in 126.
133. Genetic Risk Assessment of Injured Salmonids		This project is subsumed in Project 189.
147. Comprehensive Monitoring Program, Plan and Administer	NOAA, F&G; DEC	The Phase 3 capabilities should be accommodated with integration and coordination. Cost seems high.
316. An \$18,000 Endowment for Garbage Cleanup and Trail Maintenance	DNR, DEC, FS	This would be for beach garbage cleanup and trail maintenance and is basically a volunteer effort. The cost is \$30,000 for the oil-spill area.

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320. Baseline Scientific Research	NOAA, F&G	This project had a lot of support. It would cost \$50,000-\$60,000 to see if this can be done. Assuming it can be done, a plan will cost about \$200,000. Doing the project would cost \$1.5 million. This is equated with the ecosystem study, which didn't make the cut. Bob stated that this should be a development project and should be done by Phases. Ken stated there is a NEPA question in that it may go beyond the scope. Pamela stated this will be a policy question for the TC. Jerome stated "baseline" is an appropriate term for understanding the ecosystem first. Ecosystem Study Planning is added to the title. The cost is \$500,000.
341. Establish a National Marine Sanctuary Adjacent to Katmai National Park	DOI	This includes public analysis.
342. Establish a National Marine Sanctuary Adjacent to Kenai Fjords National Park	DOI	
307. Acquisition of Kenai River Conservation Easements	No vote taken	This project is subsumed in 126.
350. Injured Resource Food Supply	No vote taken	This project is subsumed in 163.
353. Migratory Shore Birds Staging in Rocky Intertidal Habitats in PWS		This project is subsumed in 154.

ATTACHMENT 8

154. Migratory Waterfowl and Shore-bird Monitoring	DOI	This project includes the oil-spill zone. The cost is \$300,000.
155. Monitor Population Status of Seabird Nesting Colonies in the Spill Zone	DOI	This would supplement the murre project.
159. Surveys to Monitor Marine Bird and Sea-Otter Populations	DOI, NOAA, FS	This is the boat survey and has been funded in 1993. Pamela stated it may not be necessary to do the otter component next year. Spies should re-view this. Cost is \$275,000.
161. Public Information and Education	DOI	This would be for species other than murre. Cost is \$316,000.
163. Abundance and Distribution of Forage Fish and their Influence on Recovery of Injured Species	DOI, DNR, DEC, NOAA, FS, F&G	This project is the forage fish study. Cost should be \$500,000 for calibration and developing approach. This should be a phased approach (Phase I and II).
356. Fund 3 Chairs in Oceanography and Marine Chemistry at U of A	F&G	This project funds a chair in natural sciences at the University of Alaska. Cost is \$2 million per chair. This involves a legal question.
418. Small Boat Harbors Water Quality Improvement Projects	DEC, NOAA	This involves a legal question and applies to the oil-spill area. Cost is to be determined.
PACIFIC HERRING		

ATTACHMENT 8

165. Genetic Stock Identification for Herring in PWS	DNR, DEC, F&G, NOAA, FS	This is a PAG-supported project in 1993. Herring is a major component of the ecosystem and produces most of the marine biomass for PWS. This project will identify if there are different stocks in PWS.
166. Herring Spawn Deposition, Egg Loss, and Reproductive Impairment	DNR, DEC, F&G, NOAA, FS, DOI	This is in the top 50 per direction of the TC on June 2nd.
PIGEON GUILLEMOT		
173. Pigeon Guillemot Recovery Enhancement and Monitoring	DNR, DEC, FS, NOAA, F&G, DOI	This project is natural recovery monitoring. Funded in 1993?
PINK SALMON		
184. Coded Wire Tag Recoveries from Pink Salmon in PWS Salmon Fisheries	NOAA, F&G, DNR, DEC, FS	This project is more important for managing. The price is changed to \$250,000. Approved by the TC in 1993.
185. Coded Wire Tagging of Wild Stock Pink Salmon for Stock Identification	NOAA, DNR, F&G, DOI, DEC	This project is for tagging wild fish.
187. Otolith Marking - In-season Stock Separation Tool to Reduce Wild Stock Salmon Exploitation	NOAA, F&G	Jerome stated this project is a several year commitment and is similar to coded wire tags project.

ATTACHMENT 8

189. PWS Salmon Stock Genetics	F&G, NOAA, DNR, DEC	This project is to understand whether you have separate stocks in different regions. The results would help determine how intensive management needs to be. This project was voted down by the TC in 1993. Need more justification!
191. Investigating and Monitoring Oil-Related Egg and Alevin Mortalities, Lab and Field Work	DOI, F&G, FS, NOAA, DEC	This is a continuation of Project 93003 begun last year. Funded in 1993 for \$686,000.
192. Restoration Monitoring, Effects of Straying and Preservation of Wild Populations of Pink Salmon	DNR, DEC, NOAA, DOI, FS	This project is for recovering carcasses and tags placed on fish by TC projects.
195. Monitoring Early Marine Growth of Juvenile Salmon in Prince William Sound	NOAA, F&G	Early marine growth studies were conducted as part of Damage Assessment.
RIVER OTTER		
237. River Otter Recovery Monitoring	NOAA, DNR, DEC, FS, F&G, DOI	This is the same one as in the 1994 Work Plan. It would monitor the recovery by using population trend counts based on scat counts between sites. Sites would be walked and compared to two years ago. This is the first time terrestrial mammals have been documented showing significant injury as a result of an oil spill. Pamela stated she would like to hear from Spies on this project. The cost is \$180,000.

ATTACHMENT 8

<p>240. Develop Harvest Guidelines to Aid Restoration of Injured Terrestrial Mammals and Seaducks</p>	<p>F&G</p>	<p>This was presented to the TC last year. The cost was arbitrarily cut, and the PI said it could not be done at that cost. Pamela stated Mark Brodersen felt strongly in 1993 that the cost should have been lower and also this should be normal agency management. The cost is \$99,000.</p>
<p>ROCKFISH</p>		
<p>241. Develop a Rockfish Management Plan</p>	<p>F&G, NOAA, DEC, DNR</p>	<p>This project had good public support and was in the 1994 Work Plan Framework.</p>
<p>242. Monitoring Injury to Rockfish in PWS</p>	<p>NOAA, F&G</p>	<p>This project monitors recovery.</p>

ATTACHMENT 8

SEA OTTER		
244. Harbor Seal and Sea Otter Cooperative Subsistence Harvest Assistance.	F&G, NOAA, DEC, DNR, DOI, FS	The cost is \$40,000. Project is to assist subsistence users and monitor harvests.
245. Habitat Utilization by Sea Otters and Designation of Protected Areas	DOI, NOAA	
246. Monitoring of Sea Otter Population Abundance, Distribution, Reproduction, and Mortality	DOI, FS, NOAA, DNR, DEC, F&G	This is a continuation of monitoring sea otter populations without radio telemetry. FWS supported this project. The cost is \$291,900.
247. Radio Telemetry Project to Monitor Recovery of Sea Otters	DOI	This project includes radio telemetry.
248. Sea Otter Population Dynamics	No vote taken	This project is subsumed in Project 246.

ATTACHMENT 8

SOCKEYE SALMON		
254. Genetic Stock Identification of Kenai River Sockeye	NOAA, F&G	This project enumerates adult escapement and will be used to separate stocks by genetic and other means. The project will allow for management action to ensure higher escapement back to the Kenai. This project dovetails with F&G management and is subsumed into project 255.
255. Kenai River Sockeye Salmon Restoration	NOAA, F&G, FS, DNR	Cost is \$650,000. TC funded in 1993.
258. Sockeye Salmon Overescapement	F&G, DEC, DNR, FS	This is a stand-alone project. TC funded in 1993. This project does smolt and fry counts and biological work.
259. Restoration of the Coghill Lake Sockeye Salmon Stock	NOAA, F&G, DEC, FS, DNR	This project was funded for \$191,900 in 1993. Monitoring cost should be closely looked at. Byron suggested calling this direct restoration.

ATTACHMENT 8

260. Red Lake Salmon Restoration	DNR, DEC, F&G	Jerome stated the TC mandated this project. The EA is being done for work in 1993. The current problem with this project as proposed is it is incompatible with the USFWS-managed refuge. Marty stated that the land managers should be satisfied before work proceeds. Jerome stated Fish and Game is working on being responsive to their concerns. TC June 2nd record checked, and project was not mandated by TC for inclusion in 1994 Work Plan.
SUBSISTENCE		
265.		This project is subsumed in 269.
266. Chenega Bay Subsistence Restoration Project (Remove Oil)	DNR, DOI, DEC, FS, NOAA, F&G	This project removes oil from subsistence beaches and is dependent upon Project 93038.
267. Mariculture Hatchery and Research Center Feasibility Study and Design	DEC, DNR, F&G	Project includes the feasibility study and is included in the state criminal money. Cost is \$3.2 million.
268. Mariculture Technical Center	No vote taken	This project is subsumed in 267.
269. Seward Shellfish Hatchery	No vote taken	This project is subsumed in 267.
270. Survey of Impacted Native Communities-Subsistence	No support	Project 93017 was to be a one-year study and was funded in 1993.
271. Chenega Bay Replacement Subsistence Resource Project	No vote taken	This project is subsumed in 272.

ATTACHMENT 8

272. Chenega Chinook and Coho Release Program	DNR, DEC, F&G, NOAA, FS	This project is mandated at the direction of the TC for inclusion in the 1994 Work Plan.
273. Port Graham Salmon Hatchery	DNR, DEC, F&G, NOAA, FS	Oil entered the bay from the cleaning station. Thousands of fry were trapped in the boom. There is a small hatchery with some structure. They asked for a cost-share program to rebuild their natural fish run. The cost is estimated at \$500,000.
275. Subsistence Harvest Replacement-Transport Subsistence Users to Unoiled Areas	DNR	The legality of this project needs to be determined.
277. Village Mariculture Project - Oyster Farming	NOAA, DNR, DEC, F&G	This is the oyster ventures. TC did not approve this project in 1993.
278. Assessment and Quality Assurance of Shellfish Resources	No vo. taken	This is subsumed in 279.
279. Subsistence Food Safety Testing	F&G, DNR, DEC, DOI, NOAA, FS	
SUBTIDAL		
280. Juvenile Spot Shrimp Habitat Identification	NOAA, FS, F&G, DNR, DEC	This project had a lot of public support. Marty stated she heard about spotted shrimp in every community in PWS. This is combined with 282. The cost is \$180,000.
281. PWS Spot Shrimp Recovery Management Plan	No support	This project is agency responsibility.

ATTACHMENT 8

282. PWS Spot Shrimp Survey	No vote taken	This project is subsumed in 280.
285. Recovery Monitoring of Hydrocarbon-Contaminated Subtidal Marine Sediment Resources	DOI, NOAA, F&G	TC funded this project in 1993.
286. Subtidal Recovery Monitoring	No vote taken	This project is subsumed in 285.

ATTACHMENT 8

RT MINUTES FROM 6/17/93

June 9-10th Notes Additions:

- Project 279 -Dependent upon 1993 results aimed at confidence of subsistence users;
-Conducted in past to do same thing, with limited success;
-Question conducting in 1994;
- Project 255 -Genetics (254) included in this project;
drop 254 from list;
-Reduce budget of 255 to \$650,000;
- Project 41 -What island is in oil spill area "Chiriof Island";
- Project 139 -Include in-stream improvement work for Chignik sockeye salmon;
- Project 258 -Chignik sockeye also included in this study;
Karluk Lake also;
- Project 145 -Shoreline assessment project in 1993 surveys indicated problems; \$400,000;
-RT vote: yes - ADNR, FS, ADEC, F&G
no - NOAA, DOI
- Project 147 -Re-vote comprehensive monitoring plan; ADEC changed vote from no to yes;
-RT vote: yes - 3
no - 3
- Project 418 -Small boat harbor improvements for Whittier
-Revote: yes -
no - FS, F&G, NOAA, ADNR, DOI,
- Project 191 -DEC changed vote from no to yes - total vote: 5-yes, 1-no;
- Project 90 -DEC changed vote from no to yes - total vote: 3-yes, 3-no;

ADEC

RESTORATION TEAM SUMMARY

June 23, 1993

1. June 17 minutes revised per RT discussion.
2. Project 15 Site Stewardship time critical question

NOAA-Y
USFS-N
ADEC-N
ADFG-N
ADNR-Y
DOI -Y
Not time critical

3. Project 41, Predator Removal, time critical

NOAA-N
USFS-N
ADEC-N
ADFG-Y
ADNR-N
DOI -Y
Not time critical

4. Project 85, mussel monitoring, time critical

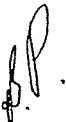
NOAA-Y
USFS-Y
ADEC-Y
ADFG-N
ADNR-Y
DOI -Y
Time critical

5. Project 68, sand depositing for clams, time critical

NOAA-Y
USFS-N
ADEC-Y
ADFG-Y
ADNR-Y
DOI -Y
Time critical

MEMO to the Exxon Valdez Oil Spill Trustee Council

July 7, 1993

From: Brad Phillips, Chair 
Exxon Valdez Oil Spill Public Advisory Group

Subject: Proposed Alternate Members of the PAG

Attached is a package of information about proposed alternate members for official PAG members.

Alternates must be approved by the Trustee Council and the Trustees and be authorized by the Secretary of the Interior. This material is submitted for your review and approval in accordance with the revised PAG Operating Procedures (see attached excerpt) and the revised PAG charter (see attached excerpt).

Please let me know if you have questions. I hope that this can be an action item at the next Trustee Council meeting.

cc: Designated Federal Officer
Interim Administrative Director
Restoration Team

Directives for the designation of PAG alternate members:

Charter--Exxon Valdez Oil Spill Public Advisory Group (April 22, 1993)

Section 6.e. Alternates to Members - Nominations to designate an alternate will be submitted to the Trustee Council by each Public Advisory Group member. From these nominations, the Trustee Council may select a designated alternate for each member or the Trustee Council may solicit additional nominations. The Trustee Council will forward its recommendations to the Trustees. Following approval by the Trustees, the Secretary of the Interior will officially appoint those alternates approved by the Trustees. When appointed, alternates may substitute for the official Public Advisory Group member at a particular meeting and will have all the responsibilities of the member they represent.

Exxon Valdez Oil Spill Public Advisory Group Background & Guidelines (March 17, 1993)

Section II.F. Alternate Members

Public Advisory Group members may recommend an alternate for their position. Alternates must be approved by the Trustee Council. A resume or biographical sketch and a statement of no conflict of interest for the recommended alternate are to be submitted to the Trustee Council. From these nominations, the Trustee Council will recommend one alternate for each Public Advisory Group member to the Trustees, and following selection by the Trustees, the Secretary of the Interior will appoint the designated alternates selected by the Trustees. The official Public Advisory Group member must inform the Designated Federal Officer ahead of time if travel funds are requested for the alternate to attend a meeting. Once approved, alternates have all the responsibilities of the official Public Advisory Group member they represent at a particular meeting.

Exxon Valdez Oil Spill
Public Advisory Group Proposed Designated Alternates
 Status of Information as of July 7, 1993

Member	Alternate	Bio or Resume	EVOS knowledge	Relation to interest	Why select	Conflict answers
Rupert Andrews Sport Hunting & Fishing	None					
Pamela Brodie Environmental	None					
James Cloud Public-at-Large	will delegate to a current PAG member					
James Diehl Recreation Users	Sarah Cronk (Girdwood)	have	have	have	have	have
Richard Eliason Public-at-Large	will delegate to Jim Cloud or Vern McCorkle					
Donna Fischer Local Government	Dave Beck (Valdez)	have	have	have	have	have
John French Science/Academic	Brenda Norcross (Fairbanks)	have	have	have	have	have
Paul V. Gavora Public-at-Large	Donald McCumby (Fairbanks)	have	have	have	have	have
James King Conservation	George Matz (Anchorage)	have	have	have	have	have
Richard Knecht Subsistence	Dolly Reft (Kodiak)	have	have	have	have	---
Vern C. McCorkle Public-at-Large	will delegate to a current PAG member					
Gerald McCune Commercial Fishing	Mary McBurney (Cordova)	have	have	have	have	have
John McMullen Aquaculture	Dan Warren (Anchorage)	have	have	have	have	have
Brad Phillips Commercial Tourism	Bill Elander (Anchorage)	have	have	have	have	have
John Sturgeon Forest Products	Kimberley Benton (Anchorage)	have	have	have	have	have
Charles Totemoff Native Landowners	Gail Evanoff (Chenega)	have	have	have	have	have
Lew Williams Jr. Public-at-Large	Sharon Gagnon (Anchorage)	have	have	have	have	have

Exxon Valdez Oil Spill

Public Advisory Group and Alternates

June 1993

Member	Mailing Address	Work Telephone Home Telephone FAX	Principal Interest
Rupert E. Andrews	9416 Long Run Drive Juneau, AK 99801	hm (907) 789-7422	Sport Hunting & Fishing
alternate: None			
Pamela Brodie	Sierra Club 241 E. 5th Ave., Suite 205 Anchorage, AK 99501	wk (907) 276-4048 fx (907) 258-6807	Environmental
alternate: None			
James L. Cloud	P.O. Box 201014 Anchorage, AK 99520-1014	wk (907) 265-2816 fx (907) 265-2141	Public-at-Large
alternate: will delegate a current PAG member			
James Diehl	Knik Canoers and Kayakers Box 868 Girdwood, AK 99587	wk (907) 783-2708	Recreation Users
alternate: Sarah Cronk	P.O. Box 927, Davos Road Girdwood, AK 99587-0927	hm (907) 783-2835	
Richard I. Eliason	P.O. Box 143 Sitka, AK 99813	wk (907) 747-6276 hm (907) 747-3322 fx (907) 747-5807	Public-at-Large
alternate: will delegate to Jim Cloud or Vern McCorkle			

Exxon Valdez Oil Spill

Public Advisory Group and Alternates

June 1993

Member	Mailing Address	Work Telephone Home Telephone FAX	Principal Interest
Donna Fischer	City of Valdez P.O. Box 395 Valdez, AK 99686	wk (907) 835-4437 fx (907) 835-2992	Local Government
alternate: Dave Beck	P.O. Box 3416 Valdez, AK 99686	wk (907) 835-3789 fx (907) 835-3792	
John French	Fishery Industrial Technology Center University of Alaska Fairbanks 900 Trident Way Kodiak, AK 99615	wk (907) 486-1505 fx (907) 486-1540	Science/Academic
alternate: Brenda Norcross	Institute of Marine Science School of Fisheries and Ocean Sciences 200 O'Neil Building Fairbanks, AK 99775-1090	wk (907) 474-7990 fx (907) 474-7204	
V. Paul Gavora	P.O. Box 70021 Fairbanks, AK 99707	wk (907) 452-6422 fx (907) 451-8265	Public-at-Large
alternate: Donald McCumby	154 View Avenue Fairbanks, AK 99712	hm (907) 457-5617	
James G. King	1700 Branta Road Juneau, AK 99801	hm (907) 789-7540	Conservation
alternate: George Matz	14345 Cody Circle Anchorage, AK 99516	hm (907) 345-3139	

Exxon Valdez Oil Spill

Public Advisory Group and Alternates

June 1993

Member	Mailing Address	Work Telephone Home Telephone FAX	Principal Interest
Richard A. Knecht	Kodiak Area Native Association 402 Center Avenue Kodiak, AK 99615	wk (907) 486-1992 fx (907) 486-2763	Subsistence
alternate: Dolly Reft	3011 Spruce Cape Road Kodiak, AK 99615	hm (907) 486-8564	
Vern C. McCorkle	8811 Arlene Street Anchorage, AK 99502	wk (907) 276-4373 hm (907) 243-3627 fx (907) 279-2900	Public-at-Large
alternate: will delegate to a current PAG member			
Gerald McCune	P.O. Box 372 Cordova, AK 99574	wk (907) 424-3447 fx (907) 424-3430 fx (206) 321-6474	Commercial Fishing
alternate: Mary McBurney	P.O. Box 464 Cordova, AK 99574	wk (907) 424-3447 hm (907) 424-3557 fx (907) 424-3430	
John C. McMullen	Prince William Sound Aquaculture Corp. P.O. Box 1110 Cordova, AK 99574	wk (907) 424-7511 fx (907) 424-7514	Aquaculture
alternate: Dan Warren	821 N Street, #101B Anchorage, AK 99501	wk (907) 274-6066 fx (907) 274-1959	

Exxon Valdez Oil Spill

Public Advisory Group and Alternates

June 1993

Member	Mailing Address	Work Telephone Home Telephone FAX	Principal Interest
E. Bradford Phillips	Phillips Cruises & Tours P.O. Box 100034 Anchorage, AK 99510-0034	wk (907) 276-8023 fx (907) 276-5315	Commercial Tourism
alternate: Bill Elander	1600 A Street, Suite 200 Anchorage, AK 99501-5162	wk (907) 276-4118 fx (907) 278-5559	
John L. Sturgeon	Koncor Forest Products 3501 Denali, Suite 202 Anchorage, AK 99503	wk (907) 562-3335 hm (907) 345-2299 fx (907) 562-0599	Forest Products
alternate: Kimberley Benton	621 West 90th Avenue Anchorage, AK 99515	wk (907) 522-2163 fx (907) 349-9394	
Charles Totemoff	Chenega Corp. P.O. Box 60 Chenega Bay, AK 99574-0060	wk (907) 573-5118 fx (907) 573-5135 fx (907) 279-6862	Native Landowners
alternate: Gail Evanoff	Chenega Corp. P.O. Box 60 Chenega Bay, AK 99574-0060	wk (907) 573-5118 fx (907) 573-5135	
Llewellyn W. Williams Jr.	755 Grant Street Ketchikan, AK 99901	wk (907) 225-3157 fx (907) 225-1096 hm/fx (907) 225-5431	Public-at-Large
alternate: Sharon Gagnon	6721 Roundtree Drive Anchorage, AK 99516	hm/fx (907) 346-2592	

Exxon Valdez Oil Spill

Public Advisory Group and Alternates

June 1993

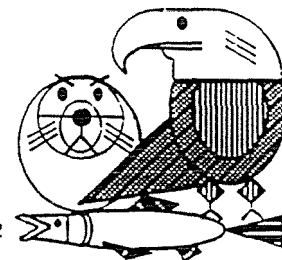
Member	Mailing Address	Work Telephone Home Telephone FAX	Principal Interest
<u>Ex-Officio Members</u>			
Cliff Davidson	112 Millbay Road Kodiak, AK 99615	wk (907) 486-8250 wk (907) 465-2487 fx (907) 561-7060	Alaska State House
Drue Pearce	3111 C Street, Suite 535 Anchorage, AK 99503	wk (907) 561-2038 wk (907) 465-4993 fx (907) 561-7060	Alaska State Senate
<u>Designated Federal Officer</u>			
Douglas L. Mutter	1689 C Street, Room 119 Anchorage, AK 99501-5126	wk (907) 271-5011 hm (907) 345-7726 fx (907) 271-4102	Department of the Interior
alternate: Pamela Bergmann	1689 C Street, Room 119 Anchorage, AK 99501-5126	wk (907) 271-5011 fx (907) 271-4102	Department of the Interior

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



Exxon Valdez Oil Spill
Public Advisory Group

Procedure for Designation of an Alternate

Public Advisory Group members may recommend an alternate for their position. All alternates must be approved by the Trustee Council. The information described below should be submitted to the Trustee Council. From these nominations, the Trustee Council may select a designated alternate for each member or the Trustee Council may request additional nominations. The Trustee Council will forward their recommendations to the Trustees. Following approval by the Trustees, the Secretary of the Interior will officially appoint those alternates approved by the Trustees. When appointed, alternates may substitute for the official Public Advisory Group member at a particular meeting and will have all the responsibilities of the member they represent.

The information requested below shall be prepared by the nominee for alternate and submitted by the Public Advisory Group member to the Interim Administrative Director at the address above. Questions should be directed to Dave Gibbons, Interim Administrative Director, at 907/278-8012; or to Doug Mutter, Public Advisory Group Designated Federal Officer, at 907/271-5011.

Information Packet

Nominees for an alternate to a Public Advisory Group member should provide the following information:

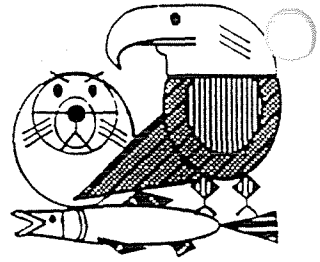
- A biographical sketch (education, experience, address, telephone);
- Information about the nominee's knowledge of the region; peoples or principal economic and social activities of the area affected by the *Exxon Valdez* oil spill, or expertise in public lands and resource management;
- Information about the nominee's relationship/involvement with the principal interest to be represented;
- A statement explaining any unique contributions the nominee will make to the Public Advisory Group and why the nominee should be appointed to serve as an alternate; and
- Any additional relevant information that would assist the Trustee Council in making a recommendation.

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



Conflict of Interest

Public Advisory Group members and their alternates are chosen to represent a broad range of interests. It is possible that action could be taken by the Public Advisory Group when one or more of the members have a direct personal conflict of interest which would prejudice and call into question the entire public process. To avoid this eventuality and to enable the Trustee Council to choose appropriate individuals as alternates to Public Advisory Group members, it is necessary that each nominee for alternate provide the following information with their information packet. If the answer to any of these questions is yes, please provide a brief explanation of your answer. A yes will not necessarily preclude any nominee from being appointed to serve as an alternate to a member of the Public Advisory Group.

- Do you, your spouse, children, any relative with whom you live or your employer have, or are you defending, a claim filed before any court or administrative tribunal based upon damages caused by the *Exxon Valdez* oil spill?
- Do you, your spouse, children, any relative with whom you live or your employer own any property or interest in property which has been, or is likely to be, proposed for acquisition by the Trustee Council?
- Have you, your spouse, children, any relative with whom you live or your employer submitted, or likely will submit, a proposal for funding by the Trustee Council?
- Do you know of any other potential actions of the Trustee Council or the Public Advisory Group to have a direct bearing on the financial condition of yourself, your spouse, children, other relative with whom you live or your employer?

Memorandum

To: Doug Mutter, Designated Federal Officer EVOS PAG Date: 4/19/93
From: Jim Cloud, EVOS PAG - Public At Large Member
Subject: Alternate Member(s)

Please accept this memorandum as my request to allow any of the following EVOS PAG Public At Large members to act as an alternate on my behalf. Since there are five representatives of the "public at large", I believe that each of these members are capable of representing my position should I not be available for a meeting.

1. Richard Eliason
2. Paul V. Gavora
3. Vern C. McCorkle
4. Lew Williams, Jr.

With their concurrence, it is my intent to authorize one of the above alternates to speak and vote on my behalf as if I were present.

Since each of these alternates are members of the EVOS PAG, I assume you need no further information about them.

cc: Richard Eliason
Paul V. Gavora
Vern C. McCorkle
Lew Williams, Jr.

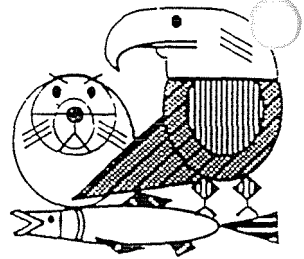
JAMES D. DICK

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



Exxon Valdez Oil Spill
Public Advisory Group

Procedure for Designation of an Alternate

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Information Packet

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- A biographical sketch (education, experience, address, telephone);
- Information about the nominee's knowledge of the region, peoples or principal economic and social activities of the area affected by the *Exxon Valdez* oil spill, or expertise in public lands and resource management;
- Information about the nominee's relationship/involvement with the principal interest to be represented;
- A statement explaining any unique contributions the nominee will make to the Public Advisory Group and why the nominee should be appointed to serve as an alternate; and
- Any additional relevant information that would assist the Trustee Council in making a recommendation.

EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP - JIM DIEHL

NOMINATED ALTERNATE:

SARAH HAYNES-CRANK [REDACTED]

PO BOX 927, DAVIS ROAD

GIRDWOOD, AK 99587-0927

(907) 783-2835

BIOGRAPHICAL SKETCH:

I WAS BORN IN BOISE, IDAHO & WAS RAISED ON A RANCH / FARM IN THE TREASURE VALLEY. I GRADUATED FROM MERIDIAN HIGH SCHOOL IN MAY 1978, MERIDIAN IDAHO. I ATTENDED COLLEGE AT BOISE STATE UNIVERSITY, BOISE, IDAHO. MY HUSBAND & I MOVED TO ALASKA IN MAY 1984, & HAVE RESIDED IN GIRDWOOD SINCE THAT TIME. I HAVE TAKEN ADDITIONAL COLLEGE COURSES AT THE UNIVERSITY OF ALASKA, ANCHORAGE, ANCHORAGE COMMUNITY COLLEGE & ALASKA PACIFIC UNIVERSITY. I HAVE 120 SEMESTER CREDITS; MY MAJOR FIELDS OF INTEREST & THE MAJORITY OF MY COURSEWORK IS IN BIOLOGY, GEOLOGY, & ANTHROPOLOGY. COURSES OF PARTICULAR ALASKA INTEREST: NATIVES OF ALASKA, FLORA OF ALASKA, MARINE MAMMALS, PERMAFROST ETC.

• MY HUSBAND, DAUGHTER, & MYSELF GREATLY ENJOY

SARAH HAYNES-CROOK

IN THE NEARBY AREAS OF PRINCE WILLIAM SOUND & THE KENAI PENINSULA. AS A FAMILY, WE SHARE ACTIVITIES SUCH AS CAMPING, HIKING, BIKING, CROSS COUNTRY SKIING, CANOEING, WILDLIFE VIEWING, CLAM DIGGING, & EVENING WALKS TO OUR FAVORITE BEAVER POND. MY HUSBAND IS AN AVID KAYAKE HUNTER, & FISHERMAN. I AM A BICYCLE ENTHUSIAST AND ENJOY A WIDE RANGE OF HOBBIES E.G. BIRD WATCHING & FEEDING, TIDE POOLING, WHALE WATCHING, ROCK HOUNDING, PLANT IDENTIFICATION (ESP WINDFLOWERS), GARDENING, & IN 1985, I WORKED FOR THE CHUGACH NATIONAL FOREST AS A VOLUNTEER IN THE INTERPRETIVE PROGRAM. DURING 1986, MY FAMILY & I LIVED & WORKED IN A GOLD MINING CAMP IN THE CENTRAL MINING DISTRICT, NORTH OF FAIRBANKS. I RETURNED TO WORK FOR THE CHUGACH NATIONAL FOREST AS A SEASONAL EMPLOYEE DURING 1987 THROUGH 1990. AS AN INTERPRETER OF NATURAL & CULTURAL HISTORY FOR THE CHUGACH NATIONAL FOREST I WORKED ABOARD THE ALASKA MARINE HIGHWAY SYSTEM IN PRINCE WILLIAM SOUND. I PREPARED & PRESENTED SPECIAL

SARAH HAYNES CRONK

PUBLIC CONCERNING ALL ASPECTS OF THE AREA & THE SURROUNDING COMMUNITIES, e.g.: GLACIOLOGY, SALMON, FOX FARMING, GOLDRUS, COMMERCIAL FISHING, EARTHQUAKES, BALD EAGLE WHALES, WEATHER, PIPELINE, OIL SPILLS, ETC... I ALSO BECAME WELL ACQUAINTED WITH THE DIFFERENT AGENCIES MANAGING PUBLIC LANDS (ESP IN SOUTH CENTRAL ALASKA), THEIR MANAGEMENT PHILOSOPHIES, & THE DIFFERENT LAWS & ACTS PROTECTING OUR CULTURAL & NATURAL RESOURCES. DURING THE 1990 SEASON I WORKED AS A BIOLOGICAL TECHNICIAN DOING STREAM & VEGETATION SURVEYS, FISHERY HABITAT IMPROVEMENTS & SURVEYS. MY HUSBAND ALSO WORKED FOR THE CHUGACH NATIONAL FOREST AS A FISHERIES BIOLOGICAL TECHNICIAN FROM 1988 THROUGH 1991, MANY OF THE PROJECTS HE WORKED ON WERE IN PRINCE WILLIAM SOUND.

- DIRECTLY AFTER THE EXXON VALDEZ OIL SPILL I VOLUNTEERED AT THE VALDEZ BIRD & OTTIEZ RECOVERY CENTER. THERE I WASHED & CARED

SARAH HAYNES-CRANK

SPRING WHEN I RETURNED TO WORK FOR THE CHUGACH NATIONAL FOREST I WAS FLOWN OUT TO OILED BEACHES, OVER 'SHEEN' AREAS, & ATTENDED MANY OIL SPILL BRIEFINGS, SEMINARS, & UPDATES THROUGHOUT THE SUMMER. DURING THE SUMMER, I HEARD A GREAT AMOUNT OF PUBLIC OPINION & ANSWERED MANY OIL SPILL QUESTIONS.

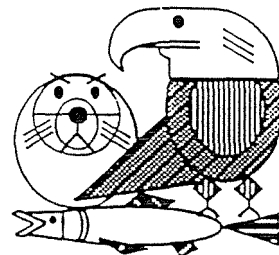
• My FAMILY & I HAVE BEEN & ARE RECREATIONAL USERS OF WHAT HAS BECOME KNOWN AS 'THE OIL SPILL AREA'. AS AN ALTERNATE TO THE PUBLIC ADVISORY GROUP I WOULD CONTRIBUTE A BROAD BASE OF KNOWLEDGE GAINED FROM YEARS OF WORK STUDY, SELF-INVOLVEMENT, & LISTENING TO PUBLIC COMMENTARY ABOUT THE AREA. I BELIEVE THAT THIS KNOWLEDGE WILL HELP ME TO MAKE RATIONAL & INFORMED DECISIONS.

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



Conflict of Interest

Public Advisory Group members and their alternates are chosen to represent a broad range of interests. It is possible that action could be taken by the Public Advisory Group when one or more of the members have a direct personal conflict of interest which would prejudice and call into question the entire public process. To avoid this eventuality and to enable the Trustee Council to choose appropriate individuals as alternates to Public Advisory Group members, it is necessary that each nominee for alternate provide the following information with their information packet. If the answer to any of these questions is yes, please provide a brief explanation of your answer. A yes will not necessarily preclude any nominee from being appointed to serve as an alternate to a member of the Public Advisory Group.

- Do you, your spouse, children, any relative with whom you live or your employer have, or are you defending, a claim filed before any court or administrative tribunal based upon damages caused by the *Exxon Valdez* oil spill? NO
- Do you, your spouse, children, any relative with whom you live or your employer own any property or interest in property which has been, or is likely to be, proposed for acquisition by the Trustee Council? NO
- Have you, your spouse, children, any relative with whom you live or your employer submitted, or likely will submit, a proposal for funding by the Trustee Council? NO
- Do you know of any other potential actions of the Trustee Council or the Public Advisory Group to have a direct bearing on the financial condition of yourself, your spouse, children, other relative with whom you live or your employer? NO

Spill Response Group

04-19-93

David Beck
Post Office Box 3416
Valdez, Alaska 99686
(907) 835-3789

TO: Doug Mutter, Designated Federal Officer

FROM: Dave Beck, Nominee for Alternate Member

I believe the following information will complete the information that you have requested.

RELATION TO INTEREST. I am a registered voter and operate a business in Valdez. I serve on the Board of Directors of the Valdez Chamber of Commerce, and the Friends of Prince William Sound Community College. I was recently elected Chairman of the organizing Committee of Film Alaska, a group which will be dedicated to attracting and supporting film and media activity in the Prince William Sound Area.

WHY SELECT. My years of flying in Prince William Sound has offered me the opportunity to establish and maintain close relationships with its many remote residents. It has also provided me with the opportunity to become uniquely familiar with the entire geography of the Sound. I hope to serve as an Alternate Member because I think my knowledge of the Sound and its people could contribute to the decisions which the PAG faces. During recent years I have flown many tourists to the Sound and sharing their excitement and almost overwhelming appreciation for the Sound has provided me with the understanding needed to work to protect the Sound for the generations to come..

CONFLICTS OF INTEREST. My answer to all four questions is no.

I do not, nor does my spouse, children or any relative have, or are not defending any claim filed before any court or administrative tribunal based upon damages caused by the Exxon Valdez oil spill.

FAX TO: Doug Mutter

FAX NUMBER: (907) 271-4102

DOUG, I AM FAXING YOU THIS INFORMATION AT THE REQUEST OF DONNA FISHER.

SHE HAS ASKED ME TO SERVE AS AN ALTERNATE TO HER ADVISORS POSITION. I AM VERY PLEASED TO HAVE THE OPPORTUNITY TO BE CONSIDERED FOR THIS POSITION AND SUBMIT THE FOLLOWING INFORMATION FOR YOUR CONSIDERATION.

IN 1989 I RETIRED EARLY FROM THE RIGORS OF THE LOWER FORTY EIGHT BUSINESS WORLD AND MOVED TO CORDOVA TO PURSUE MY FIRST LOVE --FLYING.

DURING THE "SPILL" SUMMER I FLEW THE DEC'S OVERFLIGHT CREWS DAILY FROM THEIR BASE IN VALDEZ. EACH DAY WE FLEW THE ENTIRE SOUND MAPPING OIL DISTRIBUTION. ON ALTERNATE DAYS WE VIDEOTAPED EACH CLEAN UP PROJECT AND CONDUCTED PERSONAL VISITS TO VARIOUS ON SITE OPERATIONS. WE WERE IN THE SOUND DAILY FOR EIGHT TO TEN HOURS. I FLEW SUPPORT FOR THE SPILL DURING THE FOLLOWING TWO SUMMERS ON VARIOUS MISSIONS INCLUDING RESEARCH, MEDIA, MAIL AND LOGISTICAL SUPPORT. DURING WINTER MONTHS I FLEW THE MAIL TO VARIOUS LOCATIONS IN THE SOUND. AND FOR THE PAST TWO YEARS I HAVE MANAGED KETCHUM AIR SERVICES' BASE IN VALDEZ. THESE YEARS FLYING DAILY IN THE SOUND HAVE PROVIDED ME WITH AN INTIMATE KNOWLEDGE OF THE SOUND INCLUDING IT'S PEOPLE, IT'S GEOGRAPHY AND IT'S WILDLIFE. LIKE MANY, I HAVE DEVELOPED A GREAT LOVE AND APPRECIATION FOR THE SOUND. IF MY EXPERIENCE IN, AND KNOWLEDGE OF, THE SOUND CAN BE HELPFUL TO YOU I WILL BE VERY PLEASED TO SERVE IN ANY CAPACITY YOU MIGHT NEED.

DAVE BECK, BASE MANAGER
KETCHUM AIR SERVICE VALDEZ OPERATIONS
PHONE (907) 835-3789 FAX (907) 835-3792

P.O. Box 3416
Valdez, AK
99686

UNIVERSITY OF ALASKA FAIRBANKS
FISHERY INDUSTRIAL
TECHNOLOGY CENTER

SCHOOL OF FISHERIES & OCEAN SCIENCES

900 TRIDENT WAY, KODIAK, ALASKA 99615-7401 (907) 486-1500 FAX: (907) 486-1540

FAX MEMORANDUM

To: Doug Mutter, EVOS-PAG, Designated Federal Official

From: John French, EVOS-PAG, Science/Academic Representative

Date: 13 February, 1993

Re: Alternate Members for the EVOS-PAG

I wish to designate Dr. Brenda Norcross of Fairbanks as my voting alternate.

Brenda L. Norcross
Institute of Marine Science
School of Fisheries and Ocean Sciences
200 O'Neill Building
Fairbanks, AK 99775-1090

voice telephone: 474-7990
FAX: 474-7204

Brenda is an Assistant Professor of Fisheries Oceanography. She did some of the original larval fish studies in Prince William Sound. She has also worked extensively in the coastal waters of the Kenai Peninsula and Kodiak Island. Most recently she has been studying juvenile halibut in the Kodiak archipelago. She has a fairly well balanced view of the needs for both fundamental and directly applied research.

I do not foresee missing a large number of EVOS-PAG meetings but I feel that Brenda could step in and represent the academic/science interests well. Also, she is likely to be available when I am not.

BRENDA L. NORCROSS

Application for Science/Academic Alternate
Exxon Valdez Public Advisory Group

Biographical Sketch: Attached

Knowledge of region, etc. affected by Exxon Valdez oil spill:

Because I am a fisheries oceanographer, I am most closely familiar with the effects on the fisheries in Prince William Sound and Kodiak. I do not know much about the other aspects except what I have read in the newspaper.

Relationship/involvement with principal interest to be represented:

I am an assistant professor at the University of Alaska Fairbanks. In that capacity, I am a research fisheries oceanographer. As such I am well qualified to represent the science and academic interests of this Advisory Group.

Unique contributions to the PAG and why should serve as alternate:

I believe academic scientists have an obligation to inform the public of the results of their research. I have been conducting research in Kodiak since 1990 and have presented public seminars explaining the major findings of my research. I have served as scientific reviewer for the Prince William Sound RCAC and the Cook Inlet RCAC. I believe I can relate scientific concerns to non-scientists.

Additional Information:

I collected larval fish in Prince William Sound as part of the state oil spill studies during 1989. A summary of those results was presented at the Exxon Valdez Oil Spill Symposium in Anchorage in February 1993. The manuscripts are now being prepared for publication.

Conflict of Interest:

I wish to pursue research in Prince William Sound, particularly regarding larval fish, forage fish and flatfish. I intend to submit proposal to the Trustee Council for funding.

CURRICULUM VITAE

BRENDA L. NORCROSS

Institute of Marine Science
School of Fisheries and Ocean Sciences
University of Alaska Fairbanks
Fairbanks, AK 99775-1080

EDUCATION

A.B., Biology, MacMurray College, Jacksonville, Illinois, 1971
M.S., Biology, St. Louis University, St. Louis, Missouri, 1976
Ph.D., Marine Science, Virginia Institute of Marine Science, School of Marine Science, College of William and Mary, Gloucester Point, Virginia, 1983

EXPERIENCE

Assistant Professor, Institute of Marine Science, School of Fisheries and Ocean Sciences, University of Alaska Fairbanks, 1989-present
Assistant Professor, Division of Biological Oceanography and Fisheries Science, Virginia Institute of Marine Science, College of William and Mary, Gloucester Point, Virginia, 1986-1988
Assistant Professor, Computer Center, Virginia Institute of Marine Science, College of William and Mary, Gloucester Point, Virginia, 1984-1986
Research Biologist/Oceanographer, Ocean Research and Education Society, Inc., Gloucester, Massachusetts, 1984
Graduate Research Assistant, Virginia Institute of Marine Science, College of William and Mary, Gloucester Point, Virginia, 1978-1983

TEACHING EXPERIENCE

Fisheries oceanography seminar (MSL 692), 1991, 1993
Fisheries oceanography (MSL 640), 1990, 1993
Introductory oceanography (ORES/U. Mass.), 4 courses, 1984

PROFESSIONAL MEMBERSHIPS AND ACTIVITIES

Member, Working Group 3 - Dynamics of Small Pelagics in Coastal Ecosystems, PICES - North Pacific Marine Science Organization, 1993 -
Member, Technical Advisory Committee, NOAA, Coastal Fisheries Ecosystems Program, 1991-present
Member, American Fisheries Society, American Geophysical Union, Association of Women in Science, The Oceanography Society (Charter Member)

SELECTED PUBLICATIONS

Müter, F.-J., and B. L. Norcross. (In review.) Distribution, abundance, and growth of larval walleye pollock (*Theragra chalcogramma*) in an Alaskan fjord. *Fish. Bull. (U.S.)*
Müter, F.-J., B. L. Norcross, and T. C. Royer. (In review.) Do cyclic temperatures cause cyclic fisheries? *Can. Spec. Pub. Fish. Aquat. Sci.*
Norcross, B. L., and D. M. Wyanski. (In Press.) Interannual variation in year-class strength of 0-age summer flounder, *Paralichthys dentatus*, in Virginia estuaries. *Fish. Bull. (U.S.)*
Feingold, L. E. and B. L. Norcross. (In press) Temporal and spatial distribution of weakfish (*Cynoscion regalis*) spawning grounds and nursery areas defined by physical parameters. *Can. J. Fish. Aquat. Sci.*
Norcross, B. L. 1992. Responding to an oil spill: Reflections of a fisheries scientist. *Fisheries (Bull. Am. Fish. Soc.)* 17(6):4-5.

- Norcross, B. L. 1991. Estuarine recruitment mechanisms of Atlantic croaker. *Trans. Am. Fish. Soc.* 120:673-683.
- Norcross, B. L. and D. A. Bodolus. 1991. Northern spawning limits and larval transport of spot. U.S. NOAA NMFS Tech. Rep. Ser. 95:77-88.
- Norcross, B. L. and D. Hata. 1990. Seasonal composition of finfish in waters behind the Virginia Barrier Islands. *VA J. Sci.* 41(4A):441-461.
- Norcross, B. L. and H. M. Austin. 1988. Middle Atlantic Bight meridional wind component effect on bottom water temperatures and spawning distribution of Atlantic croaker. *Cont. Shelf Res.* 8(1):69-88.
- Norcross, B. L. and R. F. Shaw. 1984. Oceanic and estuarine transport of fish eggs and larvae: A review. *Trans. Am. Fish. Soc.* 113(2):153-165.

FIELD EXPERIENCE

- 1992 F/V *Big Valley*, skiff, Kodiak, Alaska
- 1991 F/V *Big Valley*, skiff, Kodiak, Alaska
R/V *Alpha Helix*, North Pacific, Alaska to Hawaii
- 1990 R/V *Alpha Helix*, Gulf of Alaska
Skiff, Kodiak, Alaska
- 1989 R/V *Alpha Helix*, Prince William Sound, Alaska
NOAA Ship *John Cobb*, Prince William Sound, Alaska
R/V *Little Dipper*, Resurrection Bay, Alaska
- 1988-86 NOAA Ship *Ferrell*, Mid-Atlantic Bight and Cape Hatteras
Skiff, Chesapeake Bay and Eastern Shore, Virginia
R/V *Capt. John Smith*, Chesapeake Bay
- 1984 R/V *Regina Maris*, Northwest Atlantic, Caribbean Sea
- 1983 NOAA Ship *Delaware II*, South Atlantic Bight
- 1982 R/V *Lady Lisa*, South Atlantic Bight
- 1981 NOAA Ship *Delaware II*, Mid-Atlantic Bight
- 1979-83 R/V *Capt. John Smith*, Chesapeake Bay
- 1979 R/V *John de Wolfe*, South Atlantic Bight
- 1978 R/V *Retriever*, Chesapeake Bay

SCIENTISTS WITH WHOM I HAVE COLLABORATED BUT NOT PUBLISHED

- Dr. Thomas C. Royer, University of Alaska Fairbanks
Dr. Cynthia M. Jones, Old Dominion University

GRADUATE ADVISORS

- Dr. Herbert M. Austin, Virginia Institute of Marine Science
Dr. Sharon K. LeDuc, US Environmental Protection Agency

STUDENTS

- Ph.D., Adam Moles - Current.
- Ph.D., Tina Wyllie Echeverria - Current.
- M.S., Brenda A. Holladay - Current.
- M.S., Franz-Josef Muter - 1992.
- M.S., David M. Wyanski - 1990.
- M.S., Lucy E. Feingold - 1989.


GAVORA INC.

P. O. Box 21
Fairbanks, Alaska 99707
(907) ~~452-4425~~
452-6422
FAX 907-451-8265

TO: Doug Muter FROM: Shirley
FAX: 271-4102 DATE: 3/1/93

of Pages 2 (including this page)

MESSAGE: Mr. Gavora submits the
following alternate
Please provide me w/ your
mailing address.
Thanks!

Donald B. McCumby
154 View Avenue
Fairbanks, Alaska 99712
(907) 457-5617


Lived in Fairbanks, Alaska for 23 years. Employed by Pay 'n Save Drug Stores for 32 years. The last 16 years as Vice President and Regional Manager of eleven Alaskan stores. Responsible for operations, advertising, marketing, administrative, personnel and customer satisfaction issues.

Hobbies include hunting, fishing, flying and grandchildren. Currently on a one year sabbatical after management ownership changes at Pay 'n Save.

Alternate submitted
by V. Paul Gavora
"public at large" member
of

Donald B. McCumby
154 View Avenue
Fairbanks, Alaska 99712

home: (907) 457-5617
work: (907) 452-4774

Graduated University of Washington
B.A. Business Administration

I have 35 years experience in retail business of which 32 years were with Pay 'n Save Stores. The Pay 'n Save Stores sold sundry merchandise including cameras, toys, stationery, housewares, hardware, sporting goods, automotive and pharmacy. The last 16 years were spent as Regional Manager and Vice President of the eleven Alaska Stores. The stores averaged 50,000 square feet in size and were located in Juneau, Wasilla, Soldotna, Anchorage and Fairbanks.

In 1992 Payless Drugs purchased Pay 'n Save. I have opened a new hardware store in partnership with some other Fairbanks businessmen. Another store to be announced soon which will occupy 42,000 square feet will be opening in late summer.

I have lived in Alaska and Fairbanks for over 23 years.

I am knowledgeable about the area affected as I traveled the State each week and had the opportunity to meet and speak with many Alaskans on planes, at stores and other events. I have a daughter, Kris McCumby who did research for the University of Alaska for Howard Feder. Kris worked in Valdez from 1976 to 1978; 1980 to 1983; and 1985 to 1990 doing benthic and intertidal studies. From March 1989 until the summer of 1990 she worked specifically for the University on the oil spill. Of course, we have had many discussions about the spill and its effects over the years.

Today I am in contact with many people each day in my business and have opportunities for discussions.

I believe I could make a contribution as an alternate by being objective. I have a deep love for Alaska and its wilderness and I have a balanced realization of what is needed to sustain economic growth. Valdez and Prince William Sound is the closest area to the interior for recreation possibilities and I feel that I can fairly represent the views of the citizens of interior Alaska.

CONFLICT OF INTEREST STATEMENT:

1. I have no claims against anyone nor do my family or employer before any court or administrative tribunal based upon damages caused by the Exxon Valdez oil spill.

 JUL - 5

2. I have no property to be acquired by the Trustee Council.
3. I have no desire to submit a proposal for funding by the Trustee Council.
4. I know of no actions by the Trustee Council that would have any financial conditions on myself, my family or employer.



MATZ ENTERPRISES

14345 Cody Circle Anchorage, AK 99516
(907) 345-3139

April 20, 1993

Mr. Doug Mutter
Department of Interior
1689 C St.
Room 119
Anchorage, AK. 99501

Dear Mr. Mutter:

Jim King has requested that I be his alternate to the Exxon Valdez Oil Spill Public Advisory Group. He has asked that I provide the information requested in "Procedure for Designation of an Alternative".

Attached to **this** letter is a resume that should serve as a biographical sketch.

Regarding my knowledge of the Exxon Valdez oil spill, I have not previously been involved in an official capacity but have closely followed its outcome since the event occurred. I have made a number of recreational trips (fishing, kayaking, and birding) in Prince William Sound and believe that I am reasonably familiar with its fauna, flora, and socio-economic factors.

In terms of the interest to be represented (i.e. conservation), for the past few years I have been actively involved with the Anchorage Audubon Society, including being its president from 1991-1993. The Anchorage Audubon Society is a chapter of the National Audubon Society which is a leading national conservation organization. The Audubon Society is primarily interested in the management of wildlife populations and habitat and firmly supports the principles of sustainable development.

What may be a unique contribution on my part is my interest and involvement with sustainable development. I am also a member of the Society of Ecological Economics which is pioneering a closer working relationship between ecologist and economists; two disciplines that have often had opposite points of view. Some of the concepts that are being developed closely relate to the purposes of the settlement funds. My familiarity with these concepts could help explain the rationale for habitat protection and restoration.

To my knowledge, I do not have any conflict of interest as described in the procedures.

I would be pleased to provide more details on any of the points brought out in this letter. Although this letter is fairly brief, I assume it and the enclosed resume provides the information on myself that you need.

My social security number is [REDACTED]

Sincerely,


George Matz

GEORGE J. MATZ
14345 Cody Circle
Anchorage, AK. 99516
(907) 345-3139

EDUCATION

Masters in Business Administration - 1974
Northeastern University, Boston, MA.

Bachelor of Science (Biology major, chemistry minor) - 1963
Northern Illinois University, DeKalb, IL.

Courses at U of A on computers, natural resources, and recreation.
Familiar with word processing, spreadsheet and database programs.

EXPERIENCE

September 1991 to Present
Matz Enterprises
Anchorage, AK.

CONSULTANT - Currently providing consultant services in;
o Economic and financial analysis of capital projects.
o Strategic planning for programs and organizations.
o Marketing of technical products.

July 1989 to July 1991
Alaska Energy Authority
Anchorage, AK.

PROJECT ANALYST - The purpose of this position was to provide analysis of energy projects in rural Alaska. Accomplishments include;
o Determining economic feasibility of proposed power projects.
o Working with village councils to establish regional utilities.
o Publication of statistical reports on energy consumption.

February 1987 to July 1989
Division of Policy
Office of the Governor
Anchorage, AK.

SENIOR POLICY ANALYST - In this position, I provided staff support to the Energy Policy Task Force established by Governor Cowper that undertook an independent, comprehensive review of Alaska's energy programs. My involvement was to;
o Write technical reports on state and federal energy programs.
o Draft policy suggestions and proposed legislation.
o Follow-up work to implement Task Force recommendations.

February 1986 to May 1986
Alaska State Senate
Juneau, AK.

LEGISLATIVE AIDE - This was a temporary position working with Senators Vic Fisher and Joe Josephson.

January 1984 to March 1985
Alaska Dept. of Commerce and Economic Development
Juneau, AK.

SPECIAL ASSISTANT - I assisted the Commissioner in managing several energy programs within DCED. Special projects included;
o Developing an innovative approach to financing renewable energy projects.
o Working with agencies to develop the State Annual Energy Plan.

June 1979 to December 1983
Office of Management and Budget
Office of the Governor
Juneau, AK.

SENIOR BUDGET/POLICY ANALYST - This position, which spanned two administrations, was to;

- o Provide staff recommendations on the budgets and legislation proposed by several departments.
- o Determine the economic and financial feasibility of development projects proposed by state agencies.
- o Follow progress through the Legislature of the Governor's budget and legislation.

March 1979 to May 1979
Fairbanks North Star Borough
Fairbanks, AK.

PROGRAM MANAGER - The purpose of this temporary position was to undertake and publish an energy analysis of the borough.

September 1976 to December 1978
Fairbanks Environmental Center
Fairbanks, AK.

EXECUTIVE DIRECTOR - This organization, now called the Northern Alaska Environmental Center, is a non-profit organization that works on a multitude of local, state, and national environmental issues. I reported to a board of directors and managed several paid and volunteer staff members.

March 1974 to March 1976
Environmental Research & Technology Inc.
Concord, MA.

MARKET MANAGER - ERT is a leading environmental consulting firm. My responsibilities included;

- o Developing new markets in paper, mining and transportation.
- o Marketing air quality instrumentation developed by ERT.

December 1971 to January 1974
SpectraMetrics Inc.
Andover, MA.

MARKETING MANAGER - This firm developed innovative instrumentation for chemical analysis. My responsibilities were to;

- o Successfully reintroduce the product which was achieved.
- o Manage market planning and promotion.
- o Manage a small sales/service force, network of international representatives and an applications lab.

March 1965 to September 1971
Jarrell Ash Division
Fisher Scientific Corp.
Waltham, MA.

MARKETING POSITIONS - With this firm, which developed and manufactured spectroscopic instrumentation, I advanced from sales engineer to product specialist to product sales manager.

VOLUNTEER PARTICIPATION

Appointed or elected to many positions with non-profit organizations. Key positions in Alaska includes Chairman, DEC's Water Quality Advisory Committee (1977-78), Fairbanks North Star Borough Pollution Control Commission (1978-79), Treasurer and Board of Directors, Glacier Highway Electric Association (1983-86), Field Trips Chair, Vice President, President, Anchorage Audubon Society (1988-1993), and Vice-President, Alaska Environmental Lobby (1992-1993)

Date: April 23, 1993

ATT: Mr. Doug Mutter, Designated Federal Officer
Department of the Interior
1689 C Street, Room 119
Anchorage, Alaska 99501
Fax: (907) 276 - 7178

SEARCHED
INDEXED
SERIALIZED
MAY 3 1993

Please submit this information packet to the Exxon Valdez Oil Spill Trustee Council for consideration as a designated alternate for Mr. Richard Knecht. I appreciate this opportunity and look forward to your response.

Name:
Reft, Dolly C.R.

Social Security Number:

[REDACTED]

Address:
3011 Spruce Cape Road
Kodiak, Alaska 99615

Telephone:
(907) 486-8564

BIOGRAPHICAL SKETCH:

I was born and raised on the island of Kodiak with exposure to each of the villages as a natural part of my upbringing. I am a Native of this area with my traditional roots from the village of Karluk. The inter-dependency on the environment and between the people is understood from childhood. I have long understood that the subsistence lifestyle is the core of who we are as Aleut People. It is the heart beat of our existence. I have witnessed the survival of this way of life through many obstacles. We have endured both natural and man made afflictions on our environment. It is imperative that we continue to define a balance within nature as well as the traditional and modern tools available to us.

Education and Experience: My academic studies have been in the areas of social economics , political sciences, public land policies and environmental practices. I've studied two years in the areas of administrative justice. In addition, I completed a year and a half internship with the Kodiak Area Native Association in the areas of cross cultural studies, bylaws and constitutional research, cross cultural communication studies, community and economic development studies (traditional and modern), maritime law research, natural science and traditional and modern approaches to commercial and subsistence fisheries.

I have worked with the villages of Akhiok, Larsen Bay, Karluk, Ouzinkie, Old Harbor and Port Lions in the capacity of the following positions: Adult Basic Education Instructor, Tribal Operations Coordinator, Land Manager Specialist, Economic Development Coordinator, VPSO (Village Public Safety Officer) Coordinator, Community Development Director, and Oil Spill Coordinator. Presently I am contracted to work with KANA to conduct and compile research relating to the Exxon Valdez Oil Spill.

I was actively involved in the Exxon Valdez Oil Spill on Kodiak Island and maintained my involvement and contact with each of the villages. My main areas of concern are the effect on the subsistence life style and way of life of the Native People on the Island of Kodiak. My goal is for our children to be part of the solution and not inherit the problems inflicted by the Exxon Valdez Oil Spill of 1989.

KNOWLEDGE OF REGION, PEOPLES OR PRINCIPAL ECONOMIC AND SOCIAL ACTIVITIES OF THE AREA AFFECTED BY THE EXXON VALDEZ OIL SPILL, OR EXPERTISE IN PUBLIC LANDS AND RESOURCE MANAGEMENT:

I am a member of Karluk IRA Tribal Government, Chairman of the Karluk IRA Land Committee and stockholder of the Koniag Native Corporation. I come from a family of subsistence users, businessmen and fishermen. I have four children that contribute to my drive towards involvement in issues reflecting on the region, people, principal economic and social activities of the Kodiak archipelago. My entire life has been rooted in this area and the people dependant on the waters and lands for their livelihood. This is my home. I was born here and will be laid to rest here when my time comes.

SUMMARY:

Subsistence is not only a livelihood amongst Native People but a way of looking at the world. It is important that we maintain our sensitivity in how we use our knowledge and technology in developing a balance between the environment and progress. It is important that we realize our failures and successes are strongly felt at the subsistence level. It is imperative to understand that the heartbeat of native culture rests in the environment. Co-existence and compromise can be made to strengthen the opportunity for progress and security for subsistence. The expertise from subsistence users combined with that of the scientists and such can benefit from eachother.

My goal as part of this Public Advisory Group would be to adequately define the needs and concerns of the recipients in the villages on Kodiak Island as it relates to the effects of the Exxon Valdez Oil Spill. To create an ear on behalf of the Native People and a voice on behalf of the advisory group.



CORDOVA DISTRICT FISHERMEN UNITED

P.O. Box 939

Cordova, Alaska 99574

Phone (907) 424-3447 Fax (907) 424-3430

May 12, 1993

EVOS Trustee Council
645 "G" Street
Anchorage, Alaska 99501

Dear Sirs:

I wish to designate Mary McBurney as my alternate for the commercial fisheries seat on the Public Advisory Group. Mary is currently Executive Director for Cordova District Fishermen United and is well acquainted with fisheries issues affecting Prince William Sound and areas throughout the spill impacted region. She has been an active participant in the EVOS Trustee Council process representing CDFU and Prince William Sound fisheries interests.

Mary has been a Cordova resident since 1987 and is well acquainted with the geography, resources and communities of Prince William Sound. She has an extensive background dealing with issues surrounding the Exxon Valdez oil spill, first as a legislative aide to Senator Mike Szymanski and Representative Gene Kubina and now as Executive Director for CDFU. She is an informed and insightful person who will be an active participant in the PAG process in my absence.

Sincerely,

Jerry McCune, Member
Public Advisory Group

MARY L. MCBURNEY

(907) 424-3557

P.O. Box 464
Cordova, Alaska 99574

May 11, 1993

EVOS Trustee Council
645 "G" Street
Anchorage, Alaska 99501

Dear Sirs:

In compliance with policies governing the Public Advisory Group, I wish to disclose the following information regarding conflicts of interest:

1) Do you, your spouse, children, any relative with whom you live or your employer have, or are you defending a claim filed before any court or administrative tribunal based upon damages caused by the Exxon Valdez oil spill?

No.

2) Do you, your spouse, children, any relative with whom you live or your employer own any property or interest in property which has been, or is likely to be, proposed for acquisition by the Trustee Council?

No.

3) Have you, your spouse, children, any relative with whom you live or your employer submitted, or likely will submit, a proposal for funding by the Trustee Council.

There may be a remote possibility that my employer, Cordova District Fishermen United, might submit a proposal to the Trustee Council. But this is highly unlikely. However, I am a board member of the Prince William Sound Science Center and it is possible that the Center might submit a proposal for funding.

4) Do you know of any other potential actions of the Trustee Council or the Public Advisory Group to have a direct bearing on the financial condition of yourself, your spouse, children, other relative with whom you live or your employer?

No.

Sincerely,


Mary L. McBurney

MARY L. McBURNEY

(907) 424-3557

P.O. Box 464
Cordova, Alaska 99574

OBJECTIVE:

Professional position requiring skills to educate and assist the public on issues affecting public policy.

PROFESSIONAL EXPERIENCE:

CORDOVA DISTRICT FISHERMEN UNITED: Executive Director

Currently responsible for the administration and daily operation of a private non-profit fisheries association. Monitoring and responding to public policy proposals and decisions related to commercial fisheries.

ALASKA STATE LEGISLATURE: Legislative Aide

Researched resource and local government issues. Wrote briefing and position papers and press releases. Drafted legislation, resolutions and citations. Testified on sponsored legislation. Assisted constituents with problems concerning state government. Served as committee staff to the House State Affairs Committee, Senate Community and Regional Affairs Committee and Senate International Trade and Tourism Committee.

KLAM RADIO: Station/Program Manager

Managed the day to day operations of a small radio station in rural Alaska. Wrote and produced local news broadcasts, commercials and interview programs.

CARRIE McLAIN MUSEUM: Museum Director

Managed a small local history museum in Nome, Alaska. Developed exhibits and produced interpretive texts for museum displays. Implemented a database system for documenting and managing over 5000 photographs and 3000 objects. Conducted research to document historic structures and prepared nominations to the National Register of Historic Places. Coordinated development of conceptual plan for the City's Rocker Gulch Park. Published walking tour brochure of Nome's historic sites and buildings.

CARRIE McLAIN MUSEUM: Curator of Education

Coordinated and produced educational programs for the public schools and general public on Eskimo material culture. Co-produced a workshop series for adults with the Kawerak Adult Basic Education Program on Eskimo art and culture. Created elementary level curriculum kits. Researched and produced interpretive signage for the City's historic park and walking tour.

ALASKA REPERTORY THEATRE: Publicist

Conducted day to day operations of the Theatre's Fairbanks office. Solicited contributions for fundraisers and Theatre productions. Developed print and media advertising campaigns and arranged radio and television interviews.

PACIFIC SCIENCE CENTER: Science Interpreter

Presented educational programs for a large urban science and technology museum. Developed and produced demonstrations on physics, astronomy and the environment for the general public and special audiences. Prepared programs on Kwakiutl Indian art and culture. Assisted with the instruction of teacher's in-service workshops on anthropology. Supervised a regular staff of three to five people and coordinated science demonstration areas.

EDUCATION:

UNIVERSITY OF WASHINGTON, SEATTLE, WASHINGTON

- ◆ Received Bachelor of Arts Degree in Anthropology, 1981
- ◆ Graduate course work in Public Administration
- ◆ Supplementary course work in museum education, collections management and artifact conservation.

ORGANIZATIONS:

- ◆ Board Member, Prince William Sound Science Center
- ◆ Board Member, City of Cordova Personnel Board
- ◆ Member, United Fishermen of Alaska
- ◆ Member, Alaska Women's Political Caucus
- ◆ Served as campaign manager: Lieutenant Governor Stephen McAlpine, Representative Max Gruenberg, and Anchorage Assemblyman, Mark Begich.

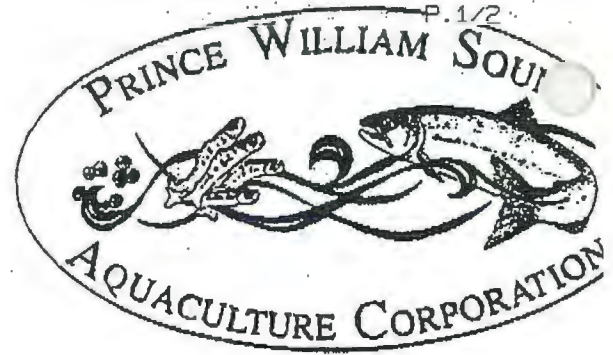
FEB 11 '93 17:48 PWSAC

FAX TRANSMITTAL

MAIN OFFICE

P.O. Box 1110
Cordova, AK 99574
Phone: 907/424-7511
FAX: 907/424-7514

Anchorage
Phone: 907/274-6066
FAX: 907-274-1959



TO: Doug Mutter
WITH: US Dept of Interior
FAX #: 271-4102

DATE: 2/11/93
TIME: 4:50

FROM: John McMullen
CITY: ~~AK~~ Cordova

RE: _____

Total pages including cover 2 For transmission error, please call sender.

MESSAGE: _____

February 11, 1993



Doug Mutter
 U.S. Department of Interior
 Designate Federal Officer
 Exxon Valdez Oil spill Public Advisory Group

RE: Designated voting alternate for the aquaculture seat on the Exxon Valdez Oil Spill Public Advisory Group (EVOS - PAG)

Dear Mr. Mutter,

As the aquaculture representative for the EVOS - PAG, I would like to support an amendment to the public advisory group operating procedure (Item F) that would allow a designated alternate to vote in the absence of an official member. The alternate must be pre-approved.

The alternate I would like to designate for the aquaculture seat is:

Name: Dan Warren

Address: 821 "N" St., #101B, Anchorage, AK 99501

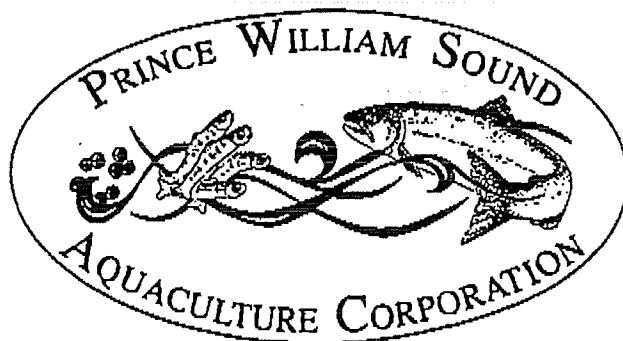
Background: Capital Projects and Environmental Permits Manager, PWSAC.

Justification of Appointment: Ensure full participation of aquaculture representative when I am unable to attend PAG meetings.

Please include this recommendation in your presentation material to the Trustee Council on February 16, 1993.

Sincerely,

John McMullen
 Aquaculture Representative on the
 Exxon Valdez Oil Spill Public Advisory Group
 P.O. Box 1110
 Cordova, AK 99574-1110



June 4, 1993

Doug Mutter
U. S. Department of Interior
Designate Federal Officer
Exxon Valdez Oil Spill
Public Advisory Group
645 G Street
Anchorage, AK 99501

RE: Conflict of Interest Statement
Exxon Valdez Oil Spill Trustee Council

Dear Sir:

Enclosed is a copy of a two page procedure for designation of an alternate. A four-page resume is included for Daniel J. Warren.

In response to page 1: the first three items would be addressed in the resume. Item #4 - Dan Warren has been a long time resident of the Prince William Sound, working at PWSAC's remote hatchery sites since 1983. He is familiar with the PWS fisheries, also would lend practical business knowledge. Item #5 - at the time of the oil spill, Dan Warren was heavily involved hatchery protection from the polluted waters.

In response the page 2: #1) Yes, PWSAC has a claim against Exxon in a class action law suit. #2) No, but Chenega Corporation lands, surrounding the AFK Hatchery (owned by PWSAC), could be proposed. #3) Yes, PWSAC, my employer, has and will continue to submit proposals for funding by the Trustee Council. #4) Yes, PWSAC, my employer, could benefit from future salmon research funded by the Trustee Council.

I hope you will find the information will aid in arriving at a positive decision in considering me as an alternate for John McMullen on the Public Advisory Group.

Sincerely,

Daniel J. Warren

DJW/pmd

DANIEL J. WARREN
821 N. Street, Suite 101B, Anchorage, Alaska 99501

Work (907) 274-6066 Fax (907) 274-1959
Home (907) 248-7086

Current Position:

Capital Projects Manager for Prince William Sound Aquaculture Corporation (PWSAC), Anchorage office. PWSAC is an Alaska based private non-profit fisheries enhancement organization operating a large salmon enhancement program which includes salmon production, research, enhancement evaluation, wild stock enhancement, regional enhancement planning, activity on advisory groups, salmon marketing, and cooperative work with state and federal agencies.

Current duties include managing the design, development, permitting, construction and implementation of capital projects; project planning and development and contract management. I have been involved with PWSAC while the company expanded over six times.

Recent Position:

Worked as Vice President/Capital Projects Manager for Prince William Sound Aquaculture Corporation (PWSAC), Cordova office. An administrative role, one of three upper managers for the corporation.

Education:

B. S. Fisheries Science, Oregon State University

Courses in Management Training (1975 to present)

- First Line Supervision (American Management Association)
- Project Management (American Management Association)
- Effective First Line Supervision (Production Management Association)
- Production Management Training (Weyerhaeuser Company)
- First Line Supervision (Weyerhaeuser Company)
- Negotiating (Career Track)

Other (miscellaneous)

USFWS: Introduction to Fish Health

Accepted to MBA Program: Alaska Pacific University (18 credits completed)

- Organizational Behavior
- Administrative Theory
- Management of Not for Profit Organizations
- International Trade and Economics
- Accounting for Executive Action
- Project Management

Daniel J. Warren
Page 2

Range of Experience:

Over 17 years of experience with intensive salmon enhancement programs and fisheries biology in Alaska and the Pacific Northwest. This experience has involved roles in fish culture, administration and management, fisheries biology, facility and program planning and development. This experience includes:

- Coordinating and managing work with staff, agencies and external groups on difficult, highly visible projects
- Initiating and tracking from concept to completion large projects with numerous people involved, have managed design and construction of projects up to \$5,000,000
- A working knowledge of:
 - Project and contract management
 - Fisheries engineering
 - Culture of all five species of pacific salmon including sockeye
 - Potential uses of hatcheries for supplementation, wild stock rebuilding
 - Not for profit organizations, legal issues, bylaws, Boards, etc.
- Developing and managing capital and operating budgets ranging from \$500,000 to \$8,000,000
- Problem solving with agencies including:
 - United States Forest Service
 - Environmental Protection Agency
 - United States Army Corps of Engineers
 - A wide range of state agencies
- Working with consultants organizing permitting requirements for operations and construction, over 50 permits involving four facilities, including development of an Environmental Impact Statement (EIS)
- Developing with consulting engineers, concept to completion, plans for fisheries facilities with construction costs up to \$20,000,000
- Primary and initial responsibility for corporation protection from the Exxon Valdez oil Spill in 1989
 - Protection of 500,000,000 juvenile salmon fry
 - Meetings with Corporate Board of Directors to develop response strategy
 - Working with attorneys on legal issues
 - Initiated and coordinated research and sampling
 - Overall supervision of all hatchery protection programs

Daniel J. Warren
Page 3

Other Relevant Experience and Skills

Managed permanent staff and seasonal staff of over 100 employees

Communication skills are excellent, including technical writing; public speaking, and public tours

Good interpersonal skills that enable me to be an effective team member and to work with anyone

Ability to evaluate options, recommend solutions and apply priorities

Ability to assimilate technical data related to fisheries production facilities and other related fisheries issues,

Can apply a variety of project management skills and have had responsibility for engineering contracts, construction contracts, other consulting contracts on large projects

Understand construction cost estimating and what costs mean at various stages of design and construction

Able to develop job responsibilities, job descriptions and structure to effectively manage operations or projects

Professional and Business History

Prince William Sound Aquaculture Corporation (PWSAC) 1983 to present

Positions: Capital Projects Manager
Vice President/Capital Projects Manager
Vice President/Operations Manager
Manager, Esther Island Hatchery
Manager, Armin F. Koernig Hatchery

Held upper management positions in PWSAC while the production increased from 80,000,000 pink salmon fry to 570,000,000 juvenile salmon (all species) and from one facility to four facilities making it one of the largest enhancement programs in the world. Major accomplishments and duties while with PWSAC include:

- **Management of Capital budgets up to \$8,000,000 and Operations budgets up to \$2,000,000**
- **Developing project timelines, managing contracts, project bidding and negotiations**

Daniel J. Warren**Page 4**

- Chaired team to develop expansion plan and design of 20,000,000 smolt sockeye salmon facility requiring an Environmental Impact Statement.
- Involved in many aspects of response to the Exxon Valdez Oil Spill, legal, scientific, and contract management
- Responsible for startup, training, staffing and planning for Esther Island hatchery; a facility producing 300,000,000 juvenile salmon
- Coordinated cooperative programs with State Department of Fish and Game and other agencies
- Reported to and worked with Board of Directors

Oregon Aqua Foods, Inc. (Weyerhaeuser Company)

1975 to 1983

Position: Fish Culturist

Coordinated specific areas of fresh water salmon culture. Performed or was involved in areas of fresh water salmon culture with production of over 20,000,000 juvenile salmon at both saltwater and freshwater facilities. Experience and responsibilities included:

- Liaison to contract rearing sites in Oregon and Washington
- Participated in development and startup of the Springfield Hatchery; a 20,000,000 salmon smolt facility
- Supervision of seasonal crews from four to ten
- Delegated full hatchery manager responsibilities on many occasions
- Involved in intensive water quality work and reporting
- Extensive work in fish transport
- Cooperative projects with agencies

Professional Affiliations and Memberships

American Fisheries Society

National Wildlife Federation

Alaska Chapter Project Management Institute (PMI)

American Management Association



February 17, 1993

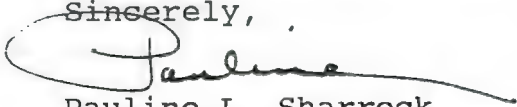
Doug Mutter
EXXON Valdez Oil Spill Trustee Council
645 G. St.
Anchorage, Ak 99501

Dear Doug,

As Brad has told you, Bill Elander will act as alternate for him when he is unable to attend a meeting.

Enclosed is a Bio on Mr. Elander.

Sincerely, .


Pauline L. Sharrock
Administrative Assistant

**FAX 276-7178

Date: April 29, 1993

To: Doug Mutter
Designated Federal Officer
Exxon Valdez Oil Spill Public Advisory Group

From: Bonny Sosa
ACVB

Mr. Elander is out of town on business through May 3, 1993. I completed the attached for your use. Should you need additional information on Mr. Elander, please don't hesitate to contact me at 276-4118.

Thank you.

BIOGRAPHY

NAME: Bill Elander
TITLE: President & Chief Executive Officer
COMPANY: Anchorage Convention & Visitors Bureau

Bill Elander was named President and Chief Executive Officer of the Anchorage Convention & Visitors Bureau in mid-1987, following a nationwide search.

Before joining ACVB, Elander served as Vice President of Sulcro, Inc., where he was involved in development of a year-round marketing effort for a Steamboat Springs, Colorado, resort.

Elander also includes more than 7 years experience as Manager of Sales and Marketing for the MGM Grand Hotel in Reno, Nevada, where he was the top convention business producer for the entire city in 1983 and 1984.

Prior to joining the MGM Grand Hotel, Elander served with honor as a Lieutenant Colonel in the U.S. Air Force, including 3 years with the famed Thunderbirds Precision Flying Team. He is a graduate of the Citadel with a Degree in Marketing.

Board Affiliations

Vice President, Alaska International Airport Tourism Marketing Council
Director, Alaska Visitors Association
Director, Alaska Tourism Marketing Council
Director, Alaska Native Heritage Park, Inc.
Director, Alaska World Trade Center
Director, Anchorage Organizing Committee
Director, Arctic Power
Director, Destination Alaska Executive Board
Director, Greater Anchorage, Inc.
Director, Winter Cities '94 Executive Board
Advisor, Anchorage Daily News Board of Advisors
Advisor, Public Facilities Advisory Commission

Affiliate Organizations

Member, SKAL
Member, International Association of Convention & Visitors Bureaus
Member, Western Association of Convention & Visitors Bureaus
Member, American Society of Association Executives

Bill Elander
1600 A Street, Suite 200
Anchorage, AK 99501-5162
907-276-4118
[REDACTED]

Information about Bill Elander's knowledge of the region and why he should be considered as a suitable alternate on the Exxon Valdez Oil Spill Public Advisory Group:

Mr. Elander was president of the Anchorage Convention & Visitors Bureau (ACVB) at the time of the Exxon Valdez oil spill. Anchorage is the gateway to Alaska for most visitors to this state, including the Prince William Sound area. As president of the ACVB, Mr. Elander represents more than 950 businesses in the tourism industry, many of whom rely on Prince William Sound for their livelihood. As a volunteer board member of the Alaska Tourism Marketing Council, the Alaska Visitors Association, and the Anchorage International Airport Tourism Marketing Council, he stays current with the concerns of the industry regarding the region.

The visitor industry is the fastest growing industry in the state of Alaska. Mr. Elander is a well respected leader in the state's visitor industry. The Public Advisory Group would benefit greatly from his expertise in tourism, as well as, his sincere commitment to the best interests of the visitor industry and the state of Alaska.

Conflict of Interest

Please note Board Affiliations listed in Biography.

1. NO
2. NO
3. NO
4. NO

Post-It™ brand fax transmittal memo 7671		# of pages > 01
To	Doug Mutter	
From	John Sturgeon	
Co.	DOT	
Co.	Koncor	
Dept.		
Phone #	562-3335	
Fax #	271-4102	
Fax #	562-0599	

KFP
Koncor Forest Products Company

3501 Denali, Suite 202
Anchorage, Alaska 99503
(907) 562-3335 FAX (907) 562-0599

Doug Mutter
Designated Federal Officer
EVOS Public Advisory Group

February 12, 1993

Dear Mr. Mutter:


At the February 10 meeting of the EVOS Public Advisory Group, you requested a letter submitting the name of our selected alternate. The selected alternate for the Forest Products Principal Interest is Kimberley Benton. Her address and background follow:

Kimberley Benton, President
Communication Essentials
621 West 90th Avenue
Anchorage, Alaska 99515

Phone: (907) 522-2163
Fax: (907) 349-9394

Ms. Benton has worked with many members of Alaska's timber industry and has been intimately involved with the probable effects of the Exxon Valdez Oil Spill Settlement monies impact on Alaska's forest products industry. Ms. Benton has attended every meeting of the EVOS Trustees Council with one exception and has participated in every EVOS Public Advisory Group meeting. She possesses a unique ability to effectively communicate with forest products industry members throughout the state of Alaska.

Sincerely,


John L. Sturgeon
President

EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP ALTERNATE

PRINCIPAL INTEREST: FOREST PRODUCTS

NOMINATION

for

KIMBERLEY BENTON

presented to the

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

by

JOHN L. STURGEON

BIOGRAPHY OF KIMBERLEY A. BENTON

EDUCATION

Bachelor of Arts in Communication, Business Management Minor
from The College of St. Scholastica, Duluth, Minnesota; 1987

EXPERIENCE

- 1985-87 Sports Information Director, College of St. Scholastica
- 1985-87 Assistant speech and debate coach, Duluth Denfield Senior High School
- 1987-88 Promotions Director, Power 102 Radio, Anchorage, Alaska
- 1988-90 Account Executive, Bradley Communications
- 1990-
present President, Communication Essentials. Communication Essentials is a private public relations firm primarily serving Alaska's timber industry including The Alaska Forest Association (a membership of Alaska's businesses and individuals with a vested interest in Alaska's forest resources), Koncor Forest Products Company, Timber Trading Company and Atikon Forest Products.

CONTACT INFORMATION

For additional information, please contact:

Kimberley Benton, President
Communication Essentials
621 West 90th Avenue
Anchorage, Alaska 99515

Phone: (907) 522-2163
Fax: (907) 349-9394

Kimberley Benton, PAG Nomination

NOMINEE'S KNOWLEDGE OF THE REGION, PEOPLES OR PRINCIPAL ECONOMIC AND SOCIAL ACTIVITIES OF THE EVOS AFFECTED AREA

Kimberley Benton has been intimately involved with the affects that the EVOS has rendered on the forest products industry throughout the spill affected area. She has played a crucial role in the Kachemak Bay State Park inholdings acquisition effort and has successfully managed to keep lines of communication open between the Native landowners, timber owners and the communities and peoples interested in the issue for more than three years.

Through her involvement in the Kachemak Bay issue and by attending EVOS Trustee Council meetings, Public Advisory Group meetings and private symposiums such as the Prince William Sound Science Center Coastal Old Growth Forests, Kimberley has gained unique insight and understanding of the diversity of needs within the spill affected area and the importance that EVOS monies will have in shaping these regions.

RELATIONSHIP/INVOLVEMENT WITH THE FOREST PRODUCTS INDUSTRY

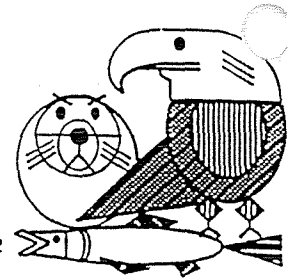
After being raised in a paper mill town, Kimberley attended college in part on a scholarship from Blandin Paper Company. Her public relations company was formed to serve Alaska's timber industry and she has been involved with key industry issues such as acquisition and trade efforts, logging on federal lands, logging on private lands, the formation of rules and regulations governing land use guidelines, legislative lobbying efforts, issues of high public interest such as below-cost timber sales, clearcutting, stream and wildlife protection, logging in the Tongass and establishing strong working relationships with the public at large and organized environmental groups for the past several years.

UNIQUE CONTRIBUTIONS OFFERED TO THE PUBLIC ADVISORY GROUP

Perhaps the most unique contribution Kimberley would offer the Public Advisory Group is the combination of her intimate knowledge of both the Exxon Valdez Oil Spill Settlement process and her strong timber industry relationships. Kimberley has been involved with the Trustee Council's activities and the Public Advisory Group's activities since their formation. She has served as a funnel of information from the Council to industry members for the past three years. She has attended nearly every Trustee Council meeting and has served as the Public Advisory Group Forest Products alternate since the groups inception. She is familiar with and respected by the Group's members and should be appointed by the Trustee Council to continue to serve as the Forest Products alternate.

Exxon Valdez Oil Spill Trustee Council

Restoration Office
645 "G" Street, Anchorage, AK 99501
Phone: (907) 278-8012 Fax: (907) 276-7178



Conflict of Interest

Public Advisory Group members and their alternates are chosen to represent a broad range of interests. It is possible that action could be taken by the Public Advisory Group when one or more of the members have a direct personal conflict of interest which would prejudice and call into question the entire public process. To avoid this eventuality and to enable the Trustee Council to choose appropriate individuals as alternates to Public Advisory Group members, it is necessary that each nominee for alternate provide the following information with their information packet. If the answer to any of these questions is yes, please provide a brief explanation of your answer. A yes will not necessarily preclude any nominee from being appointed to serve as an alternate to a member of the Public Advisory Group.

- Do you, your spouse, children, any relative with whom you live or your employer have, or are you defending, a claim filed before any court or administrative tribunal based upon damages caused by the *Exxon Valdez* oil spill?
No
- Do you, your spouse, children, any relative with whom you live or your employer own any property or interest in property which has been, or is likely to be, proposed for acquisition by the Trustee Council? Yes (see attached)
- Have you, your spouse, children, any relative with whom you live or your employer submitted, or likely will submit, a proposal for funding by the Trustee Council? Yes (see attached)
- Do you know of any other potential actions of the Trustee Council or the Public Advisory Group to have a direct bearing on the financial condition of yourself, your spouse, children, other relative with whom you live or your employer? Yes (see attached)

Kimberley Benton, PAG Nomination

CONFLICT OF INTEREST STATEMENT

With habitat acquisition as a likely goal of the Trustee Council, it is inevitable that property owned by direct clients or members of The Alaska Forest Association (AFA) will be proposed for acquisition by the Trustee Council. To date, the following proposed areas have direct relation to my professional activities (and therefore, financial condition): Kachemak Bay, Seal Bay, Montague Island and Afognak Island. Other areas are owned by AFA members and are now covered as an overall acquisition issue but may have a more direct bearing on my financial condition in the future.

POST OFFICE BOX 8060
CHENEGA BAY, ALASKA 99574-9999
TELEPHONE (907) 573-5118 TELECOPIER (907) 573-5135

FACSIMILE COVER PAGE

TO: ROSE BRADEN DATE: 2/18/93

telecopier 271-4102

FROM: GAIL K. EVANOFF

RE: PAG NATIVE LANDOWNERS ALTERNATE

We are transmitting _____ pages (including this cover page) with a SHARP FO-G33, if you do not receive all pages, please contact _____ at (907) 573-5118 immediately.

____ Originals will follow this transmission via _____

____ Originals will not follow this transmission unless requested.

***** MESSAGE *****

telecopier operator

BIOGRAPHY OF GAIL EVANOFF

EDUCATION

GRADE SCHOOL

Candle Day School
Kotzebue Day School
Nome Elementary
Wrangell Institute

HIGH SCHOOL

Mt. Edgecumbe High School

COLLEGE

University of Alaska-Fairbanks
University of Alaska-Anchorage

EXPERIENCE

WORK EXPERIENCE

Community Health Aide
Accounting
Counseling
Commercial Fishing
Cannery Worker
Commercial Kelping
Community Planner
Native Corporation Director and Vice-President

PROFESSIONAL COURSES

Community Planning and Development
Women in Management
How to Start a Small Business

OIL SPILL EXPERIENCE

Attended the National Oil Spill Conference in San Diego, California

Intense and on-going communication with Exxon Incorporated, Exxon archeological department, the Alaska Department of Environmental Conservation, the United States Coast Guard and several other governmental agencies.

Hosted Statewide regional tour of Oil Spill affected beaches from the viewpoint of the subsistence user.

Serves as Local Oil Spill Coordinator from Chenega Bay representing Oil Spill clean up operations, Oil Spill techniques, bio-remediation programs and testing on oiled lands.

Serves as a committee member on the Oil Spill Prevention and Response Committee.


Serves as the Fishing Vessel Administrator for the Alyeska Pipeline Services plan. As FVA, Ms. Evanoff receives the first call from Aleyeska Service Company in the event of a spill/drill and organizes the vessels to respond in Hatchery Protection, which is the primary responsibility in Chenega Bay.

CONTACT INFORMATION

For further information, please contact:

Gail Evanoff, Vice-President of Operations
Chenega Corporation
P.O. Box 8060
Chenega, Alaska 99574-9999
Phone: (907) 573-5118- Office
(907) 573-5317- Home

Fax: (907) 573-5135

S.S. # for Gail K. Evanoff: 

CHENEGA CORPORATION

Post Office Box 60
Chenega Bay, Alaska 99574-0060
(907) 573-5118

May 12, 1993

Doug Mutter
Designated Federal Officer
Department of Interior
1689 "C" Street, Suite 119
Anchorage, AK 99501-5126

RE: Your letter of May 11, 1993
Alternate Member for the EVOS PAG

Dear Mr. Mutter:

I am responding to your letter dated May 11, 1993 regarding disclosure of potential conflicts of interest. As set forth below, it is Chenega Corporation's position that both the United States and the State of Alaska waived conflict of interest disclosure when the United States and the State of Alaska entered into the Consent Decree and Settlement Agreement in the case, Native Village of Chenega Bay et al. v. United States and State of Alaska. As you may recall, in that Decree, it was specifically agreed that any public advisory group to the Exxon Valdez Oil Spill Trustees Council would include at least one member of the Native Interests, and it was also recognized that the Native Interest, composed of the Alaska Villages Class and the ANCSA Corporation Class, were pursuing claims against the Exxon Defendants in the Exxon Valdez litigation, which claims were specifically preserved.

Accordingly, we respond as follows:

1. Do you, your spouse, children, any relative with whom you live or your employer have, or are you defending, a claim filed before any court or administrative tribunal based upon damages caused by the Exxon Valdez oil spill?

Response: Yes. Chenega Corporation has claims filed in Federal Court and before the Trans-Alaska Pipeline Liability Fund based upon damages caused to Chenega Corporation by the Exxon Valdez oil spill. I am an employee of Chenega Corporation.

Doug Mutter
May 12, 1993
Page 2

2. Do you, your spouse, children, any relative with whom you live or your employer own any property or interest in property which has been, or is likely to be, proposed for acquisition by the Trustee Council?

Response: This question is unduly speculative and overbroad. Chenega Corporation owns property and interest in property which have been damaged by the Exxon Valdez oil spill. To the best of my knowledge and belief, the Trustee Council has not adopted procedures for the acquisition of property or interest in property. To the best of my knowledge and belief, Chenega Corporation has not been approached by the Trustee Council with regard to proposals for acquisition of property or interests in such property.

3. Have you, your spouse, children, any relative with whom you live or your employer submitted, or likely will submit, a proposal for funding by the Trustee Council?

Response: Chenega Corporation, my employer, has submitted one or more proposals for funding by the Trustee Council, specifically dealing with restoration of injured natural resources. However, to the best of my knowledge and belief, the Trustee Council has maintained that the proposals submitted are "project ideas from the public", which become the property of the Trustee Council.

4. Do you know of any other potential actions of the Trustee Council or the Public Advisory Group to have a direct bearing on the financial condition of yourself, your spouse, children, other relative with whom you live or your employer?

Response: No.

Further Discussion: Pursuant to 43 C.F.R. 20.735-53(c)(2), (ii), the very reason for appointment of a class representative of Native Landowners to the Advisory Council "is precisely because that individual represents the industry involved as an employee of that industry." See also paragraph 13 of the Consent Decree and Stipulation of Dismissal in the case, Native Village of Chenega Bay et al. v. United States and State of Alaska:

If a Public Advisory Group is established to provide for public participation in the natural resource injury assessment and restoration process, such advisory group will include one or more representatives of the Native Interests.


Doug Mutter
May 12, 1993
Page 3

Your consideration of the foregoing information is deeply appreciated.

Very truly yours,

CHENEGA CORPORATION

BY:



Gail Evanoff
Vice President Operations

CWT:cb/chenega/restore/mutter.ltr

Feb. 10 '93

Doug:

I would like to name as
my alternate on the
Public Advisory Council:

Sharon (Mrs. Bruce) Gagnon

(check phone book for address & phone)

She lives in Anchorage and is
involved in community affairs.

She is a former UAF Faculty member
who now serves on the University

Board of Regents. I also serve on
the Regents so we discuss meetings

and can see regularly which would
make it easy to do coordinate

and PAG subjects. Her husband
is an Anchorage attorney.

Llewellyn (Lew) Williams

Sharon Gagnon

6721 Raindree Dr.

Anchorage 99516

PH: 346-3599

*Sharon Gagnon
6721 Roundtree Drive
Anchorage, Alaska 99516*

FACSIMILE MESSAGE PAGE 1 of 2

May 25, 1993

Doug Mutter, Designated Federal Officer
Exxon Valdez Oil Spill Trustee Council
Restoration Office
645 "G" Street
Anchorage, AK 99501

Dear Mr. Mutter:

Lew Williams Jr. has forwarded to me the information you will need to confirm me as his alternate for the Exxon Valdez Oil Spill Public Advisory Group. I understand from your memo to PAG members that you need this information as quickly as possible, and I am, therefore, faxing to you my answers which I have listed below according to your status of information categories.

1. Resume

According to your status of information, you have this information.

2. EVOS Knowledge

I have been a resident of Anchorage since 1970 and, as my resume indicates, have been involved in activities which in many instances have served to acquaint me with the economic and social structure of the area affected by the *Exxon Valdez* oil spill. In the last two and a half years I have, as a member of the Board of Regents, increased my knowledge of the area through visits to Valdez and Cordova, through relevant presentations by University faculty and through reading the materials distributed by various affected groups. Because the University has academic facilities in the area, it has been my responsibility to understand the dynamics of Prince William Sound. Because the University has land holdings throughout the State, it is also my responsibility to understand and apply principles of resource management and stewardship of public lands.

Sharon Gagnon
6721 Roundtree Drive
Anchorage, Alaska 99516

Facsimile Message Page 2 of 2

To: Doug Mutter

From: Sharon Gagnon

Subject: EVOS Public Advisory Group Alternate Nomination

3. Relation to Interest

The principal interest I would be representing is the Public-at-Large because of my active involvement in public affairs statewide, as indicated in my resume.

4. Why Select

I believe Lew Williams Jr. has nominated me as his alternative because he believes I am conscientious, fair-minded and well-informed and that I work well within groups. He knows that should he need to rely on an alternate, I will work hard in his place to accomplish the task at hand.

5. Conflict Answers

No known conflicts.

Thank you very much for this opportunity to answer the questions which are required to be authorized as Lew Williams Jr.'s alternate on the Exxon Valdez Oil Spill Public Advisory Group. Please advise me if you need additional information or clarification.

Yours truly,

Sharon Gagnon

FAX MESSAGE PAGE 2 OF 3

**TO: DOUG MUTTER
FROM: SHARON GAGNON**

SHARON GAGNON: RESUME 1993

Education

Harvard University, A.M., 1965; Ph.D., 1972 French Literature
Fullbright Grant to France, Université de Poitiers, 1962-64
Certificat d'aptitude à l'enseignement du français à l'étranger, 1963
Lectrice, 1963-64
Indiana University, A.B. 1962 French
Phi Beta Kappa
Mortar Board

Employment

University of Alaska, Anchorage, 1988-90: Adjunct Faculty (French)
Northway Business Park, 1983-86: Development Director
Anchorage Community College, 1981: Adjunct Faculty (French)
Alaska Methodist University, 1972: Instructor 20th Century French Literature
Vanderbilt University, 1967-70: French Language and Literature Instructor
Harvard University, 1965-67: Teaching Fellow, French Language, Literature
Université de Poitiers, France: Instructor, American Civilization

FAX MESSAGE PAGE 3 OF 3

TO: DOUG MUTTER
FROM: SHARON GAGNON (Resume continued)

Most Recent Community Activities

University of Alaska, Board of Regents, 1991-1999
 President of the Board of Regents, 1993-
Alaska Commission on Post Secondary Education, 1991-
University of Alaska Foundation, Board of Trustees, 1991-
University of Alaska, Anchorage, College of Fellows, 1988-
Harvard University Alumni Association, Cambridge, Massachusetts
 President-Elect for 1993-1994
 First Vice President 1992-93
 Vice President at Large, 1990-94
 Schools and Scholarships Chair, 1988-92
 Harvard-Radcliffe Committee Chair 1988-89
 Regional Director, 1987-1990
Anchorage Chamber of Commerce, Board of Directors, 1991-1992
 Board of Directors 1991-1992
 Chair, Education Committee, 1981-83
 Board of Directors, 1983
 Jim Dodson Memorial Gold Pan for Outstanding Chamber Member, '83
Rasmusson-Loussac Foundation, 1986-
Providence Hospital Community Advisory Board, 1991-1994
Anchorage Organizing Committee for the Winter Olympics:
 Secretary, 1991-1991, Treasurer (1988- 90), Board Member, 1987-90,
 Ambassador, International Relations Committee, Executive Committee
Alaska Repertory Theater, Board of Directors, 1984-88
 Second Vice President, 1986-87
University of Alaska, Anchorage Citizens Advisory Committee, 1976-86
 Chair, 1977-79; Sharon Gagnon Lane dedicated 1985
Alaska Childrens' Services
 Board of Directors, 1979-82
 Vice President for Development, 1982

Personal

Address: 6721 Roundtree Drive, Anchorage, Alaska 99516
Telephone: (907) 346-2592 Fax: (907) 346-2592
Born: Sharon Elliott, July 23, 1940, Evansville, Indiana
Family: Husband, Bruce E. Gagnon, Attorney. Children, Anne, 22; Elliott, 20
Alaska Residency: July 1, 1970 to present

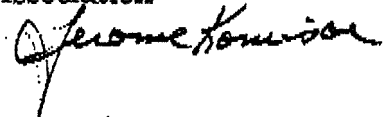
UNIVERSITY OF ALASKA

July 7, 1993

TO: Members of the Exxon Valdez Oil Spill Public Advisory Group

FROM: Ken Adams, Prince William Sound Aquaculture Corporation
Ron Dearborn, Regional Marine Research Board
Bill Hall, Prince William Sound Aquaculture Corporation
Theo Matthews, United Cook Inlet Drift Association
Jerome Komisar, University of Alaska
Arliss Sturgulewski

SUBJECT: Establishment of a Marine Research Endowment



On June 16, 1993, the six authors of this memorandum met to discuss the urgent and compelling need to initiate and maintain long-term studies of the coastal ecosystem and resources adversely impacted by the Exxon Valdez Oil Spill (EVOS).

Given the extended time it takes for coastal ecosystems to rebound after disasters, the need for long-term studies is evident. If there is any doubt about this one need only recall the experience of the massive earthquake that struck the Prince William Sound region in 1964. The ecological succession in the marine system triggered by that disaster was still proceeding when the Exxon Valdez catastrophe took place 25 years later.

The only way to ensure that essential long-term studies are conducted is through the establishment of a permanent endowment for that purpose. Although each of us would have written this letter somewhat differently, and there needs to be much more work given to the details of the proposal, this memorandum is submitted by the six of us.

We ask that the **Exxon Valdez Oil Spill Public Advisory Group** strongly support the establishment of a **Exxon Valdez Marine Research Endowment**. This Endowment would be created through the investment of a significant portion of the revenues from the \$900,000,000 civil settlement. The Endowment's earnings would be used to support long-term basic and applied research.

UNIVERSITY OF ALASKA.

The purposes of the Endowment would be to:

1. Provide for the development of a comprehensive research plan that would serve to maximize the use of research funding by ensuring coordination of the research projects supported by the Endowment and by coordinating, as far as is possible, Endowment supported research with research supported from other sources.
2. Provide funding for research projects that serve to implement the terms and purposes of the Federal/State Memorandum of Agreement (MOA) with respect to natural resource damage recovery in the EVOS area and in accordance with the Endowment's comprehensive research plan.

The goals of the research projects supported by the Endowment would be to:

1. Provide a complete understanding of the coastal ecosystem of the EVOS impacted area and, derivatively, Alaska's coastal ecosystems in general. This is an essential first step if the public is going to be able to ensure the natural quality and productivity of the region over the centuries. Alaskans were unprepared to adequately assess the damage caused by the Exxon Valdez spill or to put into place mitigating programs because of insufficient baseline information. Alaskans should never be in that position again.
2. Support the research necessary to improve our understanding and management of the EVOS area fisheries.
3. Support the research in critical habitat in the EVOS area necessary to preserve the mammalian, avian and piscine populations.

A full understanding of the impact of the Exxon Valdez Oil Spill areas ecosystem including the State's most productive fisheries cannot be obtained over the ten year payment cycle framed by the civil settlement. Long-term studies of the coastal system require decades not years. The continuum of study required to meet the objectives of the settlement necessitates the establishment of a research endowment fund, the earnings of which would be used to fund research projects far into the future.

UNIVERSITY OF ALASKA

We propose that the *Exxon Valdez Marine Research Endowment* be established over the course of the next eight years, by encumbering \$30,000,000 per year from the civil settlement for immediate and long-range research. We propose that about \$7,000,000 be used in each of the eight years, with the remaining \$23,000,000 being placed in a restricted account to form a permanent endowment. After the first eight years, when the Endowment's principal would be approximately \$184,000,000 plus earnings, the research program would be supported by the earnings from the permanent endowment.

These Endowment funds would be held and invested by the University of Alaska Foundation according to the standards followed in investing the Foundation's other restricted funds. The UA Foundation has an excellent track record in managing investments -- out performing other State investments to a significant degree. Management fees would be limited to the commercially competitive rate, and earnings from the fund would be used exclusively to support the purposes of the Endowment.

The Endowment will be governed by a Board of Trustees. Members of the Board would represent the interests of Alaska's people, particularly those residing in the EVOS area, and it would be composed of people representing conservation and utilization of the natural resources in the EVOS area.

The Board of Trustees would be responsible for defining research needs and developing the comprehensive marine research plan within the context of the EVOS settlement agreement. As part of the development of the plan, the governing board will include regional research plans developed by regional fisheries research boards. These regional fishery research boards could be organized around the existing regional planning teams established pursuant to AS 16.10.375, expanded to include other interests.

The Trustees, in turn, would submit the proposed projects for independent peer review in order to receive information on their merit and relevance to the comprehensive research plan. The Board of Trustees would select for funding only those research proposals that are determined to be most responsive to the needs and goals of the plan.

Research proposals will be accepted from all sources including employees and units of federal and state government. Among the publicly supported units would be the University of Alaska, the Alaska Department of Fish and Game and the Qualified Regional Aquaculture Associations formed under AS 16.10.380.

UNIVERSITY OF ALASKA

As you can tell, much more thought has to be given to the structure of the Board, its composition, and the selection and appointment of Trustees. Greater attention must also be given to the management of the Endowment in terms of ensuring that the interests of the public and the terms of the MOA are considered in the Board's deliberations. With the strong support of the Public Advisory Group for the concept, these details will be worked out.

The importance of establishing an *Exxon Valdez Marine Research Endowment* cannot be overemphasized. Studies of coastal ecosystems necessary for the restoration of marine resources take far more time than would be available if we have to stay with the remaining eight year horizon of settlement payments. Eight years, in regard to coastal biology, is a very short time, and short-term studies alone cannot do justice to the enormous value of Alaska's coastal legacy.

-0-

cc: Exxon Valdez Oil Spill Trustees

The Nature Conservancy
MEMORANDUM

TO: Distribution List
FROM: Susan Ruddy
DATE: June 28, 1993
SUBJECT: Stewardship Endowment Concept Paper

Enclosed you will find our initial thinking regarding an approach to financial support for long-term stewardship of habitat areas which are important to the recovery of the Exxon Valdez oil spill area.

We believe this concept to be worth serious consideration, and would welcome both your support for the basic notion and any comments you may have to improve it.

Post-It™ brand fax transmittal memo 7671		# of pages	3
To	<i>Doug</i>	From	<i>Susan Ruddy</i>
Co.		Co.	
Dept.		Phone #	<i>907/276-3133</i>
Fax #	<i>271-4102</i>	Fax #	<i>907/276-2584</i>

Stewardship Endowment Concept Paper
The Nature Conservancy of Alaska
June 23, 1993

Background

The Nature Conservancy, a non-profit conservation organization, has been in the business of protecting ecologically significant lands for over 40 years. To date the Conservancy has been directly involved in the protection of over 7 million acres. Currently the Conservancy owns and manages over 1.3 million acres within 1,600 Conservancy preserves, the largest private sanctuary system in the United States.

Because of the Conservancy's commitment to perpetual protection of its preserves, the Conservancy Board of Governors will not allow the creation of a preserve without evidence that an adequate stewardship endowment will be established for the preserve. Interest proceeds from the endowment are used for annual preserve stewardship costs.

Given Conservancy experience elsewhere, we strongly recommended that a stewardship endowment or endowments be established to support the long term health of the natural resource/services recovery areas within the Exxon Valdez oil spill (EVOS) area.

Possible Approach

The EVOS Trustees would agree to establish a stewardship endowment benefiting specific geographic regions within the EVOS area, e.g. Prince William Sound, Kenai Peninsula, and Kodiak Archipelago. The purpose of the endowment would be to provide for part of the long term stewardship costs associated with recovery and maintenance of damaged resources and services. The primary beneficiary of the endowment proceeds would be the EVOS area ecosystems.

To prevent unintended uses of endowment funds, expenditures would be controlled by a trust agreement which specifically provides for the establishment of a private non-profit organization dedicated to long term stewardship needs within the EVOS area. Trustee make-up would be representative of non-governmental groups that have an interest in long term EVOS area stewardship needs, e.g. Alaska Native Corporations (profit and non-profit) and environmental, conservation, commercial fishing, sport fishing, and recreation organizations. Government agencies (federal and state) would participate in endowment fund activities through non-voting ex-officio membership.

Page Two
Stewardship Endowment Concept Paper

The endowment could be set up as a sinking fund which would be depleted over an agreed upon period of time. Or, the endowment could be set up as a perpetual stewardship endowment with a requirement that only interest generated from the endowment could be spent on stewardship activities. A sinking fund endowment could be converted to a perpetual endowment through fund raising efforts by the endowment trustees.

Endowment proceeds could be made available through a grant application and approval process. Example might include: cost-share stewardship projects on public and private lands, restoration monitoring for stewardship evaluation and planning purposes, and direct purchases of equipment needed for stewardship activities.

Benefits

1. Assures long-term stewardship of habitat protection investments made by EVOS trustees.
2. Provides mechanism for formal and "hands-on" involvement of non-agency interest groups in long-term stewardship activities.
3. Provides mechanism for contribution of non-settlement money to EVOS area stewardship activities, i.e. private citizens, other non-profit groups, Native Corporations, etc. can contribute to the principal of the trust.

Initial Deposit

An initial endowment of \$10 million is recommended. Given a 5% rate of return, the trust would make \$500,000 available for year one activities. Depending upon the success of the concept, the EVOS Trustees could make subsequent endowment deposits that correspond to anticipated long-term needs as those needs become more apparent.

Timing of Deposit

The Conservancy recommends that the stewardship endowment concept be included in the Final Restoration Plan and that establishment of the endowment be one of the first Restoration Plan actions taken by the EVOS Trustees. Accordingly, with a final restoration plan expected in February of 1994, the endowment could be established by April of 1994.



Greater Fairbanks

Chamber

of Commerce

709 Second Avenue

(907) 452-1105

Fairbanks, Alaska 99701

FAX: (907) 456 6968

MEMORANDUM

TO: Doug Mutter *DM* COPIES TO: _____

FROM: Margo Goodhew _____

DATE: July 12, 1993 _____

SUBJECT: Resolution #93-0712 _____

MESSAGE: The Greater Fairbanks Board of Directors passed the attached
resolution at today's meeting. Mr. Phil Younker ask that I
send this to you immediately.

Would you please see that the a copy of the resolution is given
to each of the members of the Public Advisory Board.

Thank you for your anticipated cooperation.

REPLY: _____

We strongly urge your consideration and support for the concept of an Endowment to the University of Alaska for a portion of the spill fund. The University has the mechanism to manage the endowment through it's foundation without creating a new bureaucracy, it has facilities in many locations around the state including Valdez, Cordova, Kodiak, Seward, Anchorage, Juneau, Sitka, Ketchikan, and Fairbanks. This provides the University all of the advantages of the main campus, recognized world wide as a major scientific center, plus the numerous locations around the state allowing for both the laboratory work and field work to take place without creating a whole new infra-structure.

Your endorsement of this resolution will help the Trustee's realize that many people and organizations agree with the concept of long term commitments to the future of Alaska is a high priority.



Greater Fairbanks

Chamber

of Commerce

709 Second Avenue

(907) 452-1105

Fairbanks, Alaska 99701

FAX: (907) 456-6968

RESOLUTION 93-0712

A RESOLUTION URGING THE EXXON VALDEZ OIL SPILL COUNCIL TO WORK WITH THE UNIVERSITY OF ALASKA TO CREATE A GENERAL ENDOWMENT TO THE UNIVERSITY AND TO ENDOW A SUBSTANTIAL NUMBER OF ACADEMIC CHAIRS IN THE SCIENCES TO FULFILL THE LONG TERM GOALS OF THE SETTLEMENT

WHEREAS, the biological resources of the northern Gulf of Alaska were impacted by the Exxon Valdez oil spill, and

WHEREAS, the Exxon Valdez oil spill disrupted the economic and social life of many of the local residents in the Prince William Sound area, and

WHEREAS, baseline scientific data was inadequate to positively assess the damage, manage major spills, and restore the environment, and

WHEREAS, future accidents and oil spills in this area and other areas of Alaska waters are a possibility, and

WHEREAS, Alaska has more coast line than any other state in the union, making it imperative that the State of Alaska take the lead in utilizing the accumulation of scientific knowledge and promoting the advancement of scientific technology now as well as in the future, and

WHEREAS, with scientific advancements in the decades ahead eventual enhancement of many of the biological resources will be possible, and

WHEREAS, the Exxon Valdez Oil Spill Trustee Council is in charge of restoring, rehabilitating, replacing, enhancing or acquiring equivalent resources and services in the oil spill region, the accumulation of scientific knowledge to manage any future oil spills must be placed in high priority within the Council's program, and

WHEREAS, any spill of this magnitude not only effects the wildlife and fish habitat, it has economic, social and psychological effects in rural Alaska where local populations, including the native population, whose traditional life styles may be disrupted, and

WHEREAS, the University of Alaska has taken a leadership role in many of these areas of study and is strongly committed to working in rural Alaska as well as attracting students from rural Alaska, and

WHEREAS, the University of Alaska, is a statewide system with locations in Valdez, Cordova, Petersburg, Homer, Seward, Kodiak, Juneau, Anchorage, Fairbanks, Bethel, Dillingham, in addition to many other locations in Rural Alaska, and

WHEREAS, the University of Alaska currently is doing research in fisheries and oceanography and has a research vessel, and

WHEREAS, a general endowment will permit the University to fund specific projects and studies that may only require a limited time to answer, and to be flexible to fund new studies as new questions or problems arise, and

WHEREAS, endowed academic chairs will provide continuing quality scientific investigation, scientific publications, and excellence in training that will be needed by the agencies and industry responsible for resource management and development into perpetuity, and

WHEREAS, endowed chairs attract the highest quality applicants because they are not affected by the annual fluctuations of the University's budget process, and

WHEREAS, high caliber of endowed professors attract the highest quality graduate students and most often have a competitive edge in securing grants and contracts, and

WHEREAS, concentrating a major center for the advancement of sciences at the University of Alaska is in the best interests of all Alaska, since agency and industry research is normally directed to the public and may suffer from short term funding, and

WHEREAS, endowed university research is normally broader in scope, produces peer-reviewed publications, has long term continuity and produces an outflow of trained professionals, and


WHEREAS, the University of Alaska already has an appropriate Foundation for managing endowed chairs thus eliminating the cost of a new bureaucracy, and

WHEREAS, the combination of a general endowment and endowed chairs allows the University of Alaska both flexibility and long term funding with an irrevocable commitment to continue the study of all of the effects of this spill and any future spills that may happen in Alaskan waters or any other waters on this earth,

NOW, THEREFORE, BE IT RESOLVED, that the Greater Fairbanks Chamber of Commerce Board of Directors urges the Exxon Valdez Oil Spill Trustee Council to instruct their Restoration Team to contact and cooperate with the University of Alaska in developing a plan for establishing a general endowment to the University of Alaska and to endow a substantial number of chairs in the sciences that will fulfill the intent of the settlement, and that such a plan be included in the Restoration Plan and Environmental Impact Statement being prepared this year by the Restoration Team.

Dated this 12th day of July, 1993.

By 
Margo Goodhew
President

By 
Pamela J. Held
Chairman of the Board

1994 WORK PLAN

Approach	Schedule
1. Prepare list of potential 1994 Restoration projects based upon restoration options in the draft Restoration Plan, public and agency suggestions to date and the 1994 Work Plan Framework. The latter was a planning document derived by the Restoration Team, the chief scientist, peer reviewers and co-chairs of the the Restoration Planning Work Group.	January 11 - April 16
2. Seek public comment on list of potential 1994 restoration projects.	April 17 - May 20
3. Prepare Draft 1994 Work Plan.	May 21 - September 15
4. Seek public comments on Draft 1994 Work Plan.	September 22 - October 26
5. Trustee Council Approves 1994 Work Plan.	December 9 - December 10

DRAFT

ID	Name	Scheduled Start	Scheduled Finish
1	DEVELOP DRAFT RESTORATION PLAN	2/16/93	8/6/93
2	TC review Alternatives	2/16/93	2/16/93
3	Develop Alt Info Package	2/17/93	3/2/93
4	RT review Alt Info Package	3/2/93	3/11/93
5	Alt Info Package to Public	3/31/93	8/6/93
6	Public Meetings	4/12/93	4/30/93
7	Review Public Mtg Comment	5/3/93	5/21/93
8	Send Draft Plan to TC	5/21/93	5/21/93
9	TC meeting of Draft Plan	6/1/93	6/1/93
10	Release Draft Plan to Public	6/21/93	8/6/93
11	DEVELOP FINAL PLAN	8/9/93	12/27/93
12	Revise Draft Plan	8/9/93	10/30/93
13	Final Plan to TC	11/1/93	11/1/93
14	TC Decision on Plan	11/10/93	11/10/93
15	Final Plan to Public	11/11/93	12/27/93
16	TC MTG to Implement Plan	12/27/93	12/27/93
17	DEVELOP DRAFT EIS	2/22/93	8/6/93
18	EIS Analysis	2/22/93	4/2/93
19	Review DEIS and Rewrite	4/5/93	5/21/93
20	DEIS to TC	5/21/93	5/21/93
21	TC decision on DEIS	6/1/93	6/1/93
22	Public Comment of DEIS	6/21/93	8/6/93
23	DEVELOP FINAL EIS	8/9/93	12/27/93
24	Revise DEIS	8/9/93	10/30/93
25	FEIS to TC	11/1/93	11/1/93
26	TC decision on FEIS	11/10/93	11/10/93
27	Public review of FEIS	11/11/93	12/27/93
28	Record of Decision	12/27/93	12/27/93
29			
30	HABITAT PROTECTION EVALUATION	2/16/93	9/15/93
31	Interim Protection Process	2/16/93	2/16/93
32	Peer review process	2/28/93	4/23/93
33	Comprehensive Eval proc	2/23/93	9/15/93
34	Hab Protect Field Work	5/3/93	9/15/93
35	ID New Data Needs	3/1/93	5/12/93
36	RT Review Data Needs	5/12/93	5/31/93
37	TC Decision on New Data	6/1/93	6/1/93
38	Begin discussions /negotiations	3/15/93	12/31/93
39	Negotiations Progress RPT	8/10/93	8/10/93
40			
41			
42	1993 WORK PLAN IMPLEMENTATION	2/12/93	9/30/93
43	93 Detailed Study Plan Dev	2/12/93	4/1/93
44	RT & Peer Review	3/1/93	5/1/93
45	Implement 93 Projects	5/3/93	9/30/93
46			
47	1992 WORKPLAN REPORTS	2/12/93	8/10/93
48	92 Report writing	2/12/93	5/6/93
49	Spies review Reports	4/1/93	7/15/93
50	Write 92 Summary Report	5/17/93	7/10/93
51	RT Review Summary RPT	7/12/93	8/1/93
52	92 RPT to TC	8/10/93	8/10/93
53			
54	Monitoring Plan WKSHOP	4/13/93	4/15/93

DRAFT

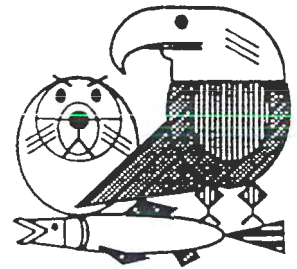
ID	Name	Scheduled Start	Scheduled Finish
55			
56	1994 WORKPLAN DEVELOPMENT	3/31/93	12/10/93
57	TC Meeting	3/31/93	3/31/93
58	RT Develop instructions to WPWG	4/2/93	4/2/93
59	WPWG Dev Project Title List	4/2/93	4/13/93
60	RT Review Chart	4/13/93	4/13/93
61	TC Review Chart	4/14/93	4/15/93
62	WPWG Revise Chart	4/16/93	4/16/93
63	Print Chart	4/19/93	4/20/93
64	Distribute Chart	4/21/93	4/22/93
65	Public Review Period	4/22/93	5/21/93
66	Review Public Comments	5/24/93	6/4/93
67	TC Meeting to Develop Assumptions	6/1/93	6/2/93
68	RT Develop Project List	6/3/93	6/8/93
69	ID Agencies to Write Project Descriptions	6/8/93	6/8/93
70	TC Review of Project List & Lead Agencies	6/9/93	6/11/93
71	Agencies Write Summary Project Descriptions & Budget	6/14/93	7/16/93
72	RT/FC/CS Review	7/19/93	7/30/93
73	Legal Counsel Review as Necessary	7/19/93	7/27/93
74	WPWG Assemble Draft Work plan for TC Review	8/2/93	8/11/93
75	Draft Work Plan to Trustee Council	8/12/93	8/12/93
76	RT WPWG Continue Document Preparation	8/12/93	8/19/93
77	TC Meeting for NEPA Funding	8/20/93	8/20/93
78	Agencies Conduct NEPA Compliance	8/23/93	12/8/93
79	WPWG Compile Final Document	8/23/93	8/26/93
80	Document Printed	8/27/93	9/13/93
81	Public and PAG Comment Period	9/20/93	10/21/93
82	PAG Meeting to Review Draft 1994 WP	10/6/93	10/6/93
83	WPWG Analyze Comments	10/22/93	11/11/93
84	RT Review Analysis	11/5/93	11/11/93
85	RT Develops Work Plan Recommendations	11/12/93	11/18/93
86	WPWG Assembles Final Draft WP	11/19/93	11/24/93
87	RT Reviews Final Draft WP	11/25/93	12/1/93
88	Document to TC	12/2/93	12/2/93
89	TC Meeting Decision on Final Work Plan	12/9/93	12/10/93
90			
91	DEVELOP FIRST QUARTER INTERIM FUNDING	7/29/93	8/20/93
92	RT Develop Interim Funding Recommendations	7/29/93	8/11/93
93	TC Meeting for Interim Funding Oct-Dec.	8/20/93	8/20/93
94			
95	IMPLEMENT 1994 PROGRAM OF WORK	12/13/93	5/30/95
96	TC Requests Funds from Court	12/13/93	12/17/93
97	Funds deposited in Gov't Accounts	12/24/93	12/24/93
98	Federal Gov't Receives Funds from NRDA&R	1/24/94	1/24/94
99	Project Descriptions Developed	12/13/93	3/4/94
100	Peer Review of Project Descriptions	1/24/94	4/15/94
101	Project Start Date	3/7/94	7/22/94
102	Projects Conducted	3/7/94	9/30/94
103	Draft Reports Developed	10/3/94	3/31/95
104	Peer Review of Draft Reports	1/9/95	4/14/95
105	Final Reports Developed	2/13/95	5/30/95
106			
107	CONTINUATION PROJECT INTERIM REPORT DEADLINE	2/6/95	4/1/95

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



March 24, 1993

Dear

The settlement of federal and state lawsuits related to the *Exxon Valdez* Oil Spill resulted in funds being made available for restoration of resources and services injured by the spill. The *Exxon Valdez* Oil Spill Trustee Council is responsible for managing these funds and deciding on what projects to fund to accomplish restoration.

Protection of habitat is expected to be an important element of restoration. Acquisition of title to land or acquisition of other property rights are important protection tools. Lands may be acquired or otherwise protected if it can be demonstrated that such actions contribute to the restoration of resources or services injured by the spill.

The Trustee Council is identifying lands that are important to accomplish restoration objectives. It is neither necessary nor possible to protect all habitats that would contribute to restoration of injured resources and services. We are sending this letter to a large number of owners of property rights that are potentially valuable to our restoration efforts. You have been identified as a possible owner of such property. We would like to know if you are interested in participating in our identification and analysis process. This process locates, characterizes and evaluates privately owned habitat (land) linked to the recovery or replacement of resources and services (human uses) injured by the *Exxon Valdez* Oil Spill.

Your response is sought for informational purposes only and is in no way binding upon you or the Trustee Council. If you indicate that you would be interested in discussions, we will contact you regarding analysis of your property and/or property rights.

Please respond on the enclosed form and return it to us. Until we receive your response we are not able to consider you a willing participant. We appreciate your consideration.

Sincerely,

Dave Gibbons
Interim Administrative Director

Enclosures

Please check the appropriate line below.

I am interested in my property and/or property rights being considered in the identification and analysis process.

YES _____

NO _____

If yes, a legal description and/or map would be appreciated.

Comments:

Person to contact for arranging discussions:

Name: _____

Address: _____

Phone: _____

Signature: _____ **Date:** _____

Printed Name, Title: _____

Dear Landowners:

Attached is our preliminary analysis of a portion of your lands. We would appreciate your review and comments on this material and any additional information you are able to supply us that is relevant to this analysis.












Thank you.

HABITAT PROTECTION ACQUISITION PARCELS

Port Fidalgo, Alaska

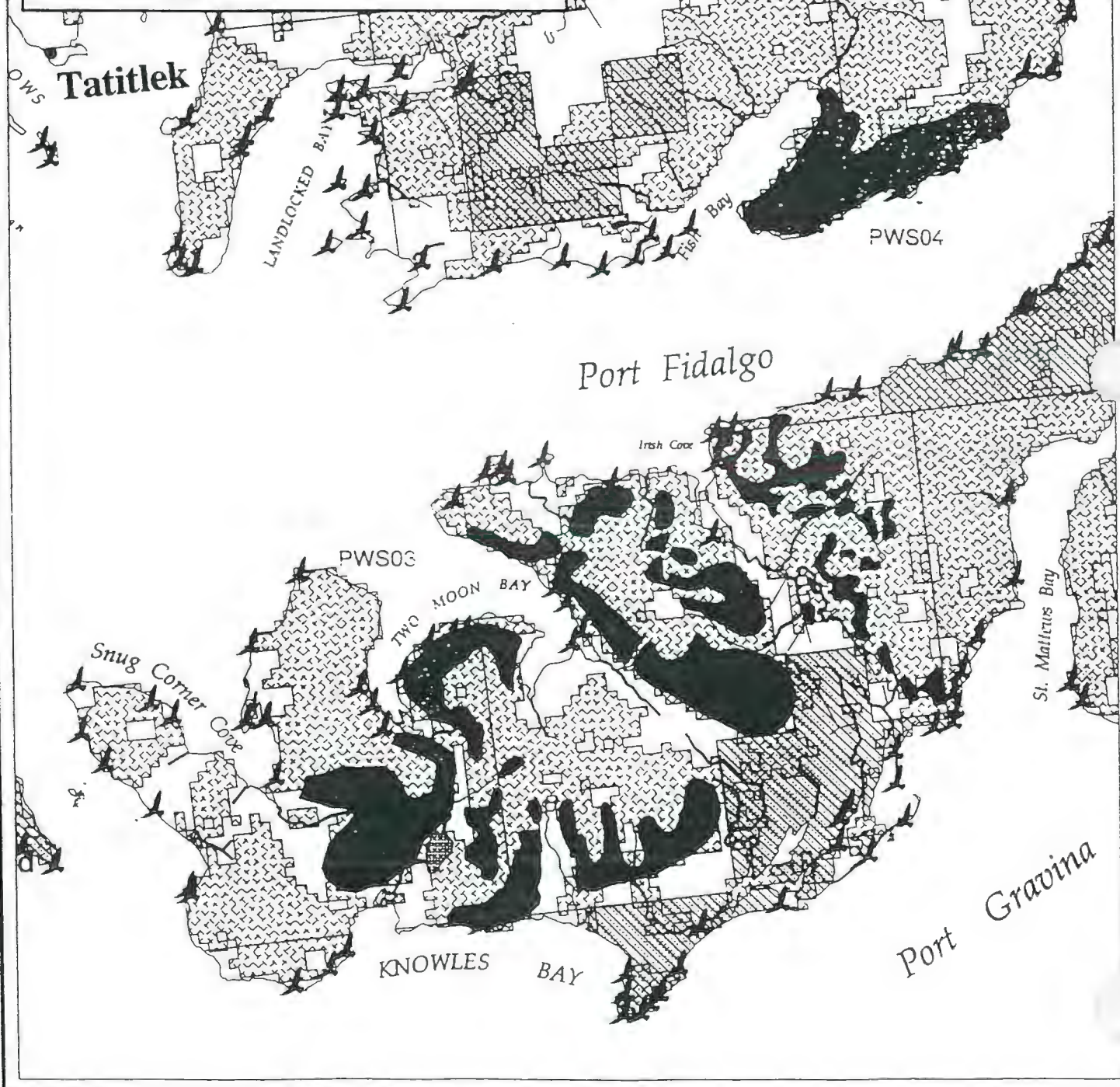
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Albers Equal Area Projection

LEGEND

- | | | | |
|---|-------------------------------------|---|---------------------|
|  | Public (State or Federal) |  | Streams |
|  | Private |  | Anadromous Streams |
|  | Timber Harvest Areas |  | Eagle Nests |
|  | 1993 Projected Timber Harvest Areas |  | Seabird Colonies |
|  | Native Selected |  | PWS03 Parcel Number |
|  | Forest Cover | | |

Date printed: January 26, 1993

SOURCE:
Current and general habitat information provided by Alaska Department of Fish and Game (ADF&G) and Alaska Department of Natural Resources, Division of Forestry, 1992.
Lands within provided by the US Forest Service, 1992, and the ADF&G, Land Resource Information System (LRIS), 1991.
Forest Cover data provided by US Geologic Survey (AMBERCH Alaska Field Office using LANDSAT data imagery resampled to a 200 meter grid.
Streams were determined by ADF&G/US from the USGS topographic maps (1:50,000). Anadromous stream classification was determined by the ADF&G, 1991.
Eagle and Seabird information collected and provided by US Fish and Wildlife.



HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: PWS 04		PARCEL NAME: Fish Bay	
¹ LANDOWNER: Chugach Alaska Corporation		² PARCEL ACREAGE: 1,700	³ TOTAL ACREAGE: 51,200
			⁴ AFFECTED ACREAGE: 1,700
INJURED RESOURCE / SERVICE	POTENTIAL FOR BENEFIT	COMMENT	
Anadromous Fish	Low	No documented anadromous on parcel, adjacent to important anadromous stream at head of Fish Bay.	
Bald Eagle	Moderate	Eight documented nest sites.	
Black Oystercatcher	Low	Probable feeding along intertidal.	
Common Murre	None		
Harbor Seal	Moderate	Historic harbor seal haul out concentration area.	
Harlequin Duck	Moderate	Probable feeding, loafing, and molting in intertidal.	
Intertidal/subtidal biota	Moderate	Highly productive rocky intertidal. Herring spawning on algae.	
Marbled Murrelet	High	High confidence that nesting occurs on parcel; good nesting habitat characteristics; high use of adjacent marine waters for feeding.	
Pigeon Guillemot	Low	Possible nesting along shoreline; probable feeding in nearshore marine waters.	
River Otter	Low	Probable feeding and latrine sites along shoreline.	
Sea Otter	Low	Feeding along shoreline.	
Recreation/Tourism	Low	Occasional recreational boating, hunting for bear and goats, visible from Port Fidalgo.	

HABITAT PROTECTION PARCEL ANALYSIS

PARCEL #: PWS 04	PARCEL NAME: Fish Bay	
Wilderness	Moderate	Remote, minimal evidence of human use.
Cultural Resources	Moderate	Two archeological sites documented on parcel.
Subsistence	Moderate	Herring, marine mammals, salmon, bears, goats, invertebrates.
<p>ECOLOGICAL SIGNIFICANCE: The parcel is a relatively steep, south facing timbered slope on Port Fidalgo; high potential use for marbled murrelet nesting; timber stands support overwintering mountain goats; highly visible to adjacent marine waters.</p>		
<p>ADJACENT LAND MANAGEMENT: Tatitlek Corporation; Chugach Alaska Corporation; Chugach National Forest</p>		
<p>IMMINENT THREAT/OPPORTUNITY: Forest Practices Notifications have been filed for timber harvest; timber volume pledged to operate Seward lumber mill.</p>		
<p>PROTECTION OBJECTIVE: 1) Minimize visual impacts to high use recreation/tourist areas; 2) maintain nesting opportunities for marbled murrelets; 3) maintain water quality and riparian habitat for anadromous fish; and 4) minimize disturbance to nesting bald eagles.</p>		
<p>USEFUL PROTECTION TOOL(S): Timber acquisition; conservation easement; cooperative management agreement.</p>		
<p>RECOMMENDED ACTION: Request Chugach Alaska Corporation to provide interim protection; discuss options for long term protection.</p>		

1. Parties other than landowner may own partial rights (e.g., timber, minerals).
2. Area evaluated.
3. Estimated acreage held by the owner in the spill area.
4. Estimated area to be affected by imminent development activity.

**Selected Issues and Concerns Identified
at the EVOS Public Advisory Group Meeting
April 16, 1993**

The following items were raised about habitat protection, but not necessarily agreed upon by all members. This is presented for the information of the Trustee Council.

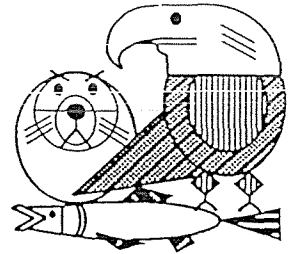
1. The current high price of timber makes for a very good market and timber owners will be wanting to move quickly to take advantage of it. Negotiations for habitat protection must move quickly. Plus, this could move other lands into the imminently threatened category.
2. The Trustee Council should discuss with landowners/timber owners of imminently threatened lands (some of whom do not wish to sell title to their lands) various management actions that could be undertaken to protect and enhance injured resources and services--other than fee simple title.
3. Perhaps there are financial incentives to landowners to cause them to not log their lands at this time.
4. Keep in mind the purpose of habitat protection is not to increase the amount of land in public ownership, but to enhance the recovery of injured resources and services--keep restoration goals in mind.
5. What about subsurface rights to lands that may be purchased?
6. The Trustee Council should consider land trades as a tool for protecting habitat, without expanding public land ownership.
7. Local people have a direct interest in habitat protection near their communities and need to be able to participate in the process, their concerns and needs should be considered.
8. Larger buffer zones around streams, etc. of timber left after cutting need to be considered in some locations.
9. The letter to the landowners in the oil spill area was not very clear and should have concentrated more on the willingness of the landowner to consider management-types of arrangements for protecting habitat, other than selling title to the land.
10. Have the economic impacts of habitat protection been taken into account?
11. Seal Bay appears to be an imminently threatened parcel with a willing seller and local public support for its purchase--negotiations should be expedited.

Exxon Valdez Oil Spill
Public Advisory Group Designated Alternates
 Status of Information as of May 10, 1993

Member	Alternate	Bio or Resume	EVOS knowledge	Relation to interest	Why select	Conflict answers
Rupert Andrews Sport Hunting & Fishing						
Pamela Brodie Environmental						
James Cloud Public-at-Large	will delegate to a current PAG member					
James Diehl Recreation Users	Sarah Cronk	have	have	have	have	have
Richard Eliason Public-at-Large						
Donna Fischer Local Government	Dave Beck (Valdez)	have	have	have	have	have
John French Science/Academic	Brenda Norcross (Fairbanks)	---	have	---	---	---
Paul V. Gavora Public-at-Large	Donald McCumby (Fairbanks)	have	---	---	---	---
James King Conservation	George Matz (Anchorage)	have	have	have	have	have
Richard Knecht Subsistence	Dolly Reft (Kodiak)	have	have	have	have	---
Vern C. McCorkle Public-at-Large	will delegate to a current PAG member					
Gerald McCune Commercial Fishing	Mary McBurney (Cordova)	---	---	---	---	---
John McMullen Aquaculture	Dan Warren (Anchorage)	---	---	have	---	---
Brad Phillips Commercial Tourism	Bill Elander (Anchorage)	have	have	have	have	have
John Sturgeon Forest Products	Kimberley Benton (Anchorage)	have	have	have	have	have
Charles Totemoff Native Landowners	Gail Evanoff (Chenega)	have	have	have	---	---
Lew Williams Jr. <i>Public-AT-LARGE</i>	Sharon Gagnon	have	---	---	---	---

Exxon Valdez Oil Spill Trustee Council

Restoration Office
645 "G" Street, Anchorage, AK 99501
Phone: (907) 278-8012 Fax: (907) 276-7178



TRUSTEE COUNCIL MEETING NOTES

March 10, 1993 Continuation Meeting

By Dave R. Gibbons
Interim Administrative Director

Members Present:

Trustee Council

John Sandor (ADEC) ●
Mike Barton (USFS)
Charlie Cole (ADOL)
Carl Rosier (ADF&G)
Steve Pennoyer (NMFS) ◆
Paul Gates (USDOJ)

Restoration Team

Dave Gibbons (IAD)
Mark Brodersen (ADEC)
Ken Rice (USFS)
Marty Rutherford (ADNR)
Jerome Montague (ADF&G)
Byron Morris (NOAA)
Pamela Bergmann (USDOJ)

◆ Chair

● Alternates:

Mark Brodersen served as an alternate for J. Sandor, until 10:30 a.m.

1. Public Advisory Group

a) Alternates:

APPROVED MOTION: Charter needs to be amended to provide for the designation of voting alternates for each member of the Public Advisory Group and each alternate must be subsequently reviewed and approved by the Trustee Council.

ACTION: Designated lead Federal Agency representative is to also designate an alternate. Approve alternates at a continuation meeting of the Trustee Council on 3/29/93.

APPROVED MOTION: The Trustee Council approves a fact finding boat trip by Public Advisory Group for a total of about \$2,000 to Prince William Sound pending legal review. Cost will cover boat fuel and travel of Public Advisory Group members.

2. Habitat

APPROVED MOTION: Approved negotiation option A as an interim method to proceed with discussions with the imminently threatened privately held lands. Form as part of option A, a coordinating committee that reports directly to the Trustee Council, to coordinate the efforts of imminently threaten land negotiations with land owners by individual trust agencies.

APPROVED MOTION: Trustee Council agrees on 2 step-process for imminently threatened lands: (1) top four parcels that presently rank high in imminently threatened lands, proceed with the negotiation, (2) during the process of discussion with land-owners concerning the remaining 14 parcels, re-evaluate the possible re-ranking of these parcels with any new information obtained.

APPROVED MOTION: Have continuation Trustee Council meetings to complete appropriate actions concerning four of the top five remaining imminently threatened lands (exclusion of Kachemak Bay).

APPROVED MOTION: Approve ADEC proposed revisions (#1, 2, 3, 4, & 13 attached) to the Negotiation/Acquisition guidelines with the amendment that they be applicable to any proposed additions or deletions to the presently identified acreage in the imminent threat parcel ranking and acreage package (Modify to make clear that the Restoration Team is to conduct items # 1, 2, 3, 4, & 13).

APPROVED MOTION: Trustee Council recommends that legal review of the Negotiation/Acquisition guidelines be conducted but as to not delay the Habitat Protection process, by March 29th Trustee Council meeting.

MOTION: Trustee Council moves that the following agencies contact owner with respect to:

KAP 01 - State
PWS 04 - USFS
PWS 02 - USFS
CIK 05 - State

MOTION: The Coordinating Committee is to be comprised of the Habitat Protection Work Group members.

ACTION: Continue to review the progress of the preparation of the 1992 Final Reports working with the Chief Scientist.

3. 1993 Work Plan

APPROVED MOTION: 93016 - Chenega Coho and Chinook

Approve NEPA Compliance for \$10,000 (ADF&G lead agency).

MOTION: 93024 - Coghill Lake *fertilization*

NEPA Compliance is completed.

Approve \$191,900 for the project.

MOTION: 93030 - Red Lake Restoration

NEPA Compliance is complete but does not have USDI review.

Defer final decision until next Trustee Council meeting on 3/29/93.

4. Public Advisory Group 1993 Projects

APPROVED MOTION: Project 93066 - Approve the construction of the Alutiiq Museum and Cultural Center for \$1,500,000 (Kodiak).

NOAA - Y

USDI - Y

USDA - Y

ADEC - Y

ADFG - Y

ADOL - Y

ADEC to be lead agency.

NOAA

NEPA still needed

Federal agency for NEPA compliance is to be determined.

ACTION: Kodiak Fisheries Center - deferred to next Trustee Council meeting on 3/29/93.

ACTION: Insitu Burn project (Alaska Clean-Seas) deferred until next Trustee Council meeting on 3/29/92.

5. Recreation Proposal

APPROVED MOTION: Project 93065 - Approve the Prince William Sound Recreation proposal for \$71,000.

ADNR & USFS cooperating agencies.

6. Public Advisory Group Operating Procedures

APPROVED MOTION: The transcript of the discussions this morning concerning Trustee Council direction to the Public Advisory Group should be included as an appendix - verbatim to the Public Advisory Group Operating Procedures.

APPROVED MOTION: Approved the intent statement as amended to be included in Public Advisory Group Operating Procedures.

APPROVED MOTION: Approve Public Advisory Group Operating Procedures as amended.

7. Pacific Rim Villages Coalition

MOTION: Approve the Restoration Team proposal to develop the concept of a centralized logistics service in the 1994 Work Plan working with Pacific Rim Villages Coalition.

Next Trustee Council meeting will begin at 10:00 a.m. on March 29, 1993.

1. CLEARLY IDENTIFY THE RESTORATION OBJECTIVES THAT WILL BE ACHIEVED WITH THE ACQUISITION OF THE TRACT. 3. REFINE TRACT SIZE AND CONFIGURATION TO ASSURE RESTORATION OBJECTIVES WILL BE ACHIEVED
2. ~~DEFINITE ALTERNATIVES~~ DEFINE ACQUISITION AND EVALUATE OPTIONS (EASEMENTS, FEE TITLE MORATORIUMS, ETC) WHICH COULD BE USED TO ACHIEVE RESTORATION OBJECTIVES. 3/2/93

In order that acquisitions are conducted in a consistent and fair manner with all landowners in the spill affected area, the following guidelines for conducting acquisitions are proposed.

4. CONSIDER THE APPROPRIATENESS OF ALTERNATIVE FUNDING OR PROTECTION MECHANISMS (LAND + WATER CONSERV. FUND; RESOUR. REGS)
5. Appraisals will be prepared in accordance with U.S. Dept. of Justice "Uniform Appraisal Standards for Federal Acquisitions," and will be reviewed by a qualified government review appraiser. An approved appraisal shall be the determination of Fair Market Value.

6B) If the purchase price of any acquisition is estimated to be in excess of \$1,000,000, at least two appraisals may be obtained. If more than one appraisal is prepared and approved for any acquisition, the review appraiser will select the appraisal that best supports its conclusion of value, and that appraisal shall be the determination of Fair Market Value.

7) The provisions of 49 CFR Part 24, the general acquisition procedures for the federal government, will be adhered to in acquisitions conducted by the State or federal government. Relocation expenses of landowners and tenants, if applicable, will be determined and paid according to these regulations.

8) The U.S. Department of Justice publication "A Procedural Guide for the Acquisition of Real Property by Government Agencies," will be adhered to in acquisitions conducted by the State or federal government.

9) Hazardous substances surveys will be conducted prior title passing to the state or federal government.

10) Title evidence will be obtained and utilized in accordance with the U.S. Dept. of Justice "Standards for Preparation of Title Evidence."

11) An opinion of sufficiency of title will be obtained from the respective federal or state legal counsel prior to title passing.

12) When negotiating/acquiring lands from corporations, personnel will deal with designated corporate officials only, not individual board members or shareholders.

In addition to the above described general guidelines and procedures for acquisition, procedures will be developed that explain the operational relationship of the personnel conducting acquisitions to the Trustee Council, Restoration Team and Habitat Protection Work Group. These procedures will address such topics as the role of the Habitat Protection Work Group in refining tract size and configuration to assure that restoration objectives would be achieved with acquisition of any subject tract. The procedures will also clarify reporting requirements to the Trustee Council and approval authority of the Trustee Council prior to entering into any binding contract

13. Provide FOR A PROCESS OF EVALUATING THE VALIDITY OF RESTORATION ASSUMPTIONS & OBJECTIVES AS A GUIDE FOR CONSIDERING FUTURE HABITAT PROTECTION STRATEGIES. ADJUST BEST PROFESSIONAL JUDGEMENT CRITERIA

Habitat Request

EXXON VALDEZ OIL SPILL
PUBLIC ADVISORY GROUP

INTENT

The Trustee Council intends that the PAG be established as an important component of the Council's public involvement process. It is not the intent of the Council that the PAG be the Council's sole source of public involvement and public opinion. Nor is it the intent of the Council that the PAG seek public involvement except as specifically requested by the Council. The Council values the views of the PAG based on the individual and collective experiences of PAG members as an informed source of advice.

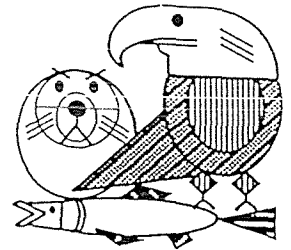
The Trustee Council carefully selected the members of the PAG so that a wide spectrum of views and interests are available for the Council to consider as it evaluates, develops, and implements restoration activities. It is the Council's intent that the diversity of interests and views held by the PAG members contribute to wide ranging discussions that will be of benefit to the Trustee Council. It is not the intent of the Council that individual PAG members be the only spokesperson for a specific interest or that the PAG filter or direct general public comment.

Because of the desire of the Trustee Council to have this wide spectrum of views among the PAG members, it is essential that the formation of any subsets or subcommittees preserve the full spectrum of views and interests that are represented on the PAG. The Trustee Council believes that preserving this spectrum of views in any subset to be a difficult task and therefore, the use of subcommittees or subsets will be extremely limited and subject to the approval of the Trustee Council.

It is also the Trustee Council's intent to develop, with assistance from the PAG, and approve an annual budget allowing the PAG to meet prior to each Trustee Council meeting: PAG costs will be monitored to prevent expenditures in excess of the annual budget. Also, the Trustee Council will approve in advance all expenditures including those arising from the scheduling of meetings.

Exxon Valdez Oil Spill Trustee Council

Restoration Office
645 "G" Street, Anchorage, AK 99501
Phone: (907) 278-8012 Fax: (907) 276-7178



TRUSTEE COUNCIL MEETING NOTES

March 29, 1993 Continuation Meeting

By Dave R. Gibbons
Interim Administrative Director

Members Present:

Trustee Council

John Sandor (ADEC)
Mike Barton (USFS)
Charlie Cole (ADOL)
Carl Rosier (ADF&G)
Steve Pennoyer (NMFS) ♦
Paul Gates (USDOJ)

Restoration Team

Dave Gibbons (IAD)
Mark Brodersen (ADEC)
Ken Rice (USFS)
Marty Rutherford (ADNR)
Jerome Montague (ADF&G) ●
Pamela Bergmann (USDOJ)

♦ Chair

● Alternates:

Frank Rue served as an alternate for J. Montague.

1. Merchant Marine & Fisheries Committee Hearing

ACTION: Statements submitted by Trustee Council members to the Merchant Marine and Fisheries Committee Hearing on March 24, 1993, will be entered into the Trustee Council Record.

ACTION: Administrative Director is to obtain a copy of the transcript of the March 24 Merchant Marine & Fisheries Committee Hearing. After review, recommend to the Trustee Council if any action is needed in response to testimony presented (Circulate copy to Trustee Council after highlighting specific portions).

ACTION: Administrative Director and Restoration Team are requested to develop a proposal for improving communication (Newsletter, etc.) with the public and bring back this proposal to the Trustee Council for next meeting on May 13, 1993.

MOTION: The Trustee Council endorses insitu burning as a concept and hopes that it can be moved forward as soon as possible. No funding was authorized.

3. 1993 Work Plan

- a) Kodiak Fishery Industrial Technology Center

ACTION: Kodiak Fishery Industrial Technology Center deferred to 1994 Work Plan.

- b) Kodiak Alutiiq Museum and Cultural Center (Administrative Costs & NEPA)

MOTION: Before funds are spent on the Kodiak Alutiiq Museum, a detailed study plan and NEPA document are to be presented to the Trustee Council for approval. Further discussion of general administration costs will be discussed at that time. NEPA compliance preparation and general administration costs are to be covered in the \$1,500,000 (NOAA will be the lead federal agency for NEPA compliance).

- c) 93030 - Red Lake Restoration Project

MOTION: 93030 Red Lake deferred until next Trustee Council meeting on May 13, 1993.

MOTION: Kachemak Bay Resolution letter approved (enclosed).

4. 1992 & 1993 Work Plan

MOTION: Each agency is to review the status of 1992 final reports on a case by case basis and provide a summary of status of final reports. Draft final reports should be to Chief Scientist for Peer Review by June 15, 1993. If this cannot be accomplished, the Trustee Council must approve date extensions on a case by case basis at the May 13, 1993 meeting. Additional funds for 1993 Projects may be withheld by the Trustee Council if 1992 final report progress is deemed unsatisfactory.

MOTION: 1993 Draft final reports are due to the Chief Scientist for peer review by April 1, 1994.

MOTION: The Trustee Council agrees to adopt the 1994 Work Plan format presented by NOAA as a stand alone document (not tied to Draft Restoration Plan) to be prepared by mid-April 1993 for mail out and review at the April 1993 public meetings. Circulate (fax) the introductory statement to the Trustee Council members before going out with 1994 Work Plan document. If a Comprehensive Ecosystem Study of resources in the Oil Spill Affected Area is not included, add this to the potential project list for 1994.

ACTION: Circulate to the Trustee Council the Draft Restoration Plan annotated outline, and chapters as they are completed and reviewed by the Restoration Team.

ACTION: Report back to the Trustee Council if something happens between now and May 13th on Imminently Threatened Lands or put on the May 13, 1993 Trustee Council meeting agenda for status report.

5. Restoration Organization

MOTION: Make changes (redraft) the Administrative Director's job description and have the federal personnel/classification people review changes to the job description and determine if the job description needs to be re-advertised and re-classified. Reflect an Executive Director with more authority, reporting directly to the Trustee Council.

If redraft does not cause re-advertisement or re-classification, then the Trustee Council members should each identify one person for a Screening Committee to evaluate the on-hand applicants. Restoration Team members should not be selected due to their present workload.

MOTION: The Restoration Team meetings will be open to the public, however, no advertisement other than a public posting of the meeting schedule, or no public comment period is needed.

Next Trustee Council meetings will be: May 13, 1993 and June 1 & 2, 1993

CHENEGA CORPORATION

Post Office Box 68
Chenega Bay, Alaska 99574-0060
(907) 573-5118

February 7, 1993

James L. Cloud, Public-at-Large
P.O. Box 201014
Anchorage, Alaska 99520

Re: Your Memo to Brad Phillips dated 1/9/93

Dear Mr. Cloud:

You appear to take the position that habitat acquisition creates an extreme conflict because the acquisition of habitat may result in a decrease of natural resources available to the public-at-large. I disagree.

However, I do share your concern that the conversion of private ownership to public ownership is one of concern. I believe there are mechanisms to benefit both the public and private interests.

I do not understand your reference to "a loss of service to one class of people in order to restore a service to another". I fail to understand the reference to classes, or the inference that we have not all lost significant services on account of the Exxon Valdez Oil Spill.

I can assure you that my people's world changed dramatically overnight. On March 22, 1989, when we went to bed, we believe we would awake on March 23rd, and our table would be spread as the tide crept out, our lands still pristine and untouched as the sun arose. To our shock, our tables were spoiled, our food contaminated, our lands invaded, our graves uprooted.

Your letter appears to suggest that the ANCSA corporation class is receiving some benefit under suggested habitat acquisition plans.

The idea that habitat acquisition and restoration can be accomplished without cost is unsound. The suggestion that the result of habitat acquisition is a loss to the tax base and an increased burden on area taxpayers is simply untrue.

February 7, 1993
Jim Cloud, Member PAG, Public-at-Large
Page 2

First, the loss and burden was not caused by us. This committee was brought together in order to address restoration, with all of us working together. The need was caused, and the loss and the burden generated, not by us, but by a nation fueled by a need for oil, a careless captain, and a fragile supertanker which spilled 11 million gallons of oil into Prince William Sound and upon our lands.

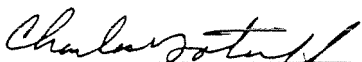
Second, undeveloped ANCSA land is not taxable, as a matter of federal law. Any local government unit which has undeveloped ANCSA land with its boundaries has a right to obtain federal impact money.

I disagree with your "No-Net-Loss" concept. The public-at-large does not have access to our private lands now, it did not in the past, and, it will not in the future.

Finally, I would like you to know that I do agree with your sentiments regarding agencies building their budgets on Trustee dollars.

Very truly yours,

CHENEGA CORPORATION

By: 
Charles W. Totemoff, Member
PAG, ANCSA Corporations


cc: Doug Mutter, EVOS PAG Coordinator
Donna Fischer, Vice Chairperson

CWT:es\chenega\2-7cloud.ltr

Department of the Interior
OFFICE OF THE SECRETARY
Office of Environmental Affairs - Alaska

NOTE

March 17, 1993

TO: EVOS Public Advisory Group and PAG Notebook Holders
FROM: Doug Mutter, PAG Designated Federal Officer 
RE: Updated and Approved PAG Background and Guidelines

Enclosed is the updated "Public Advisory Group Background and Guidelines", which was approved by the Trustee Council at their March 10, 1993 meeting.

Information clarifying Trustee Council intent for the PAG is included on page 3 and in appendix F. Designation of PAG alternates is on page 5--this rule takes effect upon amendment of the PAG Charter.

To update PAG notebooks:

1. Locate Volume I, tab IV.C.
2. Replace pages "cover" through page 17 with the enclosed new "cover" through page 17.
3. Keep the old versions of appendices A through E.
4. Add the new appendix F (enclosed) after appendix E.

If you have questions, call me at 907/271-5011.

EXXON VALDEZ OIL SPILL

Public Advisory Group

Background & Guidelines

March 1993

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NOTE: The ** before a paragraph indicates procedures that are at the discretion of the Public Advisory Group.

I. Introduction

A. Purpose

The purpose of this manual is to provide background information and guidelines for the administration of the Exxon Valdez Oil Spill Public Advisory Group (also known as the PAG).

B. Authority

The Public Advisory Group is established as required by Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree (MOA) between the United States of America and the State of Alaska August 27, 1991 and entered and approved by the United States District Court for the District of Alaska on August 28, 1991, in resolution of United States of America v. State of Alaska, Civil Action No. A91-081 CV. Additional authority is found in the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended. The Federal Advisory Committee Act of 1972, as amended (5 U.S.C, App.), and the rules implementing the act (41 CFR 101-6) (see Appendix) establishes the overall procedures for the establishment and use of advisory committees. A charter (see Appendix) has been unanimously approved by the Trustee Council and signed by the Secretary of the Interior and filed with the appropriate Federal agencies. The Public Advisory Group is chartered for a two-year period. Renewal of the charter shall be by the same process, and should be initiated six months prior to the termination date.

C. Background

The Oil Spill

The March 29, 1989, grounding of the T/V *Exxon Valdez* on Bligh Reef in Alaska's Prince William Sound caused the largest oil spill in U.S. history. Approximately 11 million gallons of North Slope crude oil moved through the southwestern portion of the Prince William Sound and along the coast of the western Gulf of Alaska (the eastern coast of the Kenai and Alaska peninsulas), contaminating portions of the Kodiak Archipelago and lower Cook Inlet (see map in Appendix). Numerous islands and beaches were oiled, some nearly 600 miles from Bligh Reef. An unprecedented effort to clean-up the oil and rescue birds and wildlife and protect resources from the oil was undertaken by the State and Federal governments, Exxon Company USA, and the public. The spill injured fish, birds, mammals, and a variety of other forms of marine life, habitats, resources, and the services these resources provide. Clean-up activities continued through the summers of 1989, 1990, 1991, and were completed in 1992. Immediately after the spill, as clean-up efforts were underway, a series of Natural Resources Damage Assessment studies were initiated by the natural resources Trustees and the Environmental Protection Agency to determine the extent of injury to resources and services in the area affected by the oil spill.

The Settlement

On October 8, 1991, an agreement was approved by the U. S. District Court that settled the claims of the United States and the State of Alaska against Exxon Corporation and Exxon Shipping Company for various criminal violations and for recovery of civil damages resulting from the oil spill. The appeal period ended December 9, 1991. The settlement imposed criminal fines and restitution of \$150 million and the Exxon companies agreed to pay \$900 million the United States and State of Alaska Governments in the civil settlement over a ten year period. The State and Federal governments serve as equal co-trustees in managing civil settlement funds. The Trustees must unanimously agree to all decisions relating to the use of trust funds. It was further agreed that: "The Governments shall jointly use all natural resource damage recoveries for purposes of restoring, replacing, enhancing, rehabilitating or acquiring the equivalent of natural resources injured as a result of the Oil Spill and the reduced or lost services provided by such resources..."

The Restoration Organization

The *Exxon Valdez* Trustees include the Alaska Attorney General, Alaska Department of Law; Commissioner, Alaska Department of Environmental Conservation; Commissioner, Alaska Department of Fish and Game; Secretary, U.S. Department of the Interior; Secretary, U.S. Department of Agriculture; and the Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce. The Trustees have designated a Trustee Council, located in Alaska, to direct restoration activities. The Trustee Council is made up of the three State Trustees and the Special Assistant to the Secretary of the Interior, Regional Forester of the U. S. Department of Agriculture, and Regional Director of the National Marine Fisheries Service, U. S. Department of Commerce. The Trustee Council has appointed an Interim Administrative Director and a Restoration Team to handle day-to-day management and administrative functions for implementation of the restoration program. Various working groups have been formed from agency staff to work on components of the restoration program, such as the restoration plan, finance, public participation, and habitat protection and evaluation. The Public Advisory Group will provide the Trustee Council its recommendations and advice as well as help to obtain additional public input into the restoration program.

The Restoration Plan

A conceptual Restoration Framework was developed in April 1992 for public review, and a supplement concerning habitat protection was issued in July 1992. A draft and final Restoration Plan and accompanying environmental impact statement (EIS) will be prepared over the next year. These documents will detail the options and alternatives for best achieving restoration of resources and services, based upon scientific and agency recommendations, public comments, and the judgement of the Trustees. The Restoration Plan will present a strategy for guiding restoration projects over the next ten years. It will include monitoring projects to gauge the effectiveness of various restoration efforts, as well as acquisition plans for replacement of lost resources and services.

Annual Work Plans

The Restoration Plan will be implemented through annual Work Plans. These Work Plans will detail the projects to be funded during forthcoming Federal fiscal years (October 1 through September 30), as well as the administrative support requirements for the restoration program.

Sources of Information

Copies of publications, documents, reports, and data may be obtained from various sources. The Oil Spill Public Information Center at 645 G Street, Anchorage (907/278-8012), contains copies of most relevant materials to use as references, including previous annual work plans, the Restoration Framework, the Restoration Plan and Environmental Impact Statement (when available), various damage assessment study reports, maps, and other information.

D. Intent

The Trustee Council intends that the Public Advisory Group be established as an important component of the Council's public involvement process. It is not the intent of the Council that the Public Advisory Group be the Council's sole source of public involvement and public opinion. Nor is it the intent of the Council that the Public Advisory Group seek public involvement except as specifically requested by the Council. The Council values the views of the Public Advisory Group based on the individual and collective experiences of Public Advisory Group members as an informed source of advice.

The Trustee Council carefully selected the members of the Public Advisory Group so that a wide spectrum of views and interest are available for the Council to consider as it evaluates, develops, and implements restoration activities. It is the Council's intent that the diversity of interests and views held by the Public Advisory Group members contribute to wide ranging discussions that will be of benefit to the Trustee Council. It is not the intent of the Council that individual Public Advisory Group members be the only spokesperson for a specific interest or that the Public Advisory Group filter or direct general public comment.

Because of the desire of the Trustee Council to have this wide spectrum of views among the Public Advisory Group members, it is essential that the formation of any subsets or subcommittees preserve the full spectrum of views and interests that are represented on the Public Advisory Group. The Trustee Council believes that preserving this spectrum of views in any subset to be a difficult task and, therefore, the use of subcommittees or subsets will be extremely limited and subject to the approval of the Trustee Council.

It is also the Trustee Council's intent to develop, with assistance from the Public Advisory Group, and approve an annual budget allowing the Public Advisory Group to meet prior to each Trustee Council meeting, as necessary. Public Advisory Group costs will be monitored to prevent expenditures in excess of the annual budget. Also, the Trustee Council will approve in advance all expenditures, including those arising from the scheduling of meetings. See the Appendix for additional discussion on intent.

II. Membership

A. Member Composition

The Public Advisory Group shall consist of 17 voting members appointed to represent the following principal interests: aquaculture, commercial fishing, commercial tourism, conservation, environmental, forest products, local government, Native landowner, recreation users, science/academic, sport hunting and fishing, subsistence, and five public-at-large members. One member each from the Alaska State House of Representatives and the Alaska State Senate, selected by the Speaker of the House and the President of the Senate, respectively, shall be *ex officio* members. Other *ex officio* members may be appointed at the discretion of the Trustee Council.

B. Eligibility

Public Advisory Group members shall be chosen based on their demonstrated knowledge of the region, peoples, or principal economic and social activities of the area affected by the *Exxon Valdez* oil spill, or by demonstrated expertise in public lands and resource management as it relates to restoration, as applicable.

C. Nomination and Appointment

Nominations for membership may be submitted from any source. From these nominations, the Trustee Council will, by unanimous agreement, recommend membership to the Trustees. Following selection by the Trustees, the Secretary of the Interior appoints those selected by the Trustees. Nominees must submit a resume or background information and respond to a conflict of interest request in order to be considered.

D. Term and Removal

Each member of the Public Advisory Group may serve a two-year term from the date of appointment. The first term begins October 23, 1992. Members are eligible for renomination and reappointment at the close of their terms. Appointments to fill the unexpired term of a vacancy will be for the term of that vacancy. All appointments will end at the termination of the Public Advisory Group on January 1, 2002, unless it is extended or terminated before that date. The Trustees may remove a member or officer of the Public Advisory Group for reasons of malfeasance, incompetence, or failure to attend to membership responsibilities.

E. Officers

The Public Advisory Group shall have a chairperson and a vice-chairperson, who shall be elected annually from the voting membership by a majority vote of the membership, and approved by the Trustee Council in consultation with members of the Public Advisory Group. Officers shall serve a one-year term. The chairperson and vice-chairperson are eligible for re-election and reappointment to successive one-year terms.

F. Alternate Members

- ** Public Advisory Group members may recommend an alternate for their position. Alternates must be approved by the Trustee Council. A resume or biographical sketch and a statement of no conflict of interest for the recommended alternate are to be submitted to the Trustee Council. From these nominations, the Trustee Council will recommend one alternate for each Public Advisory Group member to the Trustees, and following selection by the Trustees, the Secretary of the Interior will appoint the designated alternates selected by the Trustees. The official Public Advisory Group member must inform the Designated Federal Officer ahead of time if travel funds are requested for the alternate to attend a meeting. Once approved, alternates have all the responsibilities of the official Public Advisory Group member they represent at a particular meeting.

III. Duties

A. Restoration Advice

The Public Advisory Group shall advise the Trustee Council on all decisions relating to injury assessment restoration activities, or other use of natural resource damage recoveries, including:

- planning, evaluation, and allocation of available funds;
- planning, evaluation, and conduct of injury assessments;
- planning, evaluation, and conduct of restoration activities; and
- coordination of the above items.

B. Program Operations

The Public Advisory Group shall advise the Trustee Council and its Restoration Team on the operation of the restoration program and related activities, including the process for obtaining public input.

IV. Operations

A. Designated Federal Officer

The Designated Federal Officer is a requirement of the Federal Advisory Committee Act (FACA). The Designated Federal Officer shall be the U.S. Department of the Interior, Office of Environmental Affairs - Alaska, Regional Environmental Assistant (or his/her designee). For the Public Advisory Group and its subcommittees, the Designated Federal Officer shall:

- approve or call the meeting
- approve the agenda
- attend the meeting
- adjourn the meeting when such adjournment is in the public interest
- chair the meeting when so directed by the Trustee Council
- review official PAG public announcements and/or news releases prior to their issuance

B. Quorum

- ** A quorum of the Public Advisory Group shall be twelve (12) voting members. A quorum (along with the attendance of the Designated Federal Officer) is required to convene a meeting and conduct business. Participation in meetings by teleconference is accepted as attendance.

C. Presiding Officer

The chairperson shall be the presiding officer and conduct all meetings. If the chairperson is unavailable, the vice-chairperson shall preside. If both the chair and vice-chair persons are unavailable, the Designated Federal Officer shall conduct business as a non-voting facilitator.

D. Rules of Order

- ** The current edition of Robert's Rules of Order Revised will be used as the basic governing procedures of the Public Advisory Group. All provisions of these rules of order will apply to Public Advisory Group deliberations except when they are amended by Public Advisory Group action according to the procedures set forth therein.

E. Action/Rules of Voting

- ** Matters before the Public Advisory Group requiring a vote to make a recommendation to the Trustee Council shall have a majority approval of the voting members present (which must constitute a quorum). The Designated Federal Officer and any *ex officio* members shall not vote on matters before the Public Advisory Group. When recommendations are approved with less than unanimous consent, a minority report(s) indicating the range of opinion on the issue will be submitted, along with the majority recommendation, to the Trustee Council.

F. Subcommittees

The Public Advisory Group may, upon Trustee Council approval, create *ad hoc* subcommittees or work groups to review in depth subject matter brought before the Public Advisory Group. Under Federal law, the Designated Federal Officer must approve the agenda and any travel involved and be present at all subcommittee or work group meetings. Meetings will be publicly announced ahead of time by the issuance of public service announcements to relevant local media, posting of meeting notices at the Oil Spill Information Center and local libraries and teleconference sites, and by distribution of meeting notices to Public Advisory Group members, the Restoration Team and the Trustee Council. A record of the subcommittee or work group meeting will be maintained, noting the time and location of the meeting, who was in attendance/their organizations represented, and the issues raised.

G. Public Information

- ** The official spokesperson for the Public Advisory Group is the chairperson, or in his/her absence, the vice-chairperson. All inquiries regarding the official position of the Public Advisory Group shall be referred to these officers.

H. Records

All accounts and records of the activities and transactions of the Public Advisory Group shall be kept and maintained by the staff of the Administrative Director and, subject to the provisions of 5 U.S.C 552, such accounts and records shall be available for public inspection at the offices of the Administrative Director.

I. Amendment of Procedures

The Public Advisory Group may adopt appropriate procedures for operating and decision making consistent with applicable Federal and State law and the Public Advisory Group charter--such procedures require the approval of the Trustee Council. The Public Advisory Group may suggest amendments to their charter to the Trustee Council, who must approve such amendments by unanimous consent. Charter amendments must be submitted by the Trustee Council to the Secretary of the Interior for signature.

V. Meetings

A. Frequency

The Public Advisory Group is required by its charter to meet not less than four times a year.

B. Agenda

The agenda for each meeting will be issued to Public Advisory Group members at least 15 days prior to the scheduled meeting. The agenda will include (see format in Appendix):

- the exact name of the group
- the time, date, place, and purpose of the meeting
- the agenda, denoting action items
- a time for public comment

Background materials for items to be discussed at the meeting shall be enclosed with the agenda or issued to Public Advisory Group members 15 days prior to the meeting at which they are to be discussed.

C. Notices

In accordance with the Federal Advisory Committee Act, 15 days advance notice of meetings of the Public Advisory Group shall be published in the Federal Register. The notice shall include:

- the exact name of the group: Exxon Valdez Oil Spill Public Advisory Group
- the time, date, place, and purpose of the meetings
- a summary of the agenda
- whether the meeting is open to the public

Notice of an upcoming meeting shall also be published in statewide and regional newspapers of general circulation within the oil spill area, as noted below, and a press release issued for use by print and electronic media.

--Anchorage Daily News

--Cordova Times

--Fairbanks News Miner

--Homer News

--Juneau Empire

--Kodiak Daily Mirror

--Peninsula Clarion

--Seward Phoenix Log

--Valdez Vanguard

--Valdez Pioneer

D. Minutes

Detailed minutes of each Public Advisory Group meeting shall be kept by the Administrative Director (see format in Appendix). The minutes must include:

--time, date, place of meeting

--a list of Public Advisory Group members and staff present

--a list of agency employees present

--members of the public who presented oral and/or written comments

--an estimate of the number of other members of the public present

--an accurate description of each matter discussed, and the resolution, if any, made by the Public Advisory Group on such matters

--copies of each report or other document received, issued, or approved by the Public Advisory Group

--a certification of the minutes by the chairperson of the Public Advisory Group

E. Public Participation

By law, Public Advisory Group meetings are open to the public. Meetings shall be held at a reasonable time and in a place accessible to the public. Any member of the public shall have to opportunity to speak at meetings or submit written comments to the Public Advisory Group. (Federal Advisory Committee Act (5 U.S.C., App.), Alaska Open Meeting Act (AS 44.62), and the Federal Disability Act (P.L. 101-336))

F. Executive Sessions

No closed meetings of the Public Advisory Group are permitted.

VI. Reports

A. Trustee Council

The Public Advisory Group shall report to the Trustee Council through the chairperson, or the vice chairperson in the absence of the chairperson, at Trustee Council meetings. Other members of the Public Advisory Group may report with the chairperson, as appropriate. The Trustee Council's regular agenda shall include a period during which the chairperson of the Public Advisory Group may report on its activities, ask questions of the Trustee Council members, and be available for questioning by the Trustee Council.

B. Annual Report

No later than November 1 of each year, the Public Advisory Group shall issue an annual report, through the Trustee Council to the Secretary of the Interior, for inclusion in the President's annual report on advisory committees to the Congress. The report shall include (see Appendix):

- the name of the group
- the date of and the authority for its creation
- its termination date
- its functions
- reference to the reports it has submitted
- a statement as to whether it is an *ad hoc* or continuing committee
- the dates of its meetings
- the names and occupations of its current members
- the total estimated annual cost of the committee

VII. Support

A. Administrative Director

The Public Advisory Group functions are advisory only and its officers shall have no administrative authority by virtue of their membership, except to recommend budget and support needs to the Administrative Director or the Designated Federal Officer. The Trustee Council, through the Administrative Director, shall procure and provide all needed meeting space, supplies, copying, mailing, equipment, and support for the Public Advisory Group. An annual budget to support the Public Advisory Group shall be prepared as part of the Trustee Council regular budget process.

B. Travel and Expenses

Public Advisory Group members are voluntary and do not receive compensation for time and materials used in order to participate on the Public Advisory Group. Actual travel and lodging (to a maximum allowable amount) plus travel-related expenses (eg. taxi cab) and per diem for meals and incidental expenses, are reimbursable (except for *ex officio* members) in the same manner as persons employed intermittently in Federal service. Members must have pre-approved (by the Designated Federal Officer) travel authorizations for any travel related to Public Advisory Group business. Travel expenses and per diem will be reimbursed based on standard Federal government travel regulations and rates. Members should indicate to vendors that they are travelling on government business and request that government rates be applied (show the Travel Authorization form). Forms for reimbursement (receipts are required) are in the Appendix and should be filed with the Designated Federal Officer within 5 days of completion of the trip.

The information on the following pages summarizes the rules for travel and expenses. Any questions and pre-approvals should be directed to the Designated Federal Officer, or as otherwise noted in the following procedures.

C. Non-PAG Events

- ** The Public Advisory Group may recommend that a member attend and report on a Trustee Council sponsored or sanctioned workshop, meeting, or other event within the State of Alaska, and be reimbursed for travel and expenses. Prior approval of the PAG chairperson and the Designated Federal Officer is required. This does not preclude Public Advisory Group members from attending such functions at their own expense.

TRAVEL INFORMATION

This travel/reimbursement information is for the Exxon Valdez Oil Spill Public Advisory Group. Reimbursements will be made in accordance with Federal travel regulations (FPMR 101-7). All travel must be approved in advance by the Designated Federal Officer using the form: Travel Authorization (DI-1020) (see Appendix). A copy of this form will be sent to Public Advisory Group members and the authorized travel agent prior to the date of travel.

Airline Tickets: Travel economy class from the home town by the most direct route. First class tickets will not be reimbursed unless first class is the only means available. Public Advisory Group members should make their own travel arrangements by calling the authorized travel agent (LIFECO) at 800/770-2639. **Tickets must be purchased through this agent or they will not be reimbursed.** Request the government rate. Save the ticket stub/coupon.

Car Rental: Prior approval must be obtained for car rentals, if this is to be a reimbursable expense. Car rental is not encouraged since it is less expensive to use a taxi cab or shuttle bus. Save receipts.

Mileage: Authorized mileage for use of personal vehicles will be reimbursed at the rate of 25 cents per mile, but cannot exceed the cost of an airline ticket or other common carrier to the same destination.

Hotels: Members should make their own hotel reservations. Accommodations are usually available at government rates, if your request them--show your Travel Authorization form. Save receipts.

Per Diem: The per diem rate (for lodging and meals and incidental expenses (M&IE)) varies by location and is subject to periodic change (see the following excerpt from the Civilian Personnel Per Diem Bulletin).

Reimbursement Process: Travel Vouchers (Standard Form 1012, in Appendix) requesting reimbursement of travel expenses will be prepared for Public Advisory Group members. Members will need to furnish (use the Travel Itinerary form in the Appendix):

--date and time travel commences and ends

--method(s) of travel

--for airline travel, the passenger coupon receipt remaining after travel has been completed

--receipts for lodgings and other reimbursable expenses over \$15.00

From the information and receipts furnished, the voucher will be completed and sent to the member for signature. An addressed envelope will be provided for returning the voucher for further processing. Any questions should be directed to Cathy Miller at 907/786-3467 or Regina Martinez at 907/271-2324. They can also be reached toll-free at 800/478-1456.

CIVILIAN PERSONNEL PER DIEM BULLETIN NUMBER 163
EFFECTIVE AUGUST 1, 1992
ISSUED BY:

Per Diem, Travel and Transportation Allowance Committee
 Department of Defense
 Hoffman Building 1, Room 836
 2461 Eisenhower Avenue, Alexandria, Va 22331-1300

The following non-foreign locality rates are not set by the Department of State. They are being listed for convenience. Executive Order 12561, dated July 1, 1986, delegates to the Secretary of Defense the authority of the President in 5 U.S. Code 5702 (a) to set maximum per diem rates and actual expense reimbursement ceilings for Federal civilian personnel traveling on official business in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and possessions of the United States. When appropriate and in accordance with regulations issued by competent authority, lesser rates and ceilings may be prescribed.

LOCALITY	MAX. LODGING AMOUNT (A) +	M&IE RATE (B) =	MAX. PD RATE (C)	EFF. DATE	LOCALITY	MAX. LODGING AMOUNT (A) +	M&IE RATE (B) =	MAX. PD RATE (C)	EFF. DATE
ALASKA					ALASKA (Cont'd)				
Adak <u>5/</u>	\$ 10	\$ 34	\$ 44	10-1-91	Kodiak	\$ 71	\$ 61	\$132	1-1-92
Anaktuvuk Pass	83	57	140	12-1-90	Kotzebue	125	72	197	1-1-92
Anchorage					Kuparuk Oilfield	75	52	127	12-1-90
(5/15 - 9/15)	174	71	245	5-1-92	Metlakatla	79	44	123	7-1-91
(9/16 - 5/14)	85	62	147	5-1-92	Murphy Dome				
Aniak	73	36	109	7-1-91	(5/15 - 9/15)	100	66	166	5-1-92
Atkasuk	129	86	215	12-1-90	(9/16 - 5/14)	66	63	129	5-1-92
Barrow	86	73	159	6-1-91	Nelson Lagoon	102	39	141	6-1-91
Bethel					Noatak	125	72	197	1-1-92
(5/1 - 9/30)	93	83	176	2-1-92	Nome				
(10/1 - 4/30)	80	81	161	2-1-92	(5/15 - 9/15)	87	72	159	5-1-92
Bettles	65	45	110	12-1-90	(9/16 - 5/14)	76	71	147	5-1-92
Cantwell	62	46	108	6-1-91	Noorvik	125	72	197	1-1-92
Cold Bay	71	54	125	12-1-90	Petersburg	72	64	136	5-1-92
Coldfoot	75	47	122	12-1-90	Point Hope	99	61	160	12-1-90
Cordova	83	77	160	2-1-92	Point Lay	106	73	179	12-1-90
Craig	67	35	102	7-1-91	Prudhoe Bay-Deadhorse	64	57	121	12-1-90
Dillingham	76	38	114	12-1-90	St. George	100	39	139	6-1-91
Dutch Harbor-Unalaska	113	67	180	5-1-92	St. Mary's	60	40	100	12-1-90
Eielson AFB					St. Paul Island	81	34	115	12-1-90
(5/15 - 9/15)	100	66	166	5-1-92	Sand Point	75	36	111	7-1-91
(9/16 - 5/14)	66	63	129	5-1-92	Seward				
Elmendorf AFB					(5/1 - 9/30)	107	53	160	1-1-92
(5/15 - 9/15)	174	71	245	5-1-92	(10/1 - 4/30)	61	48	109	1-1-92
(9/16 - 5/14)	85	62	147	5-1-92	Shungnak	125	72	197	1-1-92
Emmonak	60	40	100	6-1-91	Sitka-Mt. Edgecombe	72	69	141	1-1-92
Fairbanks					Skagway				
(5/15 - 9/15)	100	66	166	5-1-92	(5/14 - 10/14)	77	61	138	1-1-92
(9/16 - 5/14)	66	63	129	5-1-92	(10/15 - 5/13)	62	59	121	1-1-92
False Pass	80	37	117	6-1-91	Spruce Cape	71	61	132	1-1-92
Ft. Richardson					Tanana				
(5/15 - 9/15)	174	71	245	5-1-92	(5/15 - 9/15)	87	72	159	5-1-92
(9/16 - 5/14)	85	62	147	5-1-92	(9/16 - 5/14)	76	71	147	5-1-92
Ft. Wainwright					Tok	66	55	121	1-1-92
(5/15 - 9/15)	100	66	166	5-1-92	Umiat	97	63	160	12-1-90
(9/16 - 5/14)	66	63	129	5-1-92	Unakakleet	58	47	105	12-1-90
Homer					Valdez				
(5/1 - 9/30)	71	60	131	1-1-92	(5/1 - 9/1)	98	53	151	1-1-92
(10/1 - 4/30)	57	58	115	1-1-92	(9/2 - 4/30)	84	51	135	1-1-92
Juneau					Wainwright	90	75	165	12-1-90
(5/1 - 10/1)	88	74	162	1-1-92	Walker Lake	82	54	136	12-1-90
(10/2 - 4/30)	75	73	148	1-1-92	Wrangell				
Katmai National Park	89	59	148	12-1-90	(5/14 - 10/14)	77	61	138	1-1-92
Kenai-Soldotna					(10/15 - 5/13)	62	59	121	1-1-92
(4/2 - 9/30)	94	68	162	1-1-92	Yakutat	70	40	110	12-1-90
(10/1 - 4/1)	69	66	135	1-1-92	Other <u>3/</u> , <u>4/</u>	63	47	110	7-1-91
Ketchikan					AMERICAN SAMOA	85	47	132	12-1-91
(5/14 - 10/14)	77	61	138	1-1-92	GUAM	112	75	187	5-1-92
(10/15 - 5/13)	62	59	121	1-1-92	HAWAII				
King Salmon <u>3/</u>	75	59	134	12-1-90	Hawaii, Island of				
Kiawock	75	36	111	7-1-91	Hilo	65	61	126	6-1-92
					Other	80	61	141	6-1-92
					Kauai, Island of	99	55	154	6-1-92

RULES FOR COMPUTING PER DIEM

INTRODUCTION

Per diem is an allowance paid to an employee in *travel status*. It is intended to cover the additional expenses of subsistence that an employee incurs as a result of, because of or incident to travel in the performance of official business away from the official station or the residence from which the employee commutes to and from work daily.

Travel status

Begins at the time the employee leaves the official station, residence or some other point authorized in the travel order and

Ends when they return thereto at the conclusion of the trip.

Travel time away from the home or office *must be* greater than:

- 10 hours or
- the employee's workday hours plus 2 (§ 301-7.5(b) and (c)).

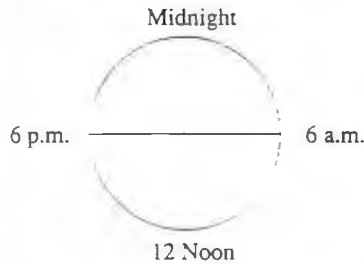
"*Workday*" means the period of time between the beginning and the end of the principal work activities for that day. (5 CFR § 551.411.)

Subsistence Expenses includes the cost of meals and lodging and other incidental expenses related to obtaining subsistence, such as tips.

No per diem is allowed within the limits of the official station or within the vicinity of the residence and many agencies have defined a mileage radius or commuting area within which no per diem is allowed for travel within a calendar day.

OVERNIGHT TRAVEL INVOLVING LODGING

The calendar day --midnight to midnight is the basis for computing per diem.



Per diem

Starts at the *beginning* of the quarter in which the employee leaves their home or office on official travel away from the official station or residence and

Ends at the *end* of the quarter in which the traveler returns to the office or residence at the conclusion of the trip.

Employees should explain the official necessity for departing or returning within the last or first 30 minutes of a quarter day.

The Day Travel Begins

Employees are *entitled to* one-fourth of the M&IE for the quarter in which they depart *plus* all remaining quarters that day *until midnight*.

Per diem is the actual and necessary *cost of lodging* not to exceed the maximum amounts provided for in the **Federal Travel Regulations** for the location(s) where temporary duty is performed or the location where lodging is obtained en route to, from or between temporary duty points, *plus* the appropriate *M&IE* for the location computed on a quarter-day basis, e.g. one-fourth of the M&IE rate for each quarter day or fraction thereof.

Day Travel Ends

Only M&IE (no lodging costs) is allowed.

One fourth of the M&IE rate for the preceding calendar day is allowed *for each quarter* from midnight to the end of the quarter in which travel ends.

TRAVEL OF LESS THAN A DAY OR TRAVEL WITHOUT LODGING

Travel Within A Calendar Day

Only M&IE (no lodging costs) is allowed.

Per diem is calculated on a quarter-day basis exactly the same as for overnight travel.

Per diem allowed is the M&IE rate applicable to the location where temporary duty is performed or, where more than one location is involved with different M&IE rates, the location with the highest M&IE rate is controlling.

One-fourth (1/4) of the M&IE daily rate is allowed for each quarter

En Route Travel Overnight Without Lodging

Only M&IE (no lodging costs) is allowed.

En route travel to or between temporary duty locations.

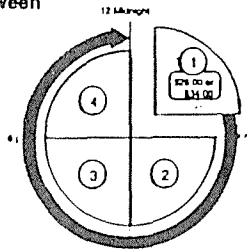
Per diem allowed is based on the destination M&IE rate.

"*Destination rate*" is the location where the employee will *next* obtain lodging.

En route travel from a temporary duty location is based on the M&IE rate for the location where lodging was *last* obtained.

If an employee *leaves* between midnight and 6:00 a.m.:

The employee is entitled to 4 quarters of the M&IE rate for the temporary duty (TDY) location plus the actual and necessary cost of lodging*. The M&IE rate will be that for either the TDY location or a location where lodging is obtained en route to or between TDY points.



Per Diem Computation

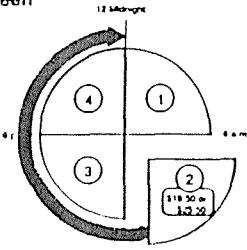
4 quarters - 4/4 or 1.0 per diem day

For CONUS
 1.00 x \$26.00 = \$26.00 + Lodging*
 or
 1.00 x \$34.00 = \$34.00

Outside CONUS
 1.00 x Locality M&IE Rate** + Lodging*

If an employee *leaves* between 6:00 a.m. and 12 noon:

The employee is entitled to 3 quarters of the M&IE rate, plus the cost of lodging*.



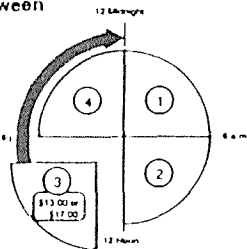
3 quarters - 3/4 or .75 per diem day

For CONUS
 .75 x \$26.00 = \$19.50 + Lodging*
 or
 .75 x \$34.00 = \$25.50

Outside CONUS
 .75 x Locality M&IE Rate** + Lodging*

If the employee *leaves* between 12 noon and 6:00 p.m.:

The employee is entitled to 2 quarters or one-half of the M&IE rate, plus the cost of lodging*.



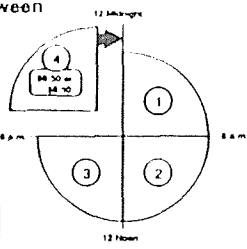
2 quarters - 2/4 or .50 per diem day

For CONUS
 .50 x \$26.00 = \$13.00 + Lodging*
 or
 .50 x \$34.00 = \$17.00

Outside CONUS
 .50 x Locality M&IE Rate** + Lodging*

If the employee *leaves* between 6:00 p.m. and midnight:

The employee is entitled to 1 quarter of the M&IE rate, plus the cost of lodging*.



1 quarter - 1/4 or .25 per diem day

For CONUS
 .25 x \$26.00 = \$6.50 + Lodging*
 or
 .25 x \$34.00 = \$8.50

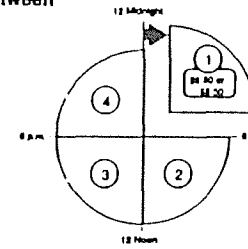
Outside CONUS
 .25 x Locality M&IE Rate** + Lodging*

*The actual and necessary cost of lodging not to exceed the maximum amounts provided for in the Federal Travel Regulations for location(s) where temporary duty is performed or the location where lodging is obtained en route between temporary duty points.

**The M&IE Rate for Locations Outside CONUS varies by location. These rates are prescribed under FTR §§ 301-7.3(b) and (c).

If an employee *returns* between midnight and 6:00 a.m.:

The employee is entitled to 1 quarter of the M&IE rate applicable for the previous calendar day or the location where lodging was last obtained in conjunction with temporary duty (TDY) travel. This M&IE rate will be that for either the TDY location or a location(s) en route to the official station or residence.



Per Diem Computation

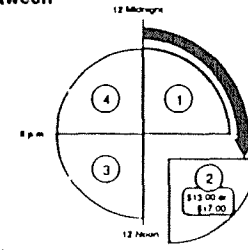
1 quarter - 1/4 or .25 per diem day

For CONUS
 .25 x \$26.00 = \$6.50
 or
 .25 x \$34.00 = \$8.50

Outside CONUS
 .25 x Locality M&IE Rate**

If an employee *returns* between 6:00 a.m. and 12 noon:

The employee is entitled to 2 quarters or one-half of the M&IE rate for the previous calendar day or the location where lodging was last obtained either at the TDY location or a location en route from the TDY site.



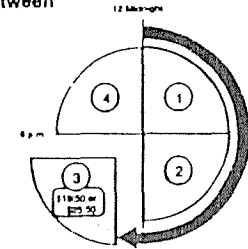
2 quarters - 2/4 or .50 per diem day

For CONUS
 .50 x \$26.00 = \$13.00
 or
 .50 x \$34.00 = \$17.00

Outside CONUS
 .50 x Locality M&IE Rate**

If an employee *returns* between 12 noon and 6:00 p.m.:

The employee is entitled to 3 quarters of the M&IE rate for the previous calendar day or the location where lodging was last obtained.



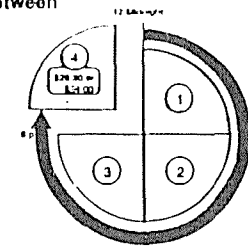
3 quarters - 3/4 or .75 per diem day

For CONUS
 .75 x \$26.00 = \$19.50
 or
 .75 x \$34.00 = \$25.50

Outside CONUS
 .75 x Locality M&IE Rate**

If an employee *returns* between 6:00 p.m. and midnight:

The employee is entitled to 4 quarters of the M&IE rate for the previous calendar day or the location where lodging was last obtained.



4 quarters - 4/4 or 1.0 per diem day

For CONUS
 1.00 x \$26.00 = \$26.00
 or
 1.00 x \$34.00 = \$34.00

Outside CONUS
 1.00 x Locality M&IE Rate**

**The M&IE Rate for Locations Outside CONUS varies by location. These rates are prescribed under FTR §§ 301-7.3(b) and (c).

X. Appendices

- A. Map of the Oil Spill Area
- B. Forms and Formats
- C. Charter
- D. Basic Information for Members
- E. Federal Advisory Committee Act
- F. Trustee Council Intent (excerpt from March 10, 1993 meeting)

F. Trustee Council Intent
(excerpt from March 10, 1993 meeting)

EXCERPT

EXXON VALDEZ OIL SPILL SETTLEMENT
TRUSTEE COUNCIL

RESTORATION OFFICE
Simpson Building
645 G Street
Anchorage, Alaska

VOLUME II
March 10, 1993
8:30 a.m.

TRUSTEE COUNCIL MEMBERS in attendance:

State of Alaska	MR. CHARLES COLE Attorney General
State of Alaska Department of Environmental Conservation	MR. JOHN SANDOR Commissioner
United States Department of the Interior	MR. PAUL GATES Acting Special Assistant
State Department of Fish and Game	MR. CARL ROSIER Commissioner
United States Department of Agriculture - Forest Service	MR. MIKE BARTON Regional Forester
United States Department of Commerce - NOAA	MR. STEVE PENNOYER Director, Alaska Region

RESTORATION TEAM in attendance:

DAVE GIBBONS	Interim Administrative Director, Trustee Council
MARK BRODERSEN	Restoration Chief, Alaska Department of Environmental Conservation
JEROME MONTAGUE	Director, Oil Spill Impact Assessment & Restoration Division, Alaska Department of Fish and Game

BYRON MORRIS Chief, Office of Oil Spill Damage Assessment
and Restoration, United States Department of
Commerce - NOAA

KEN RICE Deputy Natural Resource Manager, United
States Department of Agriculture -
Forest Service

PAMELA BERGMAN Regional Environmental Assistant, United
States Department of the Interior

MARTY RUTHERFORD Assistant Commissioner of EVOS,
Alaska Department of Natural Resources

PUBLIC ADVISORY GROUP MEMBERS in attendance:

DOUGLAS MUTTER Department of the Interior
Designated Federal Officer

BRAD PHILLIPS Chairman

PAMELA BRODIE

KIM BENTON (substituting for JOHN STURGEON)

CHARLES TOTEMOFF

DR. RICHARD KNECHT

OTHERS in attendance:

DR. ROBERT SPIES

CRAIG O'CONNER NOAA Legal Counsel

KATHLEEN CHOROSTECKI NOAA Damage Assessment Center
Of Counsel

MARIA LISOWSKI

JEROME SELBY Mayor of Kodiak Island Borough

TOM FINK

JOE SULLIVAN

CRAIG TILLERY

ARTHUR WEINER, Ph.D.

CHUCK GILBERT

KIM SUNDBERG

CAROL GORBICS

ROBERT LOEFFLER

* * * * *

1 I was just reading the operating procedures. It says "A quorum,"
2 and it says "(along with the attendance of the Designated Federal
3 Officer)". And my concern might be if Doug's sick and you've
4 got, you know, 14 members there. If he's sick and cannot attend
5 the meeting, they still don't have a quorum. Perhaps we should
6 have an alternate for the designated federal officer, also.

7 MR. PENNOYER: Mr. Gates.

8 MR. GATES: We can take care of that.

9 MR. PENNOYER: Fine. All right. The second item you
10 had then was a question of direction?

11 MR. PHILLIPS: Yes. I don't know whether you've
12 formulated anything since our last discussion, but I know the
13 group would welcome any specific direction you have for us so
14 that we aren't going off on rabbit trails and doing things that
15 aren't helpful to you to be able to expedite our discussions too.
16 And you may not have anything ready, but we're ready to receive
17 any direction you can give us that will be helpful.

18 MR. PENNOYER: I think the direction you specifically
19 were talking about was the amount of interaction with the public
20 and what type of public interaction...

21 MR. PHILLIPS: That's part of it, yes.

22 MR. PENNOYER: ...other public interaction form the PAG
23 should serve. I guess the other factor, too, of just the
24 process. Do you deal with our agenda in total before each
25 meeting. I mean there's some procedural things I'm not sure have
26 been -- for example, have you met since our last meeting?

1 MR. PHILLIPS: No.

2 MR. PENNOYER: I don't think you've have.

3 MR. PHILLIPS: No, we haven't had a reason to meet
4 until we get some...

5 MR. PENNOYER: You haven't specifically commented on
6 this agenda content then that's been holdover from last the
7 meeting?

8 MR. PHILLIPS: No, sir. And you know, we have the same
9 30-day thing to contend with. We just thought maybe if you --
10 even informally, if you can tell us what we're doing right or
11 wrong, particularly the wrong thing or where we could strengthen
12 our activities to help you so that we don't spin our wheels and
13 waste time and that we can be helpful.

14 MR. PENNOYER: Mr. Cole.

15 MR. COLE: I have a thought that I hope is shared by
16 other members of the Trustee Council. And that is that we're
17 looking for broad advice, not narrow, selective advice. I
18 received a letter -- I think all the other members of the Trustee
19 Council did -- from one of the members of the Public Advisory
20 Group, I think, who sort of appeared to misconstrue the functions
21 of the Public Advisory Group, at least from my standpoint.

22 I mean as I looked at the transcript of the Public
23 Advisory Group's actions on the last 1993 work plan projects, I
24 did not see in the transcript the type of full discussion and
25 reflection upon each project which I personally would liked to
26 have seen. I mean it's my contemplation that when the Public

1 Advisory Group looks at these proposed projects, that they say,
2 "Does this project really make sense?" and they scrutinize it
3 carefully from that standpoint, number one. I mean is too much
4 money being spent based upon the broad views of those in the
5 Public Advisory Group for this project? Is this project a
6 project which the sense of the group thinks that the agency
7 should be doing as part of its normal statutory functions and
8 duties? This was part of what the group did but are there other
9 projects which should be examined carefully by the group. Is our
10 general approach to projects too narrow or should it be more
11 wide-ranging?

12 I mean that's the sort of help, if you will, that I
13 would like to see come from this advisory group and not simply
14 say, "Well, we haven't been told to do this, so we're not going
15 to do it." I mean, you know, just take a shot at us, if you
16 will. I mean, you know, but we...

17 MR. PHILLIPS: That's the kind of help we had in...

18 MR. COLE: ...need that sort of advice.

19 MR. PHILLIPS: That's what we need, Mr. Cole. So far,
20 we haven't had it and if that's what you want, then we can follow
21 those guidelines. I have no problem with that. We did discuss
22 all of those projects. We didn't know at the time whether we
23 could go outside of those projects for work -- for '93 or not.
24 We did make some comments on concerns that we had. We couldn't
25 vote because we didn't have a quorum but we did try to transmit
26 to you the general feeling, a consensus of things that -- and I

1 think we even sent you some minority concerns about things like
2 -- as an example, one of the things that bothered all the way
3 through the meeting was that layer upon layer of projects given
4 to an agency really inflates the personnel section of the costs
5 of these things. And we did question each representative of that
6 agency on whether this is a thing that you normally do in the
7 course of your business. Are you hiring new people or are the
8 old people taking it? There was a concern about where that
9 money is going and that, I think, was transmitted to you and so
10 we worked within the framework we had and that is those projects
11 that we had concern ourselves.

12 I appreciate your comments because it gives me a better
13 direction on where we can go and believe me, we've got a lot of
14 independent thinkers in that group and you will probably get a
15 lot of ideas outside of the agenda.

16 MR. COLE: See, that's why we selected them for that
17 very reason is for their independent thinkers in the group
18 so we'd get a composite of what people of this state are
19 saying. And also, I mean, for example, just one more thought,
20 Mr. Pennoyer.

21 MR. PENNOYER: Go ahead.

22 MR. COLE: You know, we get this are there enough
23 projects being devoted for the commercial fishing interests?
24 You know, we received -- I received letters on that saying, "Hey,
25 you know, you're not looking after us enough." Are we -- is our
26 general approach to habitat acquisition, is it too full or not

1 full enough. You know, so that's the type of thing that frankly
2 I would like to see. I leave it to the other members now for
3 their comments to see if they agree or disagree.

4 MR. PENNOYER: Other comments?

5 MR. BARTON: Mr. Chairman, I would endorse the Attorney
6 General's remarks. I also understand that after I had to leave
7 the last council meeting, there was some language distributed to
8 the council members regarding the intent of the council with
9 regard to the Public Advisory Group and what the council had
10 hoped for. I don't know whether there was any action taken on
11 that or not, but I think that also might be helpful and I know it
12 could be inserted in the operating procedures that you all have
13 developed very nicely in there and that would perhaps also
14 provide some assistance, Brad.

15 MR. PHILLIPS: Okay, that's fine. We'll discuss these
16 things at our next meeting, I'm sure, because they're all anxious
17 to know if we're headed in the right direction and we don't see
18 our position as adverse to yours. We just want to be helpful.

19 One of the other things, as an example, that was of
20 concern in our last meeting was to what extent or how close
21 should these projects be to actual damage by the oil spill? Some
22 of them really have a tendency to get far out and you can't find
23 the link, necessarily, between the oil spill and the project. And
24 to what extent do you want our feeling on that? That was a very
25 major thing that we talked about last time.

26 MR. COLE: Mr. Chairman.

1 MR. PENNOYER: Mr. Cole.

2 MR. COLE: That is crucial. I mean that is the mandate
3 of the congressional statute. It is the order of the United
4 States District Court and it is the specific language of the
5 memorandum of agreement between the state and federal trustees.
6 We must have that. And we also met with the members of the
7 General Accounting Office last Friday and I think they focused,
8 in part, on that very issue. We need in my view the thought
9 process, the views of the Public Advisory Group on that subject.
10 And I think, as I told -- we told the GAO people that we sit here
11 as trustees with the obligations of trustees and we look for that
12 link on every project.

13 MR. PHILLIPS: That's the kind of direction we need. I
14 appreciate those comments very much because it was a concern of
15 the whole group.

16 MR. PENNOYER: Mr. Rosier.

17 MR. ROSIER: Thank you, Mr. Chairman. Brad, I realize
18 this is kind of a negotiating thing here in terms of direction
19 and operation but -- and I don't think that the PAG has had the
20 opportunity to really look at the budget that we've identified
21 for it but I, for one, am certainly interested in seeing a very
22 strong Public Advisory Group here on this and when you're talking
23 about this direction that you want to go and the direction that
24 you may be seeking from us on this, I would hope that you would
25 keep in mind the budget aspect of this. I think that budget
26 figure that we gave for the PAG was kind of a generalized budge

1 and we weren't exactly sure what that level should be or anything
2 else but I think that would certainly be a key to supporting the
3 PAG.

4 MR. PHILLIPS: Thank you.

5 MR. PENNOYER: Mr. Barton.

6 MR. BARTON: Mr. Chairman, is a motion in order to
7 adopt the intent language that was distributed?

8 MR. PENNOYER: I'm not sure the other members have it
9 in front of them, Mr. Barton, so you can make the motion but I'm
10 not clear we're prepared at this time to review it and I don't
11 know where it went to, so...

12 MR. BARTON: I understood that Mr. Sandor distributed
13 it at the earlier session of this meeting, so I guess I move the
14 adoption of that language. I'd be pleased to read it.

15 MR. PENNOYER: Maybe you could arrange for copies to be
16 made and we could take it up -- Mr. Cole. There it is.

17 MR. BARTON: How's that for responsiveness?

18 MR. PENNOYER: That's pretty responsive.

19 MR. COLE: When we start looking at language like that,
20 you know, it requires more than simply, in my view or reading
21 here, and say, "Well, it looks all right." And you know, then
22 six months later, somebody calls the language to our attention
23 and, you know, you say, whoops. I would not want to sit here and
24 dissect this language and approve it here. I would feel more
25 comfortable with a general adoption of the remarks here this
26 morning, have them transcribed and be done with it, but if other

1 trustees think we should adopt language -- this language or
2 similar language, I would prefer to defer it until after lunch
3 until we can scrutinize it carefully.

4 MR. PENNOYER: Any problem with deferring this until
5 after lunch? This seems to speak to a part that we haven't spent
6 a lot of time talking about this morning, namely, the public
7 interaction -- general public interaction. Why don't we defer
8 this until after lunch then? Is that acceptable to everybody?

9 (Unanimous inaudible positive agreement.)

10 MR. PENNOYER: I think you've heard a lot of comments
11 this morning that may give you some help in doing your work.

12 MR. PHILLIPS: Absolutely. It was worth getting up
13 for.

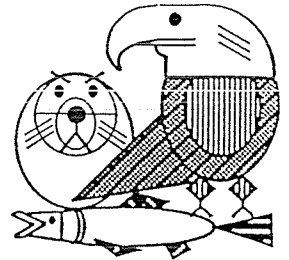
14 MR. PENNOYER: I think that clearly your role is not a
15 restrictive one, you know, and I don't think anybody's asking you
16 just to comment on projects or budgets. We're getting into a
17 Restoration Plan now that's going to set some of these parameters
18 down in terms of the scope of things that this council wants to
19 undertake and your comments on that as well are appropriate. So,
20 I think practically anything on our agenda that you feel we need
21 that advice on is certainly something we'd like to hear from you.

22 MR. PHILLIPS: All right.

23 MR. PENNOYER: The one other item that was brought up
24 by Mr. Phillips was the trip to Prince William Sound. Do we have
25 an actual proposal of a dollar amount in front of us? You
26 mentioned that there was some type of a proposal and fuel costs

Exxon Valdez Oil Spill Trustee Council

Restoration Office
645 "G" Street, Anchorage, AK 99501
Phone: (907) 278-8012 Fax: (907) 276-7178



MEMORANDUM

To: Trustee Council

From: Dave Gibbons *DG*
Interim Administrative Director, and
Restoration Team

Date: September 11, 1992

Subj: Initial Screening of 1993 Projects

1993 PROJECT IDEA SCREENING CRITERIA

The following criteria were used as threshold criteria to screen ideas submitted by the general public and State and Federal agencies. The first set of three critical factors were used to screen all ideas. If an idea failed to comply with any one of these factors, it was not forwarded for further project description development. If a project met these criteria, it was subsequently next subjected to either the set of damage assessment or restoration idea criteria, dependent upon its category of proposed work. These criteria and a brief description follow.

CRITICAL FACTORS

1. Linkage To Resources And/Or Services Injured By The Exxon Valdez Oil Spill

The settlement documents specify that the use of the restoration trust funds must be linked to injuries resulting from the Exxon Valdez oil spill. The following is the definition of injury:

"A natural resource has experienced "consequential injury" if it has sustained a loss (a) due to exposure to oil spilled by the T/V Exxon Valdez, or (b) which otherwise can be attributed to the oil spill and clean up. "Loss" includes:

- significant direct mortality;
- significant declines in populations or productivity;
- significant sublethal and chronic effects to adults or any other life history stages; or
- degradation of habitat, due to alteration or contamination of flora, fauna and physical components of the habitat." (April 1992 Restoration Framework)

A link must be evident from the 1993 idea submitted and the above criteria for injury to resources or services.

2. Technically Feasible

Are the technology and management skills available to successfully implement the restoration idea in the environment of the oil spill area?

3. Consistent With Applicable Federal And State Laws And Policies

Is the restoration idea consistent with the directives and policies with which the Trustee agencies must comply? Some factors discussed included:

- third party suit?
- legal under existing laws and regulations including the settlement agreement?

Damage Assessment Ideas

1. Project Previously Funded For Close-Out?

Was the idea funded in the 1992 Work Plan for close-out and final report preparation? If so, it should not receive additional funding.

2. 1993 Close-Out Project

Should this idea be funded in the 1993 Work Plan for close-out? Only considered with respect to those projects funded for damage assessment continuation in the 1992 Work Plan can be considered.

3. New Project Where Injury Is Apparent

Is there a substantial amount of new information to demonstrate injury to resources and services? Injury to resources and services as defined in critical factor 1.

4. Damage Assessment Continuation

Are the injuries to resources and services fully understood or is there a opportunity to understand new injuries? The life span of the injured resource should be considered since many species are long-lived and the injury may occur in different life stages, or have temporal stock separation such as odd/even pink salmon year classes.

General Restoration Ideas

All restoration ideas were evaluated using the four criteria described below. If an idea had a clear restoration end point and

was either time critical or a possible lost opportunity and was not a long-term commitment, it was forwarded for further development and consideration.

1. Is There A Restoration End-Point?

What is the restoration end-point? A restoration end-point includes actions to restore, replace and enhance natural resources, monitor natural recovery or involves acquisition of equivalent resources or services. If there is no identifiable restoration end-point, then the project was not recommended for further development.

2. Time Critical To The Recovery Of The Injured Resource/Service; Must Be Conducted In 1993

Would a delay in the project result in further injury to a resource or service or would we forego a restoration opportunity? This information is critical to support near-term future conditions.

3. Opportunity Lost If Not Funded In 1993 (Related To Method Of Recovery)

Other considerations that were taken into account in developing the restoration program included opportunities to combine work or logistics with other projects in order to reduce costs. The intent of this criterion is to identify those project ideas that need to be implemented now or the opportunity will be lost. Is there some factor that will make it impossible to conduct the project in the future?

4. Involves Long-Term Commitment

Until a restoration plan is completed, annual restoration activities requiring a long-term commitment should be limited to those projects that do not have irretrievable commitment of funds to future years.

ID Number _____

Date _____

INITIAL RESTORATION TEAM REVIEW OF 1993 PROJECT IDEAS

Critical Factors

Yes No Unknown

- ___ ___ ___ 1. Linkage to resources and/or services injured by the Exxon Valdez oil spill.
___ ___ ___ 2. Technically feasible.
___ ___ ___ 3. Consistent with applicable Federal and State laws and policies.

Yes No

___ ___ Damage Assessment Ideas

- ___ ___ 1. Project previously funded for close-out.
___ ___ 2. 1993 close-out project.
___ ___ 3. New project where injury is apparent.
___ ___ 4. Damage assessment continuation.

Yes No

___ ___ General Restoration Ideas

- ___ ___ 1. Is there a restoration end-point?
___ ___ 2. Time critical to the recovery of the injured resource/service; must be conducted in 1993.
___ ___ 3. Opportunity lost if not funded in 1993. (Related to method of recovery.)
___ ___ 4. Involves long-term commitment.

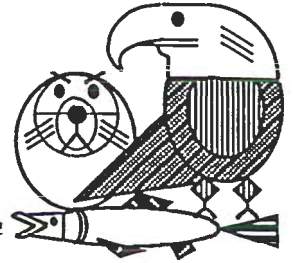
Recommendation

- ___ Approved for preparation of brief project description.
___ Rejected.
___ Combined with ideas: _____

Comments:

Exxon Valdez Oil Spill Trustee Council

645 G Street, Anchorage, Alaska 99501
Phone: (907) 278-8012 Fax: (907) 276-7178



To: Trustee Council
From: Dave R. Gibbons *DRG*
Interim Administrative Director
Date: December 16, 1992
Subj: Trustee Council Meeting Notes

The following are my notes from our meeting last Friday:

TRUSTEE COUNCIL MEETING NOTES

12/11/92

By Dave R. Gibbons
Interim Administrative Director

Members Present:

Trustee Council

John Sandor♦ (ADEC)
Mike Barton (USFS)
Charlie Cole (ADOL)
Carl Rosier (ADF&G)
Steve Pennoyer (NMFS)
Curt McVee (USDO I)

♦ Chair

Restoration Team

Dave Gibbons (IAD)
Mark Brodersen (ADEC)
Marty Rutherford (ADNR)
Jerome Montague (ADF&G)
Byron Morris (NOAA)
Pamela Bergmann (USDO I)
Ken Rice (USFS)

MOTION: Trustee Council (TC) moved to approve the election of officers made by the Public Advisory Group (PAG) (Resolution #4).

Administrative Director (AD) will convey the following TC actions to the PAG concerning their four Resolutions:

1. Operating Procedures resolution (Resolution #1) tabled until next meeting.
2. Tabled resolution #2 until next TC to work with Native land owners and other residents in oil spill affected area.

3. Resolution #3 - Approved to Delay Approval 1993 Work Plan until after their January 6-7, 1993 meeting.
4. Resolution #4 - Approved officers.

On all Resolutions tabled; staff will do further background work to assist TC (with much lead time). Restoration Team members check with their respective agencies on the adoption of resolution #2.

1993 Work Plan

<u>Time Critical</u>	-	<u>Projects TC approved NEPA Compliance funding only:</u>
1. 93032	-	\$5,000 approved (Pink & Cold Creek Pink Salmon ladders).
2. 93019	-	Tabled until January 19, 1993 meeting.
3. 93030	-	No motion to approve.
4. 93031	-	No second on motion to approve.
5. 93046	-	\$3,000 approved Harbor Seals.
6. 93026	-	Tabled until January 19, 1993 meeting.

Time Critical project with NEPA Compliance that TC approved:

1. 93045- Boat Survey \$262.4 approved.

Timeline

- Comments on proposed timeline due from TC by mid-week. No comments will be accepted to lengthen this timeline.

Strengthening Process

- Trustee Council will solicit comments for all fronts to improve organization.
- State approved position description available now.
- Advertise Administrative Director position.

MOTION: Mr. Barton and Mr. Rosier will coordinate the announcement for application of Executive Director using applicable agency guidelines.

MOTION: I move that the Trustee Council agrees that the acquisition of approximately 7,500 imminently threatened land in Kachemak Bay State Park meets our restoration criteria. The TC approves the expenditure of up to \$75,000 for the completion of NEPA documentation for spending \$7.5 million to acquire approximately 7,500 imminently threatened lands in Kachemak Bay State Park. The TC approves the designation of the U.S. Forest Service as the lead agency for ensuring that appropriate NEPA documentation is completed. The TC requests that appropriate NEPA compliance be completed as soon as practicable so the TC may then take final action.

Next Meeting

Continuation meeting is scheduled for January 19 @ 8:00 a.m.

MOTION: Under the circumstance that the Trustee Council member or their first alternate is not available, the TC member can appoint a second alternate.

MOTION: Administrative Director draft milestone meeting schedule for next TC meeting for calendar years 1993 and 1994.

Each member of the TC requests to receive a copy of the TC meeting transcript.

FACILITIES

Alfred A. Owen Building

The FITC laboratories and faculty and staff offices are housed in the Alfred A. Owen building, a 20,200-square foot research facility that was dedicated in 1991. It houses a Pilot Processing Plant for the development, testing, and scale-up of seafood processing operations and includes 0, -20, and -40°C refrigerated walk-in storage units.

Fundamental and applied research takes place in modern biochemistry, chemistry, engineering, microbiology, and sensory evaluation laboratories. An instrument room, a walk-in cool room, and a media preparation room are also available. Public use areas include a research library, lecture room (capacity: 64), and conference room (capacity: 10-15).

LONG-TERM PLAN

FITC research programs are designed to maximize benefits from Alaska's renewable fisheries resources through the application of modern food science and technology. The primary objectives of FITC programs are to facilitate the profitable production of wholesome, high-quality seafood and to provide training and disseminate information to the industry.

To achieve these objectives, expansion of the current facilities is necessary. The long-term plan to obtain facilities needed by SFOS in Kodiak is to encourage the development of a multi-agency fisheries research complex, including the Owen Building. This would include a gravity-fed seawater system, wet and dry research laboratories, classrooms, offices, and a fisheries and seafood library. The complex is expected to be a cooperative effort of SFOS, the National Marine Fisheries Service, and the Alaska Department of Fish & Game.

ADMINISTRATION

Vera Alexander, Ph.D., Dean, SFOS
Albert Tyler, Ph.D., Associate Dean, SFOS
John French, Ph.D., Interim Director, FITC

FACULTY & RESEARCH STAFF

Jerry K. Babbitt, Ph.D., Affiliate Professor and Director, NMFS Utilizations Research Laboratory.

Suvendu Bhattacharya, Ph.D., Visiting Faculty. Seafood Engineering.

Chris G. Bublitz, M.S., Research Scientist. Fish physiology, harvesting science and technology.

Gour S. Choudhury, Ph.D., Assistant Professor. Seafood engineering, by-product utilization, extrusion, microbial technology, process automation, unit operations, modeling.

Charles A. Crapo, M.S., Assistant Professor and Salmon Quality Specialist. Seafood quality, quality assurance, seafood processing and preservation.

Terry Ellsworth, B.S., Laboratory Technician. Biochemistry, chemistry.

John S. French, Ph.D., Professor. Biochemistry of proteins and lipids, postmortem changes in seafood quality, effects of environmental stress on seafood quality.

Brian H. Himelbloom, Ph.D., Assistant Professor. Microbiology of fish and fish products, microbial physiology, applied enzymology.

John M. Kennish, Ph.D., Affiliate Professor. Analytical chemistry, seafood quality changes, fish lipids.

Jong S. Lee, Ph.D., Professor. Microbiology, food safety, quality control.

Henry Pennington, M.S., Assistant Professor, Marine Advisory Program. Fisheries development, marine safety, coastal resource management.

Robert Pfitzenreuter, B.S., Laboratory Technician. Microbiology.

ADMINISTRATIVE & SUPPORT STAFF

Kay Bodi, Custodian/Maintenance
Patrick Dooley, HVAC Technician
Lavonda A. Valley, Accounts Clerk
Margaret A. Zabinko, Administrative Assistant

Fishery Industrial Technology Center
University of Alaska Fairbanks
900 Trident Way
Kodiak, Alaska 99615
Phone: (907) 486-1500
FAX: (907) 486-1540



SELECTED RESEARCH ACTIVITIES

- Improving chilled and refrigerated seawater systems on fishing vessels
- Evaluating *sous-vide* processing for pink salmon
- Developing extrusion processing of salmon muscle proteins
- Evaluating opportunities for flaked products from pink salmon
- Surveying the microbiological quality of Alaskan seafood
- Providing technical support and technological development for surimi manufacturing
- Analyzing flatfish reactions to rig trawls to minimize halibut by-catch through the use of modified trawl gear
- Evaluating pollock trawl fishery selectivity of square mesh codends
- Identifying new methods for detecting and removing parasites in white fish
- Evaluating handling, quality, and stability of whole and minced flatfish
- Characterizing seafood processing by-products for conversion to energy and other products



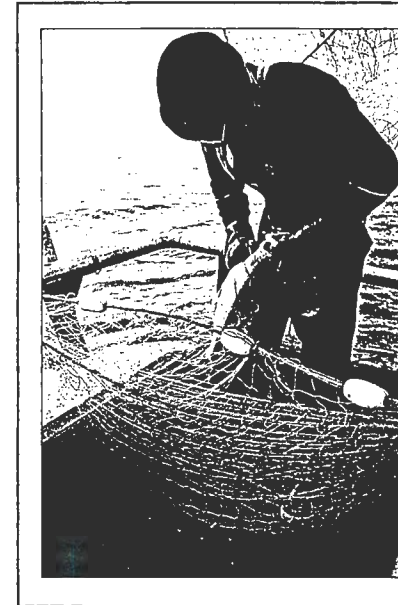
Fresh seafood product shipped from an Alaskan processor to FITC for chemical and microbial evaluation. (Photo: H. Pennington)

COVER PHOTO: A driftnet fisherman picks a red salmon from his net. Research and development at FITC begin with the harvest of fishery resources. (Photo: D. Mercy)

The University of Alaska Fairbanks provides equal education and employment opportunities for all, regardless of race, color, religion, national origin, sex, age, disability, status as a Vietnam era or disabled veteran, marital status, changes in marital status, pregnancy, or parenthood pursuant to applicable state and federal laws.

FISHERY INDUSTRIAL TECHNOLOGY CENTER

KODIAK, ALASKA



SCHOOL OF FISHERIES & OCEAN SCIENCE

UNIVERSITY OF ALASKA FAIRBANKS

FISHERY INDUSTRIAL TECHNOLOGY CENTER

The Fishery Industrial Technology Center (FITC) has grown steadily since its creation in 1981 by an act of the Alaska Legislature. A unit of the University of Alaska Fairbanks (UAF) School of Fisheries and Ocean Sciences (SFOS), FITC conducts a research and development program and provides technology transfer and training to enhance the economic development of the Alaskan fishing industry. Activities are supported by the industry and by state and federal grants.



Fishery Industrial Technology Center as seen from across Trident Basin in Kodiak. (Photo: B. Himmelbloom)

PROGRAMS AND OBJECTIVES

Fish Harvesting Science and Technology

FITC personnel conduct research to develop and improve fishing gear and on-board handling technologies to maximize the quality of the harvest. Current research includes:

- fundamental studies on the physiology of harvested species, including
 - perception of fishing baits, gear, and vessels
 - behavior upon encountering and escaping fishing gear
 - factors controlling swimming rates and endurance
- applied studies on the behavior of fishing gear during deployment and use



Fisherman aboard a seine skiff pulls the net off the back of the fishing boat to make a set. (Photo: D. Mercy)

- development of fishing gear technology to optimize the efficiency and selectivity of gear to
 - separate targeted and unwanted species
 - separate targeted and undersized fish

Seafood Science and Processing Technology

Researchers study the fundamental properties of seafood to enhance its use in safe, nutritious seafood products. They apply concepts of biochemistry, chemistry, microbiology, and seafood engineering to maximize the use of fish, shellfish, and by-product materials. Projects are underway to develop:

- technologies to ensure high product quality from harvest to the consumer
- methods to determine and preserve the nutritional value of Alaskan seafood
- optimum processing protocols through engineering analysis of energy, material, and labor use in seafood-processing operations
- methods to extend the shelf life of fresh and frozen seafoods, including the application of modern packaging and preservation techniques
- new product concepts and to assist the industry in developing and marketing those products

Fisheries and Food Science Training

Training Alaskans in the management and use of their marine resources is part of the University of Alaska land and sea grant mission. FITC faculty contribute to this effort by

- teaching courses for fisheries or management undergraduate students and for other science majors interested in food science
- developing and supervising a student internship program to provide hands-on experience in the industry
- coordinating the University of Alaska portion of the cooperative Bachelor of Science in Food Science and Technology program with Oregon State University
- developing the Food Science and Nutrition program shared by SFOS and the School of Agriculture and Land Resources Management
- providing graduate training opportunities in fish harvesting and food science and nutrition at the M.S. and Ph.D. levels



FITC personnel work with Alaskan seafood processors to prevent and solve problems. Here Bob Pfutzenreuter prepares microbe samples taken on a seafood line to evaluate cleanup and sanitation procedures. (Photo: H. Pennington)

Technology Transfer

A primary objective of FITC scientists and educators is to ensure that research results are made known to the people who can use the information. FITC personnel work with the

fishing industry and state and federal agencies to identify areas of interest or concern and to develop seminars and workshops on those topics. Other technology transfer activities include:

- providing short courses of specific interest to students and fishing industry personnel
- advising the fishing industry on use of new and existing technologies
- developing cost analyses for the use of new and existing technologies by the fishing industry



A major goal of the Alaskan fishing industry is to expand beyond traditional canned or whole-frozen markets for pink salmon. Chuck Crapo (white shirt) and Brian Himmelbloom prepare pink salmon using European sous-vide processing methods. (Photo: H. Pennington)

Public Service

Outreach and public service activities are also important responsibilities of the FITC. The Center location and personnel expertise provide a focus for fishing-related public activities in Kodiak. FITC personnel

- serve on various local, state, national, and international professional boards and committees, editorial boards, and advisory groups
- present current information in seminars, workshops, and short courses for the industry
- provide information for K-12 students and teachers on fish harvesting and seafood processing research

CHENEGA CORPORATION

Post Office Box 60
Chenega Bay, Alaska 99574-0060
(907) 573-5118

MEMORANDUM

TO: Public Advisory Group

FR: Charles W. Totemoff, Native Landowners Representative

RE: EVOS Restoration Projects' Comments

DATE: January 6, 1993

Project No. 93002: Sockeye Overescapement.

This project appears to be one of an abundance of fish in 1989. The plan is to study the Kenai Peninsula, Tustumena and Kenai River Lake system; also Kodiak and Red Lake system. The proposal is merely to collect data. Its high priced, \$714,600. We believe that the Red Lake project makes sense; however, we are concerned about what appears as a disproportionate amount of money spent on indirect effects the Kenai River area.

Suggestion:

Why not cut down a little bit on the Kenai River Lake system and include additional research at Eshamy and Jack Pot re: sockeyes?

Project No. 93003: Effect of Oil on Pink Salmon Eggs.

The budget is for a two year cycle at \$686,000 total, including contractual of \$200,000. This project appears to involve work through PWSAC, and is certainly of importance to the entire oil impacted area.

Project No. 93004: Preservation of Wild Populations of Pink Salmon Impacted by EVOS.

The budget is \$899,000, including \$168,500 contractual. These take place in the Cordova area. No specific areas have been identified, however. However, the important thing about these studies is that they appear to relate to the health of the wild stock and the impact of oil. The write up is a little bit confusing. Please tell us where the streams are, and what information is anticipated to be collected.

Project No. 93005: Cultural Resources Information, Education, and Interpretation.

This is a six month project with a budget of \$399,400. The proposal is to let the public know about the value of cultural heritage information preserved in archaeological sites. Basically, it is not clear whether the purpose is to explain what is valuable or what is archaeological. ADNR proposes to organize and promote, from oil spill affected communities, groups to go out and conduct archaeological work. This is extremely sensitive; the affected Native community ought to be able to contract their own archaeologists to conduct mitigation efforts without public involvement. We suggest that grants be provided to the affected ANCSA Corporation, Tribes under ARPA, to hire archaeologists to undertake the mitigation efforts in conjunction with ADNR oversight.

Project No. 93006: Sites of Specific Archaeological Restoration.

The budget for this project is \$259,000. This is a nine year program involving monitoring, restoration assessment, field work, and proposed restoration assessments and treatment actions. We note that the environmental compliance description requires compliance with the Historical Preservation Act, the Archaeological Resources Protection Act, and the Native American Graves and Repatriation Act. The United States Forest Service and the Department of the Interior are both involved. Thus it is necessary to consult with the Native landowners, as a matter of law. The Pacific Rim Village Coalition joint venture proposal contains information on these acts and their relationship to cultural resources. Specifically, the Federal agencies, and to the same extent the State agencies, must consult with the Native landowner. In addition, contracting could be required. It is unclear how implementation of the program will occur in light of the environmental compliance section. The idea is important; the manner of implementation is unknown. The agencies must be aware that, Natives already suffered the oil spill's impact on cultural resources, ANCSA land owners must be an integral part of cultural resources restoration and protection work.

Project No. 93007: Archaeological Site Stewardship Program.

This program focuses on training local residents to protect archaeological resources and obtaining agreements with private landowners and agencies to participate in the stewardship program. Personnel is high at \$94,000 and contractual is \$46,000. The total budget is \$194,000 for a two year program. Again, we believe that

the personnel costs might be cut down in favor of direct contracting for protection and stewardship with ANCSA land owners.

Project No. 93008: Archaeological Site Patrol and Monitoring.

The budget for this project is \$297,000, of which \$117,500 is contractual. This program is to be coordinated with the Archaeological Site Stewardship Program. Environmental compliance requires the consultation requirements previously discussed. A lot of the program involves watching certain sites by patrol and monitor. Annual reports are required. Who will be the field personnel? How will this be controlled? The project is necessary; implementation should involve ANCSA corporation consultation and involvement at every step of the way.

Project No. 93009: Public Information, Education and Interpretation.

Budget: \$316,700

This project involves public information outreach in order to inform and educate the public on the effects and impacts of the Exxon Valdez oil spill and to enhance eco-tourism.

The program is presently slated with an emphasis on the communities of "Valdez, Whittier, Cordova, Seward, Homer, Kodiak, and the Municipality of Anchorage." Public information should emphasize interested Native communities in the spill impact area. Alaska corporations have cooperated in the past with the governments and have worked with the National Park Service (Port Graham and English Bay) and the Alaska Department of Fish & Game and the USFS (Chenega). One of the problems with this project is that it will more than likely (because the state and NPS involved) involve use of ANCSA lands, whether intentionally or not. It also is a source of advertising of ANCSA ownership interest and perhaps tourism projects.¹

Project No. 93010: Reduce Disturbance Near Murre Colonies.

The budget for this project is \$56,800. This is probably a really good project. It seems to affect the Port Graham, English Bay, as well as the Chignik Bay areas.

¹ We note that a DEC publication made available to the public several years ago depicted oil damaged beaches in PWS, the Kenai Peninsula, Kodiak and the Alaska Peninsula. No mention was made of the fact that the uplands were privately held by ANCSA corporations. We are concerned that such future publications serve to educate the public on private rights, as well.

Project No. 93011: Harvest Guidelines to Aid Restoration of River Otters and Harlequin Duck.

Harlequin Ducks are of importance subsistence wise. The total budget is \$11,200. Basically, what is proposed is to make recommendations on season and bag limits to the Board of Game. There ought to be more local community input as a part of this function. The local advisory groups for the Board of Game must be consulted as a part of this process.

Project No. 93012: Genetic Stock Identification of Kenai River Sockeye Salmon.

The budget for this project is \$300,600.

We are uncertain how this project is distinguishable from 93002. It also seems like it is expensive and far removed. How does this project relate to the restoration program?

Project No. 93014: Quality Assurance for Coded Wire Tagged Application and Fish Restoration Project.

The budget for this project is \$94,800. The purpose of this is to study the coded wire tag system. We believe training should include assisting local employment. We support this project, which also examines the effects of an oil spill.

Project No. 93015: Kenai River Sockeye Salmon Restoration.

The budget for this project is \$732,600. Why is this needed? Basically, it looks as if ADF&G wants to replace some escapement monitor equipment.

Project No. 93016: Subsistence Restoration Project.

This is a combination project between the ADF and NOAA which has a two year life and a budget of \$360,000, of which \$135,000 is contractual. It is sort of a blow up of an earlier Chenega proposal. There is some coordination and community mapping. However, it is again going to be from outside the community looking in. The project does include all of the affected Native villages. However, personnel could be reduced in favor of local hire, with oversight by the agencies.

Project No. 93017: Subsistence Restoration Project

Funds Available: \$360,300 of which \$135,000 is presently contractual.

This is a two year study to restore subsistence use of fish and wildlife damaged by the Exxon Valdez, and includes community meetings to identify and map specific areas and resources of continued concern to subsistence users. Some of our members have started auto-cad mapping their lands. It would seem that this would certainly assist in presenting a focused approach to the Trustees Council, and establish a past pattern. In addition, the project includes, at least in part, Chenega's proposal for funds to be made available to support subsistence food sharing program between communities. Further, samples will be collected, and there will need to be imputing with regard to the planned 1993 spring shoreline survey.

The "How" section of 93017 is especially important. Discussion concerns "involving subsistence users and decisions affecting mitigation" and also discusses the subsistence study. We support this project. We also believe that data and resources owned by the ANCSA corporations may be available, and ANCSA corporations must be consulted regarding work scope.

**Project No. 93018: Enhanced Management of Wild Stock, PWS,
Emphasis on Cutthroat Trout and Dolly Varden**

Budget: \$285,300 - 18 months

This project would involve monitoring of weirs, obtaining scales, and so on. The areas include Native corporation owned lands (for example, Eshamy Lake which is surrounded by Chenega lands). The program is oriented towards sparts fishermen. However, the agencies do need to consult with the ANCSA corporations regarding access, and the public needs to be educated regarding the fact that the habitat impacts, to a large extent, riparian and littoral interests of ANCSA corporations.

Project No. 93019: Mariculture Project.

This project seeks to restore services by introducing a new technology in order to restore or enhance populations. It is strongly supported by the Chugach area villages and village corporations. A State AG legal opinion was requested.

Project No. 93022: Evaluating the Feasibility of Enhancing Productivity of Murres by Using Decoys, Dummy Eggs, and Recording of Murre Calls to Stimulate Normal Densities at Breeding Colonies.

The budget for this project is \$281,000. Even Dr. Speese liked this one.

Project No. 93024: Restoration of Coghill Lake Sockeye Salmon Stock.

The budget for this project is \$191,900. This is a pretty complicated study in order to figure out all sorts of things about sockeye. Our question is, why are you proposing so much to study Kenai River Sockeye, and so little to restore sockeye in PWS?

Project No. 93025: Montague Island Chum Salmon Restoration.

Budget: \$81,500

The project appears worthwhile and is supported.

Project No. 93026: The Fort Richardson Hatchery Water Pipe.

The project total is \$3,617,000. There are even typos in the WHEN (which starts at 1992 and ends in 1984). We fail to see how this project is oil spill restoration oriented.

Project No. 93028: Restoration and Migration of Wetland Habitat for Injured Prince William Sound Fish and Wildlife Species.

We need further information concerning this project which involves fixing a water course. It is not altogether clear what is intended to be accomplished.

Project No. 93029: Prince William Sound Second Growth Management

This project is intended to inventory data bases, habitat, and to improve habitat for "pink and chum salmon harlequin duck, marbled murrelet, river otter and bald eagle. It may involve acquisition of habitat and is important from a land owners perspective as well as for the public perception of restoration of critically injured habitat.

Project No. 93030: Red Lake Restoration (Kodiak Island).

Budget: \$77,200

Perhaps the money should be transferred from 93002 to Red Lake and reduce the Kenai River and Lake system's attention.

Project No. 93031: Red Lake Mitigation for Red Salmon Fishery.

Budget: \$153,700

The project is intended to improve a hatchery, with a large percentage of the budget going to equipment.

Project No. 93032: Pink and Cold Creek Pink Salmon Restoration.

Budget: \$36,000

This proposal is to evaluate pink salmon escapement, bypass barriers and evaluate fish passage through barrier bypasses. It appears to address short term needs and is thus an important part of the overall restoration effort.

Project No. 93033: Harlequin Duck Restoration Monitoring Study in PWS, Kenai, and Afognak.

Budget: \$717,900

All ADF&G. The project is fairly technical, but is intended to characterize nesting habitat, reproductive failure, and whether or not reproductive failure exist elsewhere than western PWS, i.e.: the Kenai coast and Afognak Island. It therefore is land specific, important to subsistence users, and should involve ANCSA corporation consultation.

Project No. 93034: Pigeon Guillemot Colony Survey.

Budget: \$165,800

The purpose of this study is to conduct a colony census and to figure out how badly damaged the populations are. The areas include, Naked Island and Afognak Island. The location of most of the study will be primarily focused in the Western PWS. This seems to be an important study, with the identification and mapping of the colonies within the area of the EVOS. We believe uplands use will occur. Therefore, Native landowner consent is required. Question: Is this a habitat acquisition study?

Project No. 93035: Potential Impacts of Oiled Mussel Beds on Higher Organisms

This is another Fish & Wildlife Service sponsored study. It, however, ties into the oil mussel beds studies referenced above.

The information is important in order to obtain a further understanding of the adverse effects of persistent oil contamination. Chenega is an area with a high degree of persistent oil contamination. Although this study focuses on oyster catchers and harlequin duck, the source of pollution to be examined is oiled mussel beds. We believe that the study is imperative. We would also suggest studies on the effects of persistent oiling on octopus. Octopus are also a primary food source of harbor seals. The less octopus, the less harbor seal. Perhaps this interplay on persistence also should be examined.

Project No. 93036: Recovery Monitoring and Restoration of Intertidal Oiled Mussel Beds in PWS.

Total Budget: \$404,800

This project involves the sampling of mussels and sediments for petroleum hydro carbon following a protocol established by NOAA and the DRDA process. In addition, there will be efforts to identify new areas of continued contamination. Presently, the National Parks Services surveying and sampling mussels and sediments along the Kenai Peninsula. It is anticipated that the project may be extended to the Kodiak area. This project is supported and is important, especially to the human populations in areas with continued contamination.

Project No. 93038: Shoreline Assessment, Restoration Monitoring.

Total Project: \$520,700

This project is for a term beginning January 1 and ending September 30, 1993. It is divided into two phases; phase one is a physical survey of selected shoreline and phase two is restoration of land and resource uses by light duty pickup during and after survey. In addition "larger scale treatment work, if necessary, would be identified on work orders and restoration crews from Chenega, Port Graham or other areas would be hired to preform the identified work."

The areas include Knight, LaTouche, Evans, Errlington, Green and Disk islands in Prince William Sound and Tanzina Bay, Windy Bay and Chugach Bay in the Gulf of Alaska.

Chenega Corporation successfully bid upon Exxon clean-up contracts in 1991 and 1992. Further, additional determination is planned for clean-up of oiled mussel beds and the 1993 spring survey of mussel beds (93036, see infra). Further, the Trustees Council allows for additional funds to expand the effort.

This project is very important and both to the health of the resources as well as the residents of contaminated areas. Any restoration-related activities on or adjacent to ANCSA lands should also involve the consent and consultation requirements. In addition, the project, upon completion, if maps are created, should identify individual ANCSA corporation ownerships.

Project No. 93039: Herring Bay experimental and Monitoring Studies.

Budget: \$507,000

This study focuses on fucus and limpets. It is especially concerned with the Herring Bay area. It is proposed that there will be 3-4 10 day visits to the Herring Bay area during the summer low tide, with equipment. It's an ADF&G project and the contractual amount is \$478,700. The study will look at other invertebrates, including barnacles. Question: Is data to be examined from any other areas, or will there be extrapolations? It's an important study. What is planned for follow-up?

Project No. 93041: Comprehensive Restoration Monitoring Program Phase 2: Monitoring Plan Development.

This is to design the monitoring component of the restoration plan. It's going to be looking at a number of different flora and fauna groups as well as archaeological resources that were injured. Basically, it's going to involve "monitoring". It is thought that resources and services that are not recovering quickly will be used as candidates for restoration actions and resources and services that are found to be recovering faster than anticipated may allow for an earlier completion of the restoration end point. The problem is, what are you studying, where are you going to study? Is the budget sufficient?

Project No. 93042: Recovery Monitoring of PWS Killer Whales.

Budget: \$127,000

This is a study project, again. It is importance from an aesthetics stand-point, the importance of a feeling of well being by residents, and the need to restore such services. That is, killer whales are beautiful animals and native to PWS waters.

Project No. 93043: Sea Otter Population Demographics and Habitat Use in Areas Affected by the EVOS.

Budget: \$291,900

This study looks at what happened to the sea otters, and whether or not areas ought to be purchased for sea otter habitat for possible protection. It's an interesting project.

Project No. 93045: Surveys to Monitor Marine Bird and Sea Otter Populations.

Budget: \$262,400

This is a boat survey program. Purpose is to figure out whether marine bird and otter populations are recovering. Also to look at habitat protection. The project is a worthy study, and is supported.

Project No. 93046: Habitat Use, Behavior and Monitoring of Harbor Seals in PWS

Budget: \$230,500

The project will involve aerial surveys and visits to Chenega Bay and Tatitlek once a year to discuss "survey results with residents." It is recognized that seal is important for subsistence purposes, but aerial visits do not appear to provide sufficient information. We know there aren't many harbor seals. Did they die or leave? Besides looking at food sources and source contamination, why not involve the affected communities more? See also comments to Project No. 90035 - octopus populations should also be examined, the effects of oil persistence on harbor seals directly and indirectly should be examined. In addition, Native community input is very important. The project, as structured has little to no involvement. We also have information to share, and concerns.

Project No. 93047: Subtidal Monitoring Recovery of Sediments

Total Budget: \$1,700,000

An important project, which appears ready to identify oil persistence and toxicity. This project involves recovery of hydrocarbons and subtidal sediments over a two year period. Oiled sites include Chenega's Sleepy Bay require such heavily oiled sites and Port Graham's Windy Bay. We recommend additional upper tidal research.

Project No. 93050: Update Restoration Feasibility Study No. 5.

Budget: \$10,200

Purpose is to add additional information to the existing DNR data base, which will be made available to the public. The information should be useful to any modifications to the restoration plan. However, private landowners should be identified.

Project No. 93051: Habitat Protection Information for Anadromous Streams and Marbled Murrelets.

Budget: \$1,179,800

Purpose is to obtain information on habitat protection and acquisition. This is an important project for ANCSA corporations. It's unclear what is planned, however.

Project No. 93052: Identification and Protection of Important Bald Eagle Habitats.

Budget: \$188,000

See comments to Project No. 93051. Mapping and GIS are also anticipated. Jurisdictional ownership should be included.

Project No. 93053: Hydrocarbon Data Analysis, Interpretation, and Database Maintenance.

Budget: \$105,500

The purpose is to gather hydrocarbon data of areas affected by the oil spill to figure out whether or not oil is weathering. This is a pretty complicated project, but it could be very important from a recovery standpoint. What is the reporting period? How is data anticipated to impact the Restoration Plan. Why such a limited study?

Project No. 93057: Damage Assessment GIS.

Again, this would be useful for the purposes of land acquisition and habitat acquisition and protection. The more GIS is developed the more information the Trustees will have to work on injured resources restoration. However, ANCSA corporation ownership must also be described.

Project No. 93059: Habitat Identification Workshop.

Budget: \$42,300

It appears that the basic point of this program is to figure out when habitat is necessary to be protected and acquired, and where the immanent threats are. It's data gathering, and the cost is \$42,300. It will be strictly contractual. The parameters are not clear.

Project No. 93060: Accelerated Data Acquisition.

The purpose of this program is to put together in a quicker fashion a data base with numerous layers, each of the layers to be worked on by various agencies. The total cost is \$43,900, all of which is contractual. The goal is to accelerate the habitat protection and acquisition office by collecting an organized resource data to evaluate habitat protection and acquisition proposal.

Many of the data base layers appear important for restoration planning and assessment. It's not a big ticket item, and would certainly assist with implementation of a restoration plan. When and what data will be made public? What are the plans are for analysis? How will the data be analyzed? How often will it be updated? And what are the criteria?

Project No. 93061: New Data Acquisition.

Budget: \$535,000

This a 9 month project. The idea here is to evaluate habitat protection and acquisition proposals, to develop new data to evaluate such options, including long term protection and acquisition of habitat. See questions to 93061. This project is supported.

Project No. 93062: Restoration GIS.

Budget: \$138,400

The purpose of this project is to provide statistical and spacial analysis and GIS mapping support for "approved restoration projects". Does this include all restoration projects? It should. It looks like an interesting program, and develops a series of themes for habitat protection.

Project No. 93063: Survey and Evaluation of Instream Habitat and Stock Restoration Techniques for Anadromous Fish.

Budget: \$59,400

This project is going to develop proposals and designs for instream habitat and stock restoration projects. It's more study in order to figure what other project designs can be implemented with regard to restoration of anadromous streams. The idea is to retrieve equipment, analyze data, collect additional engineering design data and prepare new project proposals. It is unclear, however what the point is.

Project No. 93064: Habitat Protection Fund

The project term is to begin on October 1, 1992 and there's no date set to end. What are the plans with regard to habitat protection and acquisition? Is this a project which will require annual funding? Or is this a sinking fund?

Project Title: Coordinated Recreation Restoration Planning and Assessment.

This is the Alaska Park Service Proposal. It is strongly supported by Chenega Corporation, Tatitlek Corporation, Port Graham Corporation, English Bay Corporation and Chugach Alaska Corporation. The idea, to involve ANCSA corporations in public recreation and environmental restoration, is sound public policy.

Project title: Chugach Resources Management Agency.

This is now a joint proposal involving a facilitating restoration projects and direct contracting. The request for direct contracting is not a new proposal, but rather, is intended to

EVOS Restoration Projects' Comments
January 6, 1993
Page 14

implement settlements and laws. We are encouraging the PAG to encourage the Trustees and the agencies. The proposal also involves a comprehensive methodology for facilitating work project equipment and other needs. It is suggested that the CRMA would constitute a basic method of reducing project costs, and at the same time, assure that work is carried out efficiently, by interfacing agency needs with regional support groups.

CWT:cb/pr/1-4.mem

NARRATIVE PRESENTATION TO PAG WORK GROUP 1/4/93

By
C.W. Totemoff

My name is Chuck Totemoff and I serve as CEO of Chenega Corporation. I acknowledge conflicting roles as a member of the PAG representing ANCSA Corporation landowners and as representative of five ANCSA corporations seeking to form a joint venture to contract part of the PWS restoration work. Today I want to discuss our joint ventures' intended positive impact on PWS restoration.

The Trustees have received a proposal for direct contracting from a joint venture of the Village corporations of Chenega, Tatitlek, Port Graham, and English Bay. They have also received a proposal from Chugach Alaska Corp. to form the Chugach Resource Management Agency, (hereafter CRMA) which intends to inventory contractible resources of manpower, equipment, and services in PWS and to direct agencies to appropriate resources. Since early December the five corporations have negotiated intensely to meld together the best points of these two previous proposals into a single new joint venture proposal. Let me describe this more efficient service entity which will provide both organized resource inventories and direct contracting on some projects of mutual interest approved by the Trustees Council.

Our management planning team currently consists of the following well qualified individuals; we will expand it with equally well qualified individuals as CRMA becomes operational;

Michael Brown has an M.S. in Meteorology and is a retired

Naval commander including service as Commander ^{ing} Naval Arctic
Research Laboratory managing the ^{field} filed operations program for Naval
research in North Alaska ~~states~~. He later retired to become CEO
of Piquinik, a joint venture of several North Slope Native
corporations which he has a 10 year history of business successes in
Alaska ^{A CONTRACTOR TO THE FEDERAL GOVERNMENT.} such as (~~Mike fills in here~~). Last year he joined Chugach
Alaska Corp. as President; he has been very active in promoting the
business aspects of PWS restoration and has experience in dealing
with the Alaska business community.

I, Charles W. Totemoff, am President and CEO of Chenega Corporation. I have held management positions with Chenega Corporation since 1988. I have been on the Chenega Corporation Board of Directors for 6 1/2 years. I have devoted the past 4 years of my professional life in responding to the oil spill and its devastating aftermath on my community, Village Corporation and the spill impacted areas. Management experiences during the past 4 years have included management of sediment gathering programs, monitoring clean-up, archeological and cultural resources protection, management of Exxon-Chenega Corporation clean-up contracts in excess of \$1.5 million dollars, State local response programs in excess of \$500,000, management of meteorological studies involving data gathering, and management of logistics for some of the restoration studies. In addition, Chenega Corporation has also been involved in licensing programs with the Alaska Department of Fish & Game with regard to research stations on Chenega Corporation lands, and I have managed the Chenega

Corporation portion of those programs. I also assisted in the development of numerous suggestions to the Trustees Council for work plans for 1993, including the Chenega and Chinook and Coho programs, subsistence studies program, spring 1993 assessment programs, and other programs. I have considerable experience in dealing and representing communities throughout the Prince William area.

Tyler Jones, Bachelor's in Organizational Management, Alaska Pacific University, is a consultant on marine and business management; formerly he was Chief of Staff to Senator Mike Gravel and Director of the Port of Anchorage. He has a unique Alaskan experience in government transportation and logistical management.
(Add more)

Thomas R. Fink has a Ph.D in physical and biological chemistry from Yale University. After university teaching and industrial research, he joined ARCO Alaska 14 years ago as chief environmental officer reporting to the President or Vice-President for External Affairs which enables him to deal with both the physics of engineering and practical field operations and also technical and regulatory aspects of environmental protection and restoration. For 9 years, Dr. Fink had oversight responsibility for all ARCO environmental programs and managed many of those out of the Anchorage head office. He is one of the most experienced senior environmental managers in the state. He will be responsible for advising our venture on all aspects of planning restoration activity and technical environmental quality control of our

operations.

CRMA's primary advantage to the PWS restoration effort is its intention to capitalize on our personnel and equipment already being close to the sites of much restoration activity enabling us to provide quality services more cost effectively than our competition. We will be able to move equipment and people rapidly from one restoration site to another thus reducing duplication of personnel and equipment and associated environmental and financial impacts.

Other benefits to consider about our joint proposal are:

1. Local residents will have the satisfaction of their own participation in restoration since we intend to include in our inventory everybody in PWS willing to work who has the equipment or the skills.
2. There are possible opportunities for 93-638 contracting.
3. This local participation is envisioned in Chenega Village etal, settlement and in various statutes.

Right now CRMA needs a refined scope of work for each of the projects to assemble an inventory of **relevant** resources. CRMA must continue communication on detailed work scopes with agencies as we develop inventory and they refine work plans. This will yield better work scopes based on the realities of PWS logistics and a more **relevant** inventory based on a better understanding of what is needed. (If asked what this means say that, by example, informal communication with USF&W indicates they have sufficient Boston

Whalers for sea otter and bird surveys, but probably need a dormitory vessel for March, so CRMA is looking for a suitable dormitory vessel, but not Boston Whalers). CRMA requests that agencies cooperate actively on facilitate communication.

We envision the CRMA inventory as a continuously updated as equipment or personnel are available or unavailable or as requirements change. By matching the inventory with the requirements of the work scopes CRMA intends to maximize cost effectiveness of inventory effort to searching out appropriate equipment and personnel.

We also will be prepared to contract and subcontract directly for individual project arrangements. As necessary we will identify and retain technical experts to plan and to exercise control over certain contracted functions.

DO NOT OVER EMPHASIZE If needed, insert here example of technical expert use like:

Dave Schmidt, Fishery Biologist with Dames & Moore, experienced in monitoring of marine organism impact with EVOS. he is qualified to translate work scope of Subsistence Restoration Project (93017) into filed work plan, supervise field work of study, and execute data analysis. There is considerable local interest in Chenega in this project and we are confident that, with Schmidt's help, CRMA could execute the field work - Give examples of local Chenega personnel who could help.

In summation, Chugach Resource Management Agency (CRMA), with government agency cooperation in fully understanding project work scopes, will be prepared to effectively inventory contractible resources and to contract directly to execute certain project functions or even complete projects.

**OIL SPILL TRUSTEES
PUBLIC ADVISORY GROUP
PRINCE WILLIAM SOUND WORK GROUP**

PRESENTATION

CHUGACH RESOURCE MANAGEMENT AGENCY PROPOSAL

PURPOSE - Combine resource inventory and direct contracting concepts

ORGANIZATION

- Four village corporations from the Chugach Region
Chenega - Tatitlek - Port Graham - English Bay
- Regional Native corporation - Chugach Alaska Corporation

ADVANTAGES

- Proven and experienced management team
- Experienced consultants/advisors
- Proven field personnel in the villages
- Local, cost effective employment and equipment
- Local residents participation in PWS restoration
- Opportunity for direct contracting as envisioned by Chenega settlement

COORDINATION

- Agencies provide CRMA with refined project scope of work information
- Relevant resource inventory will be provided based on realistic PWS conditions
- Additional technical resources can be located and provided
- Management of direct contracts with village organizations/resources

**EXXON VALDEZ OIL SPILL TRUSTEES
PUBLIC ADVISORY GROUP**

RESOLUTION

Whereas:

The Public Advisory Group has been reviewing, commenting on and voting on various projects proposed for inclusion in the 1993 Work Plan;

Proposals not included in the 1993 Draft Work Plan have been presented to the Public Advisory Group for consideration;

The Chugach Resource Management Agency (CRMA) is a new project proposed for 1993 which was not included in the 1993 Draft Work Plan;

The CRMA will identify available project-related resources in the Prince William Sound area for all state and federal agencies involved in oil spill restoration;

The CRMA will involve Prince William Sound area residents in the restoration effort;

The CRMA will reduce the physical impact of the restoration effort by using locally available resources, facilities and equipment and it will coordinate assignment of locally available resources to eliminate or reduce logistics and procurement redundancy;

The CRMA will reduce restoration logistics and resource expenditures by using locally available resources to address spill impacts, creating financial efficiencies;

The CRMA will in some instances submit competitive proposals to perform 1993 Work Plan Projects.

Therefore:

1. The Exxon Valdez Oil Spill Trustees Public Advisory Group endorses the concept of the Chugach Resource Management Agency and encourages the federal and state agencies which support the Trustee Council to fund its resource inventory and project work scope support elements.
2. The Public Advisory Group recommends that federal and state agencies enlist the active participation of the CRMA in development of work scopes for approved projects in order to insure the creation of a relevant inventories.



Cook Inlet Seiners

Association

P.O. Box 4311
Homer, Alaska 99603
235-2656

Sub Agency
File
VOL. I TAB X

December 31, 1992

E. Bradford Phillips
Phillips Cruises & Tours
P.O. Box 100034
Anchorage, Alaska 99510-0034

Dear Mr. Phillips:

Cook Inlet Seiners Association (CISA) is writing to convey our ideas and concerns about restoration of the outer coast of the Kenai Peninsula as a result of the 1989 Exxon Valdez oil spill. CISA is a Homer based non-profit organization that represents salmon seiners in the Lower Cook Inlet. Eighty-five percent of the permit holders for this area are members of CISA while over ninety percent are residents of the Kenai Peninsula.

As you are aware, the Lower Cook Inlet was one of the most heavily oil spill damaged area in Alaska, second only to Prince William Sound. It cannot be disputed that the Lower Cook Inlet was seriously damaged by the oil spill. This is graphically displayed by the map on the cover of the Exxon Valdez Oil Spill Restoration 1993 Draft Work Plan.

Since the calamitous impact of the oil spill in 1989, the Lower Cook Inlet has suffered run failures across almost all species of salmon and throughout most of the geographic area. Prior to this time, the Lower Cook Inlet supported healthy salmon fisheries that economically benefited the entire region as well as the state.

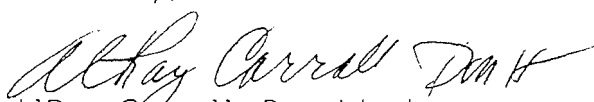
In early December of this year, at CISA's Annual Membership Meeting, Dr. Joe Sullivan was a guest speaker. During the meeting, CISA members expressed concern because there were no specific project proposals in the 1993 Draft Work Plan for the Lower Cook Inlet. We were informed that in order to have our concerns and ideas most effectively presented and heard, CISA needed to become more intimately involved in the entire Trustee/

Restoration process. For example, we were encouraged to have a CISA member attend the Trustee meetings in Anchorage which we did. Also, we were told that CISA needed to present our projects directly to the Trustees rather than have the local Department of Fish and Game do so. Prior to this time, we thought that the best route to use was to go through Fish and Game. Obviously, by way of this letter, CISA is directly advocating our proposals and ideas. In addition, we trust this letter clears up any misconceptions about why CISA has not directly addressed the Trustees about restoration of the outer Kenai Peninsula until now.

CISA believes that Exxon Valdez Oil Spill Restoration studies and findings that have been conducted in Prince William Sound are also applicable to the outer coast of the Kenai Peninsula. Salmon in both areas are primarily inter-tidal spawners. This reasoning should also include studies proposed for the Sound in the 1993 Draft Work Plan and those that will follow in coming years. CISA would use the information from the Restoration studies and findings in the Sound as scientific basis in developing and proposing oil spill restoration projects in the outer coast of the Kenai Peninsula. If CISA is correct in this assumption, we need and request this to be specifically and clearly stated and acknowledged by the Trustees at the appropriate level of the process. If CISA is not accurate in this assumption, then we also need to know this because it will vitally impact our proposals to the Trustees. If CISA cannot use Prince William Sound studies and findings as a basis for project proposals for our area, we are requesting that identical studies be conducted in the outer coast of the Kenai Peninsula. As was stated above, this area was the second most heavily oil spill damaged area in the state; there is a dire need of restoration mitigation activities. If additional studies need to be conducted beyond those in the Sound, it is imperative that they begin in 1993. This region has long been ignored; it requires and deserves equal focus, attention, and restoration.

Thank for the opportunity to express our concerns and ideas on this most important issue.

Sincerely,

A handwritten signature in cursive script that reads "AlRay Carroll DMH".

AlRay Carroll, President
Cook Inlet Seiners Association

Municipality of Anchorage



ENTERPRISE ACTIVITIES

2787611
P.O. BOX 196650
ANCHORAGE, ALASKA 99519-6650
(907) 343-4906

Tom Fink,
Mayor

VOL. I TAB X

January 5, 1993

Mr. E. Bradford Phillips, Chairman
Public Advisory group
Phillips Cruises & Tours
P.O. Box 100034
Anchorage, Alaska 99510-0034

Dear Mr. Phillips:

As utilities manager of Anchorage, I am writing to express my support for the Fort Richardson Hatchery Water Pipeline project that has been proposed for funding in the Exxon Valdez Oil Spill Restoration 1993 Draft Work Plan (Project Number 93026). As a result of the Exxon Valdez Oil Spill, overescapement of sockeye salmon occurred in the Kenai River in 1989. These spawners yielded more juveniles than the ecosystem could support and, as a result, few smolts were produced. Studies in 1992 estimated only about 300,000 outmigrating smolts, but 400,000 returning adults are required to meet the minimal escapement goal. Smolt production in previous years was also weak and there is not yet any sign of recovery. Consequently, adults returning in future years are not expected to meet escapement needs and closure of the Kenai River to commercial and sport fishing is anticipated in 1994, 1995 and perhaps for a number of years beyond.

The annual average estimated harvest by Kenai River sport fishermen is 107,000 sockeye salmon. The value of the sport fishery alone is \$10,000,000 per year. This loss of angling opportunity will have serious and far reaching impacts for fishermen throughout southcentral Alaska. Other proposed projects (Number 39012 and 93015) attempt to reduce the losses to commercial fisheries, but only the Fort Richardson Hatchery pipeline could provide substantial alternative opportunities for Alaskan sport fishermen and help to maintain the quality of life that they now enjoy.

The Fort Richardson hatchery currently provides some catchable trout and salmon for the areas that have been most severely impacted by the oil spill. The proposed project will fund the construction of a water pipeline system to deliver water from the Municipality of Anchorage's water treatment plant to the hatchery. This will immediately double the hatchery's fish production, increase operational reliability and increase efficiency. This project will provide an additional 250,000 large rainbow trout and 50,000 catchable-sized king salmon for landlocked lakes as well as 800,000 king, 600,000 silver and 2,000,000 pink salmon smolts which are expected to provide over 140,000 angler days. These fish will be released beginning in 1994 in areas accessible to the fishermen who will lose recreational opportunities on the Kenai Peninsula and will redirect pressure away from other wild stocks. Wild

Mr. E. Bradford Phillips
Page 2

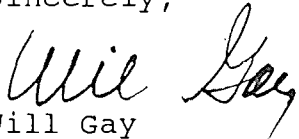
stocks will be further protected because Alaska has the strictest fish disease and genetics regulations and policies in the United States. Before any hatchery fish are released, stocking plans undergo thorough public, state and federal review to ensure protection of wild stocks. Though these fish will be used primarily to mitigate losses to sport fishermen, some will also contribute to commercial fisheries in the impacted area. This project will, therefore, serve several user groups.

The proposed project has an estimated capital cost of \$3.6 million. All increased operating expenditures, however, will be funded by the Alaska Department of Fish and Game. (Note that no state General Funds are used to operate the hatchery; it is funded by 25% Fish and Game receipts and 75% Federal matching monies.) The hatchery water usage will have an insignificant impact on the Municipality of Anchorage's water supply.

Each summer, thousands of people from all corners of the world converge on the Kenai Peninsula anticipating a unique outdoor Alaskan experience. Many of the fishermen target the Kenai River where a world class fishery has existed for both king and sockeye salmon. In addition, hundreds of thousands of angler days are spent on the Kenai River by resident Alaskans pursuing salmon. Many of these people have no opportunities to fish other than at roadside locations. This project will affect more people than any other proposed project and restore services that will otherwise be lost for an extended period of time.

Your support for, and subsequent Trustee Council approval of, this project will ameliorate the impact from the loss of one of the most important and valuable recreational fisheries in the state. It is my hope that the Public Advisory Group will seriously assess the merits of this project and consider the social and economic benefits that this project will provide to the Municipality of Anchorage, the Kenai Peninsula and the fishing/tourism industries of our state.

Sincerely,



Will Gay
Executive Manager
Enterprise Activities

cc: Mr. Mike Barton, Regional Forester, U.S. Forest Service
Mr. Charles Cole, Attorney General, State of Alaska
Mr. Dave Gibbons, Interim Administrative Director
Mr. Curt McVee, Special Assist. to the U.S. Dept. of Interior Secretary
Mr. Steve Pennoyer, Director, U.S. Department of Commerce
Mr. Carl Rosier, Commissioner, Alaska Dept. of Fish and Game
Mr. John Sandor, Commissioner, AK Dept. of Envir. Conservation

December 11, 1992

**A REVISED SCHEDULE for the
RESTORATION PLAN and ENVIRONMENTAL IMPACT STATEMENT**

January 1993	Restoration Team, Trustee Council review alternatives.
Late February 1993	Trustee Council revises and approves alternatives.
March 24	Alternatives information package.
May 16	Trustee Council approves Draft Restoration Plan and Draft Environmental Impact Statement.
June 7	Publish Draft Environmental Impact Statement and Restoration Plan
June 7 - Aug. 7	Public comments and public review of Draft Restoration Plan and Draft Environmental Impact Statement (60 days).
Aug. 7 - Sept. 1	Analyze public comments.
Sept. 1 - Nov. 1	Revise Environmental Impact Statement and Restoration Plan including response to comments.
Nov. 10	Trustee Council approval of Final Environmental Impact Statement and Restoration Plan.
Nov. 25	Publish and distribute Final Environmental Impact Statement and Final Restoration Plan.
Nov. 25 - Dec. 25	30-day notification period for the Environmental Impact Statement.
Dec. 27	Adopt Final Plan and Record of Decision.

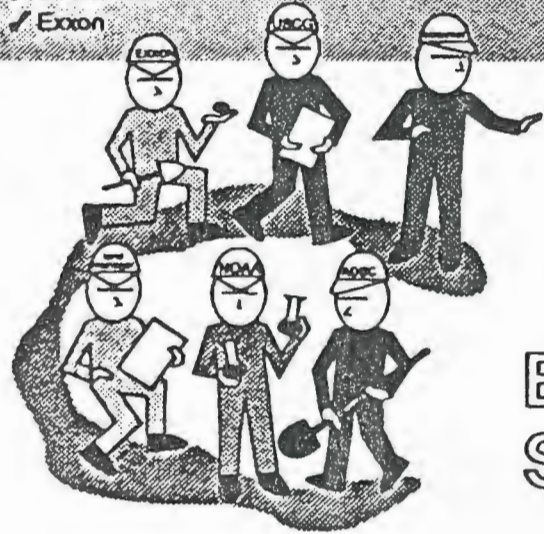
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- I. 1990 Oil Spill Cleanup Process
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- III. Settlement Funding (Shoreline)
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- V. Exxon Processing For Development and Reviewing CWRs
- VI. Monitoring Cost Sensitive Indicator To Ensure Costs Are On Track
- VII. Protocol and Addendum Executive Summary For Financial Review



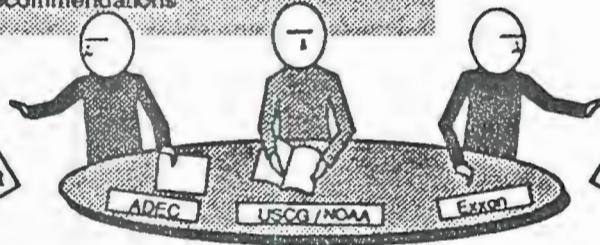
Spring shoreline assessments

- ✓ FOSC, land & resource managers, and communities plan shoreline survey schedule.
- ✓ Shoreline surveys done by Spring Shoreline Assessment Teams (SSATs) consisting of:
 - ✓ C.G. or National Oceanic and Atmospheric Administration (NOAA)
 - ✓ Alaska Dept. of Environ. Conservation (ADEC)
 - ✓ Land or resource manager
 - ✓ 2 scientists
 - ✓ Exxon



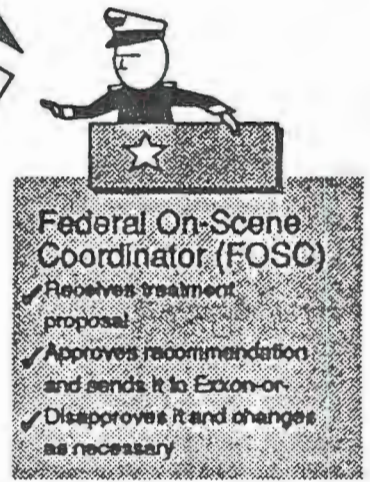
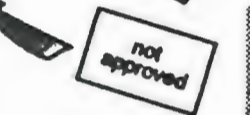
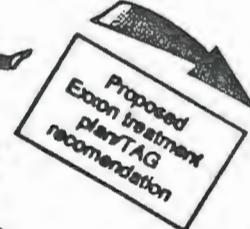
Technical Advisory Group (TAG)

- ✓ C.G. or NOAA, ADEC, Exxon
- ✓ Reviews SSAT surveys
- ✓ Receives input from land and resource managers
- ✓ Develops shoreline treatment recommendations



Land & Resource Managers

Graphic by
PA2 Kathleen Potter
Concept by
CWO2 Dan Dewell



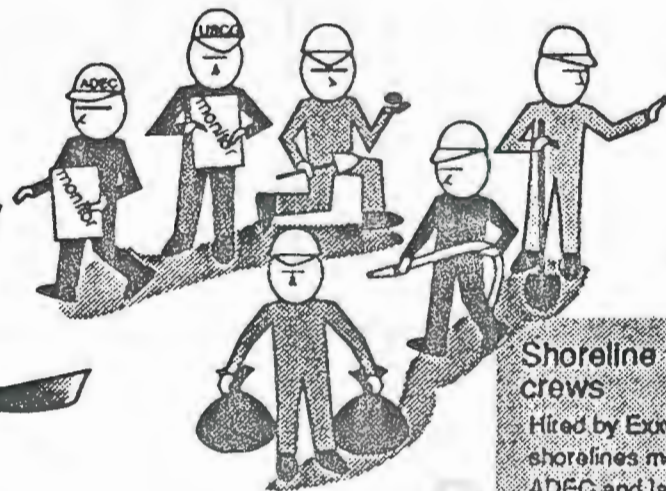
Federal On-Scene Coordinator (FOSC)

- ✓ Receives treatment proposal
- ✓ Approves recommendation and sends it to Exxon or
- ✓ Disapproves it and changes as necessary

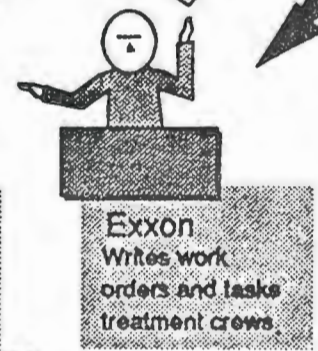
Exxon Valdez 1990 Oil Spill Clean up Process



FOSC reviews assessment for final approval

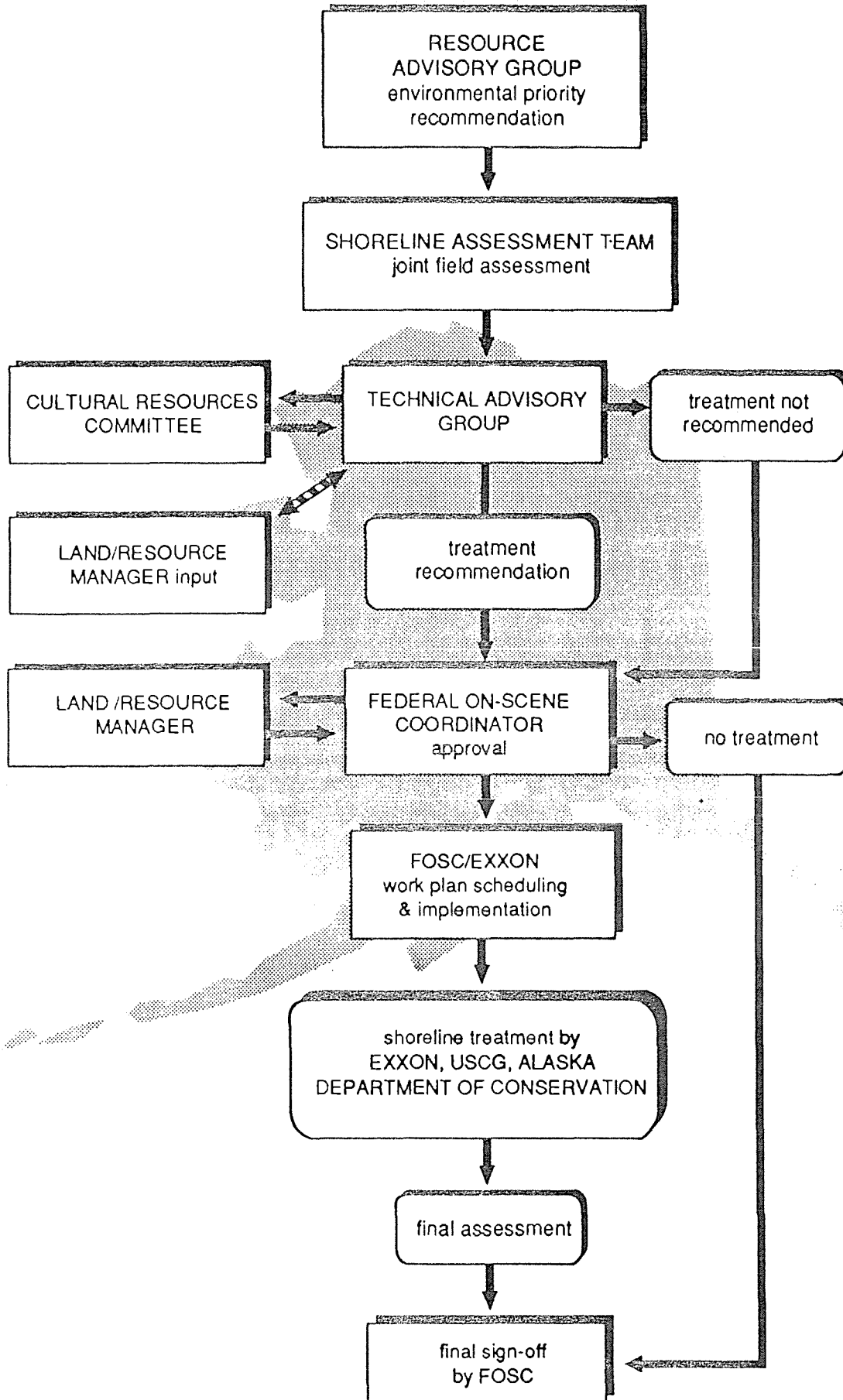


Shoreline treatment crews
Hired by Exxon to treat oiled shorelines monitored by C.G., ADEC and land & resource managers

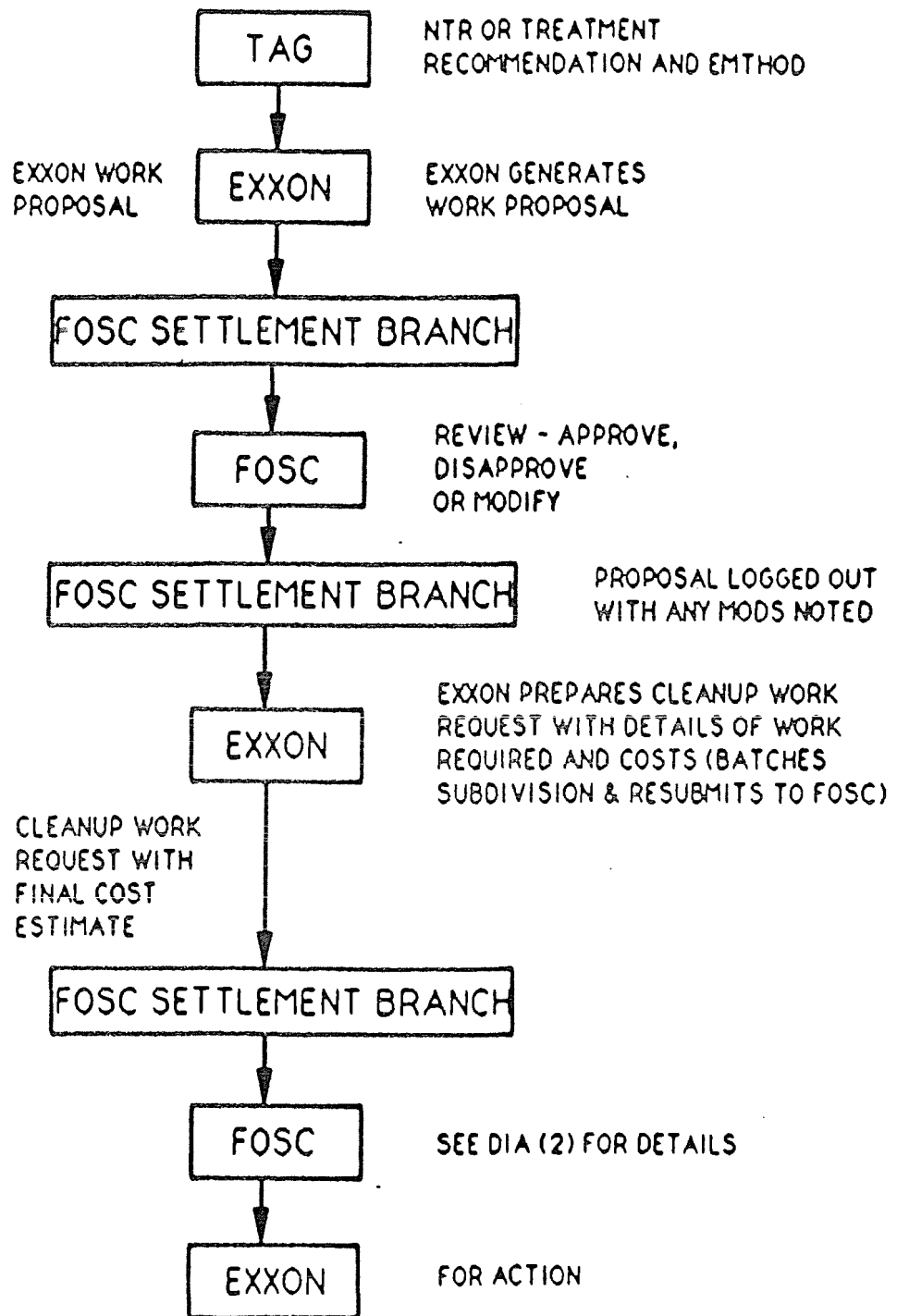


Exxon
Writes work orders and tasks treatment crews.

Exxon Valdez Summer 1990 Shoreline Decision Chart

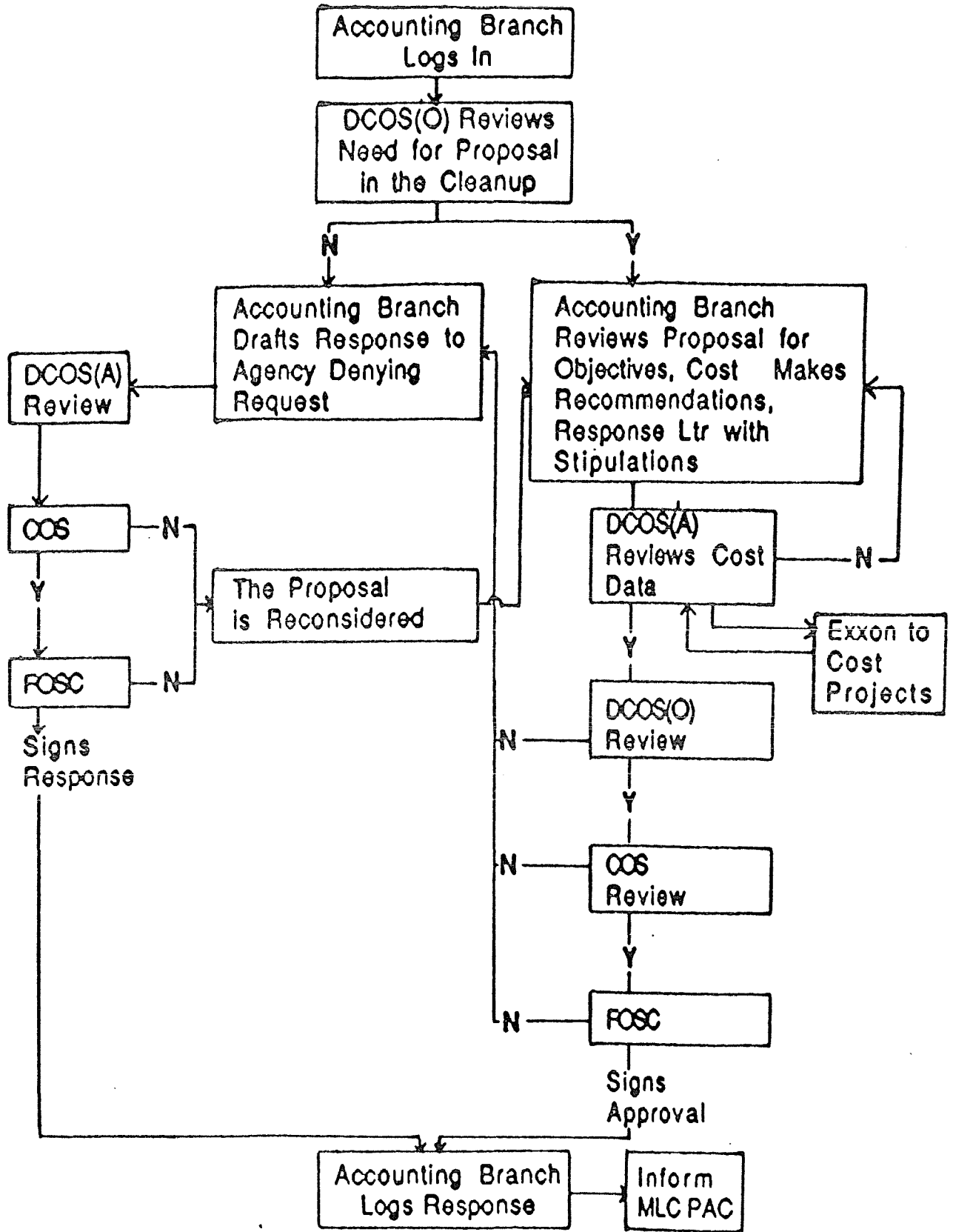


SHORELINE TREATMENT REVIEW PROCESS

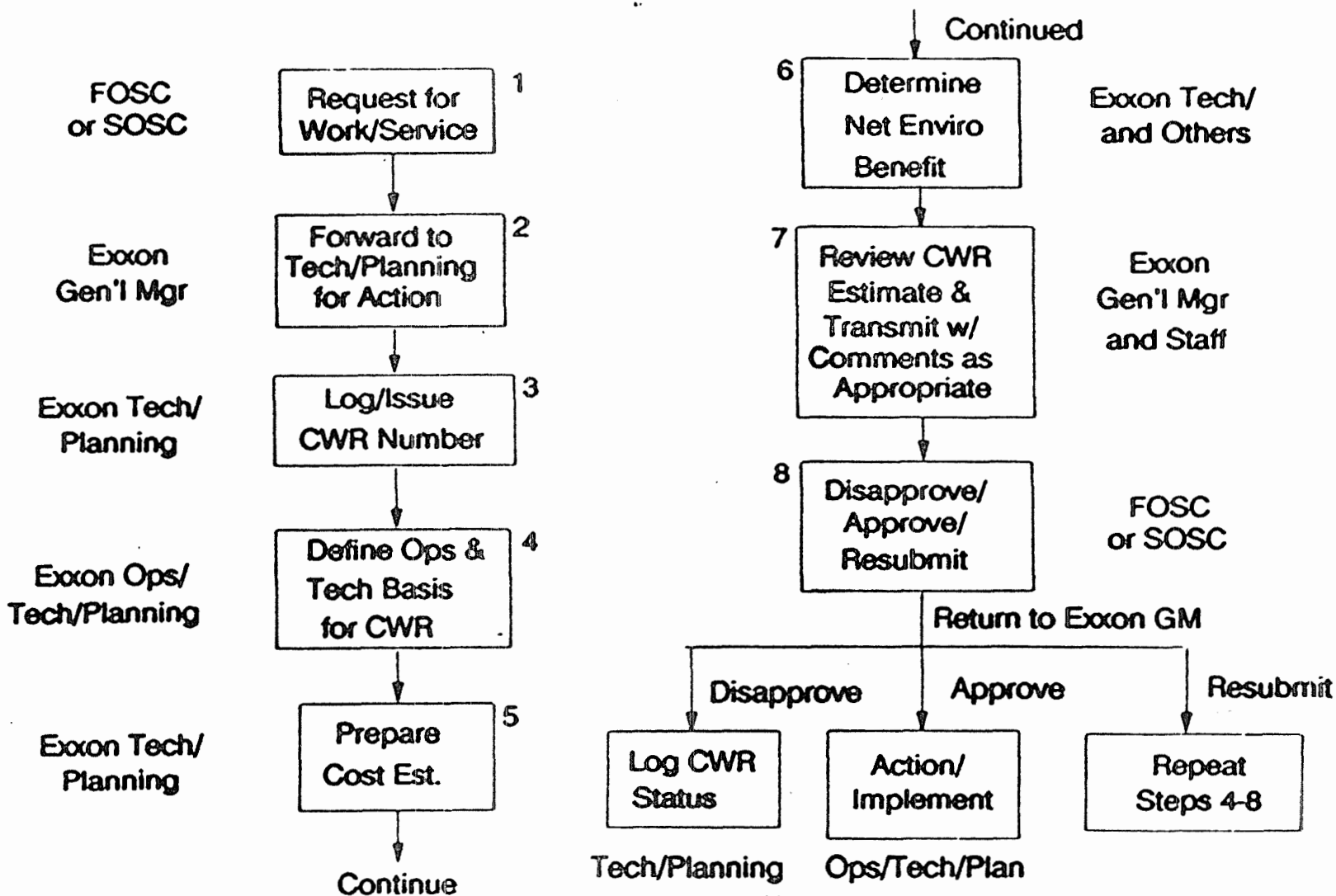


DIA (3)

PROPOSAL REVIEW PROCESS



CLEANUP WORK REQUESTS (CWR) APPROVAL/HANDLING PROCESS



MAYSAP

MAY SHORELINE ASSESSMENT PROGRAM

Report #12

5/20/91

MAYSAP SURVEY PROGRESS REPORT
Through 5/19/91

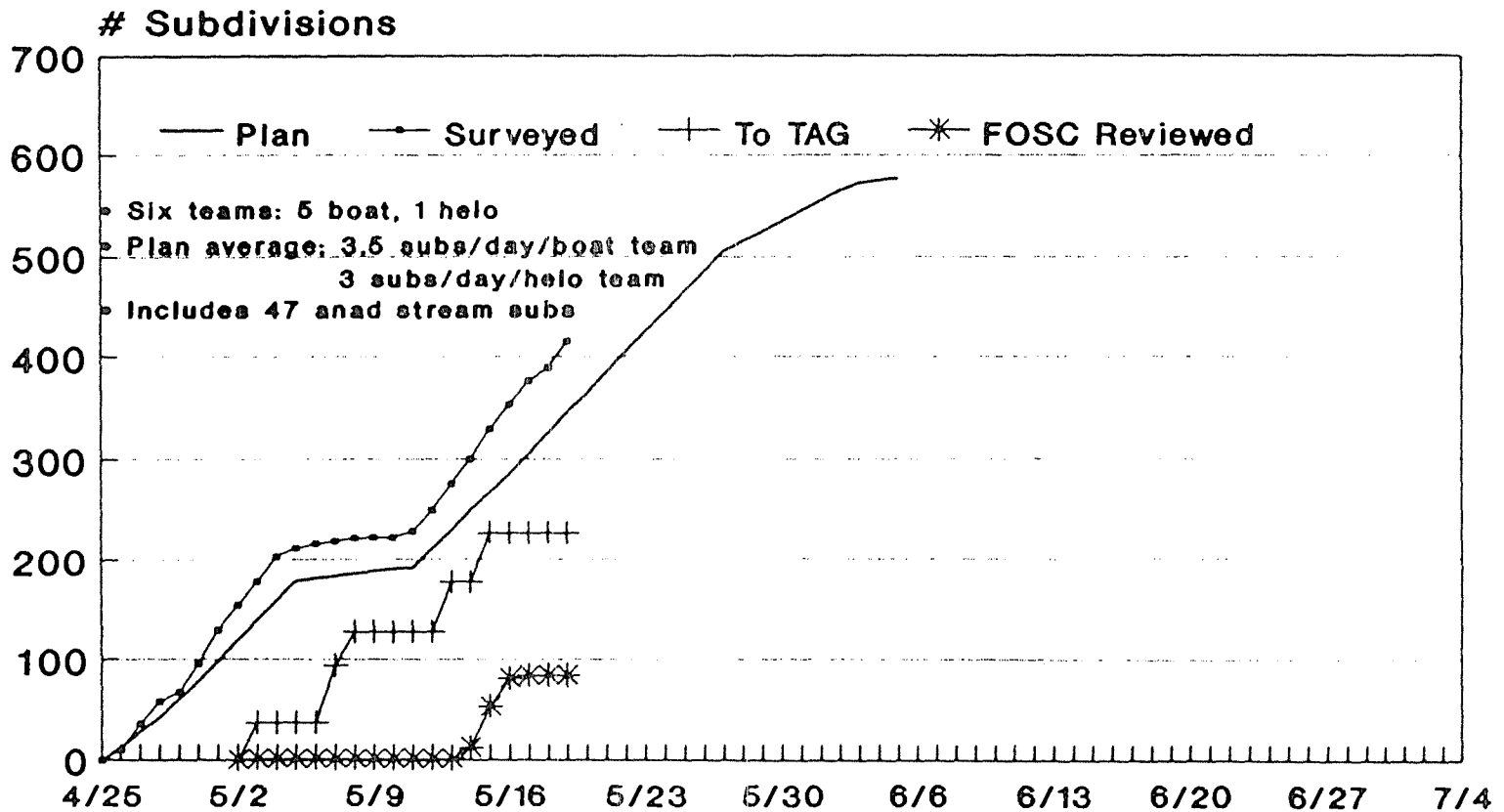
	PWS		GOA		TOTAL	
	ACTUAL	PLAN	ACTUAL	PLAN	ACTUAL	PLAN
TOTAL SUBDIVISIONS SURVEYED	341	291	74	55	415	346
SUBDIVISIONS ON 5/19/91	19	14	7	6	26	20

TEAMS IN THE FIELD ON 5/19/91		
	PWS	GOA
VESSEL BASED	4	1
HELICOPTER BASED	0	1

SHORELINE OILING (LINEAR MILES)			
	PWS	GOA	TOTAL
WIDE	0.9	0.00	0.9
MODERATE	3.8	0.00	3.8
NARROW	4.5	0.07	4.6
VERY LIGHT	12.7	0.55	13.2
NO OIL	64.5	5.7	70.2
TOTAL	86.3	6.3	92.6
SUBDIVISIONS MAPPED	216	17	233

COMMENTS:

1991 MAYSAP SUBDIVISIONS SURVEYED/ASSESSED Through 5/19/91



**PROTOCOL FOR A FINANCIAL REVIEW OF FOSC
APPROVED EXPENDITURES BY EXXON, USA ON THE
T/V EXXON VALDEZ OIL SPILL FOR THE PERIOD**

JANUARY 1, 1991 THRU MARCH 31, 1992

Objective: To perform a financial review of Exxon's supporting documents for expenditures made by Exxon and pre-approved by the Coast Guard Federal On Scene Coordinator.

A. BACKGROUND:

From 01 January 91 through 12 March 91, the Exxon Valdez Settlement Agreement allows Exxon to recover costs relating to the cleanup for an amount not to exceed \$4,000,000. From 13 March 91 to the present, the FOSC has pre-approved Exxon's estimated cleanup expenses. Under the Settlement Agreement, Exxon will take a credit for expenditures made during these two periods against their 01 December 92 payment to the Trustees. These expenses are referred to as the "X" fund in the Settlement Agreement. After several meetings, the staffs from FOSC, G-MEP, G-LCL, G-CFM, NPFC(cf) and MLC PAC(f) concluded that a financial review of the "X" fund should be done to examine actual expenses. A review of "actuals" vs. "estimated" is consistent with good business practices. Accordingly, the Federal On Scene Coordinator will examine the actual costs and supporting documentation for the 1991 cleanup.

Paragraph 8(b) of the Settlement Agreement provides for an audit by the governments of Exxon expenditures incurred after 01 January 1991. This financial review is for the purpose of examining actual cost records for the FOSC and not necessarily to comply with Paragraph 8(b).

B. REVIEW SCHEDULE:

1. The review will be performed at Exxon U.S.A.'s headquarters at 4550 Dacoma, Houston, TX 77092 during the period 07 April 92 through 15 April 92.

2. A Coast Guard team consisting of three members will perform the review. The team members will be:

CAPT Ralph Anderson, MLC PAC (f), Chief, Finance Division

Mr. Al Thuring, NPFC(cf-1), Chief, Fund Operations

CWO4 Larry Porter, FO SC(f&s), Fiscal & Supply Officer

C. SCOPE OF REVIEW:

1. The review will cover expenditures incurred from 01 January 91 through 12 March 1991 (a maximum of \$4,000,000), and for the period 13 March 91 through 31 March 92. At the conclusion of the review, a recommendation will be made for a review covering the period 01 April 92 through 31 October 92. A second review, if performed, could be accomplished after the October 92 accounting period cutoff which will be on or about 08 November 92. This will provide enough time for Exxon to prepare for the scheduled 01 December 92 payment.

2. Exxon costs for the Valdez spill, since 01 January 91, are segregated into three categories: "Law Group," "Asset and Disposal" and "Operations." The "X" fund referred to in the Settlement Agreement relates only to the actual cost of Operations and that is the only category to be reviewed.

D. STATEMENT OF WORK:

1. There are approximately 9,000 invoices totalling approximately \$30,000,000 subject to review, (see Enclosure 1). Labor transactions with Detail Codes of 143, 315, 316, 1421, 1422, 1424, 3401, 3402, 3511 and 3512, (see Enclosure 2), will be grouped separately from other invoices and each group will then be sampled in each of the cost levels, as shown in Enclosure 1, to determine compliance with pre-approved cost proposals. Non-payroll documents will be selected based upon the following for each Cleanup Work Request (CWR).

a. CWRs reviewed in their entirety:

(1) #3 Berm Relocation

(2)

- (2) #4 Subsistence Study
- (3) #5 CG Housing
- (4) #6 NOAA
- (5) #7 Inipol Purchase
- (6) #8 Eagle Study
- (7) #9 Seal Island
- (8) #11 Bioremediation

b. refer to Enclosure 3 for the sampling criteria for CWRs #1, 10, 13 and 14.

c. refer to Enclosure 4 for the number of invoice samples to be taken in each cost category of labor documents and invoices for CWRs #1, 10, 13 and 14.

d. issues that will be addressed when reviewing labor documents are:

- (1) the policy statement for charging Exxon company personnel to the project
- (2) the costing of time sheets based on the number of hours worked each day, (such as, 8 hours one day, 16 hours the next)
- (3) the location of personnel if not in Alaska
- (4) consistency of reporting from location to location
- (5) were people doing what they were employed to be doing

2. A judgmental sampling of invoices meeting the following criteria will also be performed.

a. unusual vendor: such as a payment to a vendor or type of vendor which does not appear to be in the "normal" range of a particular activity.

b. invoice dates: such as invoices dated prior to January, 1991. Invoices will be reviewed to determine if services or products were rendered before or after 13 March 91 to account for costs in the proper period.

c. unusual invoice price for a vendor: such as a noticeable difference in the amount that a given vendor normally would reflect on an invoice.

d. credit invoices: all credit invoices in excess of \$1,000 will be reviewed to ensure proper handling.

e. Exxon's Detail Codes 338 and 345: the titles of these two codes are "Contributions" and "Grants" respectfully.

TRANSACTIONS (QUANTITY AND COST) BY CWR

PROGRAM NAME		INVOICES	INVOICES	INVOICES	INVOICES	CREDITS	TOTAL
		>\$10,000	\$1,001 - \$10,000	\$101 - \$1,000			
BEPM	# OF INV.->	4	2				6
	\$ AMOUNT->	84,739	8,368				93,107
BIO	# OF INV.->	9	12	8	5		34
	\$ AMOUNT->	489,123	45,897	3,057	154		538,231
CLEAN	# OF INV.->	181	333	546	920	68	2,048
	\$ AMOUNT->	8,962,983	1,253,360	184,520	28,753	(287,797)	10,161,819
CG HOUSING	# OF INV.->		8	4	8		20
	\$ AMOUNT->		12,020	1,888	438		14,344
EAGLE	# OF INV.->	1	1		2		4
	\$ AMOUNT->	29,432	1,627		112		31,171
INIPOL	# OF INV.->	3	3	2	1		9
	\$ AMOUNT->	93,724	11,418	450	51		105,643
MAYSAP	# OF INV.->	314	1,528	1,967	3,093	163	7,065
	\$ AMOUNT->	14,305,492	4,279,268	720,689	112,038	(205,759)	19,211,728
NOAA	# OF INV.->	3	9	4	3		19
	\$ AMOUNT->	52,935	15,799	1,157	100		69,991
SEAL	# OF INV.->	1					1
	\$ AMOUNT->	13,665					13,665
SUBSISTENCE	# OF INV.->	6	10	7	2		25
	\$ AMOUNT->	90,577	49,028	2,265	169		142,037
TOTAL INVOICES		522	1,906	2,538	4,034		9,231
TOTAL COSTS		24,122,670	5,676,783	914,024	141,815		30,381,736

ADDENDUM I

PROTOCOL FOR A FINANCIAL REVIEW OF FOSC APPROVED EXPENDITURES BY EXXON, USA ON THE T/V EXXON VALDEZ OIL SPILL FOR THE PERIOD

JANUARY 1, 1991 THRU SEPTEMBER 30, 1992

Objective: To continue the financial review of Exxon's supporting documents for expenditures made by Exxon and pre-approved by the Coast Guard Federal On Scene Coordinator.

A. BACKGROUND:

After evaluating the results of the initial financial review, a decision was made to examine subsequent Exxon expenditures.

B. REVIEW SCHEDULE:

1. The review will be performed at Exxon U.S.A.'s headquarters at 4550 Dacoma, Houston, TX 77092 during the period 06 October 92 through 15 October 92.

2. A Coast Guard team consisting of three members will perform the review. The team members will be:

CAPT Ralph Anderson, USCG(Ret.), (formally MLC PAC(f))
CWO4 Larry Porter, FOSC, Fiscal & Supply Officer
Mr. Pat Fedorowicz, NPFC(cf-1), Fund Operations

C. SCOPE OF REVIEW:

1. The review will cover expenditures incurred from 01 January 91 through 30 September 1992 which occurred subsequent to the April 1992 review.

2. The conclusions of the April 1992 review will be discussed with Exxon to assure understanding of the protocol and application to the expenditures.

D. STATEMENT OF WORK:

1. There are approximately 740 invoices totalling approximately \$4,000,000 subject to review. The majority of the invoices represent expenditures for the 1992 FINSAP CWR. All documents will be reviewed. FINSAP, MAYSAP and CLEAN invoices will again be grouped by labor and non-labor and separated by dollar amount, the same as during the April review.

2. Based on the discussions of the April, 1992 review, additional documents from that review may be examined.

EXECUTIVE SUMMARY - FOSC APPROVED EXXON CLEANUP EXPENDITURES

- (1) Review performed 6-15 April and 6-15 October, 1992 in Houston, TX by CAPT R. Anderson, MLCPAC(f); CWO4 L. Porter, FOSC(f&s); Mr. A. Thuring (April), and Mr. P. Fedorowicz (October), NPFC(cf-1)
- (2) Program totals before and after the review are as follows:

PROGRAM NAME	BEGINNING BAL EXXON LEDGER (COL. 1)	FOSC APPROVED CEILING* (COL. 2)	FOSC VALIDATED AS "X" COSTS (COL. 3)	DIFFERENCE CEILING vs "X" (COL. 2 - COL. 3)
SPRING	\$5,193,858.52	\$4,000,000.00	\$4,000,000.00	\$0.00
CWRs ✓	\$1,081,074.45	\$1,520,700.00	\$1,053,117.76	\$467,582.24
MAYSAP	\$22,033,318.67	\$22,200,000.00	\$21,881,643.29	\$318,356.71
CLEAN	\$9,004,210.07	\$12,865,000.00	\$8,781,367.68	\$4,083,632.32
FINSAP ✓	\$4,192,556.52	\$4,225,000.00	\$4,087,319.72	\$137,680.28
STATE OSC	\$110,343.03	\$0.00	\$110,239.73	(\$110,239.73)
TOTALS	\$41,615,361.26	\$44,810,700.00	\$39,913,688.18	\$4,897,011.82

* The ceiling of \$4 million for the period 1/1/91 - 3/12/91 was established by the Settlement Agreement, not the FOSC

- (3) Original gross charges of \$41,615,361 consisted of 11,904 line items. Of the line items, 17.32% were reviewed which represented \$17,375,678, or 41.75% of the gross dollars before adjustments
- (4) Of the examined dollars, 88.7% remained unchanged with the remaining 11.3% requiring a redistribution to other FOSC approved programs or reclassified by Exxon to other activities
- (5) The review resulted in a reduction of "X" costs by approximately \$1,166,923 including an adjustment of \$225,000 for insurance

*FOSC
 Capital Gains Expenses
 92,13 on
 already 2 yrs.*



Kodiak Island Borough

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

December 29, 1992

Mr. Dave Gibbons, Director
Exxon Valdez Oil Spill Trustee Council
645 "G" Street
Anchorage, AK, 99501

Dear Mr. Gibbons:

Attached are copies of five resolutions of the Kodiak Island Borough regarding the 1993 Work Plan of the Exxon Valdez Oil Spill Trustee Council. Please be sure that members of the Public Advisory Group and the Trustee Council receive copies of these resolutions before their respective meetings on January 6th and 7th, and January 19th. Thank you for your assistance in this matter.

Sincerely,

KODIAK ISLAND BOROUGH

Jerome M. Selby
Borough Mayor

Enc.

Introduced by: Mayor Selby
Requested by: Mayor Selby
Drafted by: Mayor Selby
Introduced: 12/17/92
Adopted: 12/17/92

KODIAK ISLAND BOROUGH
RESOLUTION NO. 92-48

**A RESOLUTION URGING THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
TO FUND THE RED LAKE MITIGATION PROJECT IN FISCAL YEAR 1993**

- WHEREAS,** the Kodiak Island salmon industry was heavily impacted by the 1989 Exxon Valdez oil spill; and
- WHEREAS,** the commercial salmon fishing closure, caused by oil floating in virtually all bays of Kodiak Island, resulted in overescapement in a number of streams including Red Lake; and
- WHEREAS,** overescapement results in poor survival rates for salmon fry the following spring, which means that very low numbers of sockeye salmon will return as four-, five-, and six-year olds in 1993, 1994, and 1995; and
- WHEREAS,** Red Lake has historically been one of the most consistent producers of sockeye salmon on Kodiak Island with yields as high as 1.5 million fish being harvested by commercial fishermen and being worth millions of dollars; and
- WHEREAS,** the Exxon Valdez Oil Spill Trustee Council is charged with restoration of resources damaged during the Exxon Valdez oil spill; and
- WHEREAS,** mitigation is an interim alternative for the salmon industry to recapture some of the lost income that will occur from the inability to fish the Red Lake fishery during the above years; and
- WHEREAS,** mitigation has increased numbers of fish in other streams and will provide a fishing opportunity for the fishermen who will not be able to fish the Red Lake fishery during the above years; and
- WHEREAS,** the loss of Red Lake fisheries is a direct result of the Exxon Valdez oil spill, which continues to have a negative economic impact on the Kodiak Island fishing industry; and

WHEREAS, the Exxon Valdez Trustee Council is charged with restoring the damage done by the Exxon Valdez oil spill, and the Red Lake Mitigation Project is a direct response and mitigation of the impact of the Exxon Valdez oil spill;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT:

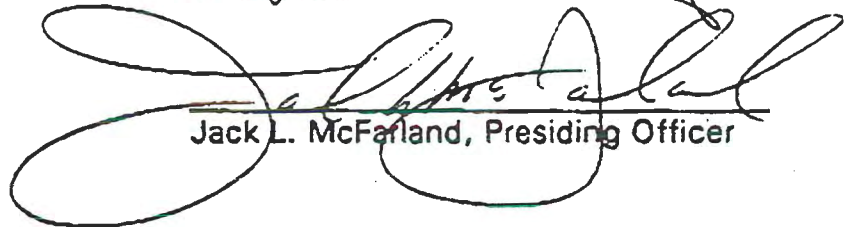
Section 1: the Public Advisory Group and the Exxon Valdez Oil Spill Trustee Council are urged to fully fund the Red Lake Mitigation Project at \$153,700 for fiscal year 1993.

**ADOPTED BY THE KODIAK ISLAND BOROUGH ASSEMBLY
THIS 17TH DAY OF DECEMBER, 1992 .**

KODIAK ISLAND BOROUGH



Jerome M. Selby, Borough Mayor



Jack L. McFarland, Presiding Officer

ATTEST:



Donna F. Smith, Borough Clerk

Introduced by: Mayor Selby
Requested by: Mayor Selby
Drafted by: Mayor Selby
Introduced: 12/17/92
Adopted: 12/17/92

KODIAK ISLAND BOROUGH
RESOLUTION NO. 92-49

**A RESOLUTION URGING THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL TO
FUND THE RED LAKE RESTORATION PROJECT IN FISCAL YEAR 1993**

- WHEREAS,** the Kodiak Island salmon industry was heavily impacted by the 1989 Exxon Valdez oil spill; and
- WHEREAS,** the commercial salmon fishing closure, caused by oil floating in virtually all bays of Kodiak Island, resulted in overescapement in a number of streams including Red Lake; and
- WHEREAS,** overescapement results in poor survival rates for salmon fry the following spring, which means that very low numbers of sockeye salmon will return as four-, five-, and six-year olds in 1993, 1994, and 1995; and
- WHEREAS,** Red Lake has historically been one of the most consistent producers of sockeye salmon on Kodiak Island with yields as high as 1.5 million fish being harvested by commercial fishermen and being worth millions of dollars; and
- WHEREAS,** the Exxon Valdez Oil Spill Trustee Council is charged with restoration of resources damaged during the Exxon Valdez oil spill; and
- WHEREAS,** the damage to salmon in Red Lake is a direct result of the Exxon Valdez oil spill; and
- WHEREAS,** the restoration involves taking six million early run salmon from the Red Lake stock and placing them in Pillar Creek Hatchery in Kodiak and returning them to Red Lake in May of the following year; and
- WHEREAS,** this is a proven method of restoring a salmon run with virtually no risk of damage to natural stocks since the project uses the natural stocks for the restoration; and
- WHEREAS,** \$77,200 is a very small investment for a multi-million dollar annual return to the Alaskan salmon industry;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT:


Section 1: the Public Advisory Group and the Exxon Valdez Oil Spill Trustee Council are urged to fully fund the Red Lake Restoration Project at \$77,200 for fiscal year 1993.

**ADOPTED BY THE KODIAK ISLAND BOROUGH ASSEMBLY
THIS 17TH DAY OF DECEMBER, 1992**

KODIAK ISLAND BOROUGH



Jerome M. Selby, Borough Mayor



Jack L. McFarland, Presiding Officer

ATTEST:



Donna F. Smith, Borough Clerk

Introduced by:	Mayor Selby
Requested by:	Mayor Selby
Drafted by:	Mayor Selby
Introduced:	12/17/92
Adopted:	12/17/92

**KODIAK ISLAND BOROUGH
RESOLUTION NO. 92-50**

**A RESOLUTION URGING THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
TO FUND THE PINK CREEK AND COLD CREEK SALMON
RESTORATION PROJECT IN FISCAL YEAR 1993**

WHEREAS, the Kodiak Island salmon industry was heavily impacted by the 1989 Exxon Valdez oil spill; and

WHEREAS, the commercial salmon fishing closure, which resulted from floating oil in virtually all of the bays of Kodiak Island, resulted in overescapement in a number of streams on Kodiak Island including Pink Creek and Cold Creek; and

WHEREAS, a simple method of increasing the pink salmon returns in these creeks is to remove the natural barriers which exist in the creeks that results in very limited pink salmon production due to a very limited number of spawners who actually negotiate all of the barriers in the creeks; and

WHEREAS, the returns for 1992 were far below the projected and expected returns, indicating that the damage from the Exxon Valdez oil spill far exceeded the worst expectations in terms of damage to the pink salmon fishery; and


WHEREAS, \$36,100 is a very small amount of money to invest in a project that could return millions of dollars to the Alaskan economy through restoration of the pink salmon fishery on Kodiak Island;

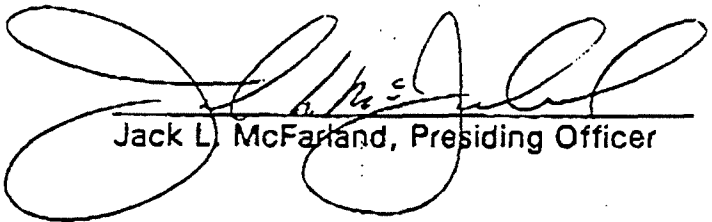
NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT:

Section 1: the Exxon Valdez Oil Spill Trustee Council is urged to fully fund the Cold Creek and Pink Creek Salmon Restoration Project at \$36,100 for fiscal year 1993.

ADOPTED BY THE KODIAK ISLAND BOROUGH ASSEMBLY
THIS 17TH DAY OF DECEMBER, 1992

KODIAK ISLAND BOROUGH


Jerome M. Selby, Borough Mayor


Jack L. McFarland, Presiding Officer

ATTEST:


Donna F. Smith, Borough Clerk

Introduced by:	Mayor Selby
Requested by:	Mayor Selby
Drafted by:	Mayor Selby
Introduced:	12/17/92
Adopted:	12/17/92

**KODIAK ISLAND BOROUGH
RESOLUTION NO. 92-51**

**A RESOLUTION URGING THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL TO
FUND THE FISHERIES INDUSTRIAL TECHNOLOGY CENTER PROJECT DESIGN IN
KODIAK IN FISCAL YEAR 1993**

- WHEREAS,** the Exxon Valdez oil spill resulted in serious impacts to many species of fish and to the production cycle of the food chain in the subsistence of the people on Kodiak Island in areas of not only fish but also shellfish, and other ocean-based food sources; and
- WHEREAS,** the complete inability of any location in the State of Alaska to provide the analysis necessary to determine if food is safe to eat; and
- WHEREAS,** the continued study and analysis of many fish and shellfish species is now being conducted in the aftermath of the Exxon Valdez oil spill; and
- WHEREAS,** the vast majority of the scientific work involved in these studies is being contracted outside the State of Alaska; and
- WHEREAS,** the opportunity to do this contract work inside the State of Alaska exists and could be conducted with an enhanced capability by the Fisheries Industrial Technology Center in Kodiak; and
- WHEREAS,** the people on Kodiak Island were some of the most severely impacted people by the Exxon Valdez oil spill, losing their entire fishery during the summer of 1989, and the impact continues on the fisheries as well as people who never recovered from the devastation that occurred in 1989; and
- WHEREAS,** continued development of the Fisheries Industrial Technology Center is a co-location effort of the University of Alaska and the National Marine Fisheries Service; and
- WHEREAS,** the National Marine Fisheries Service has authorized funding of \$100,000 towards the design of a new facility; and

WHEREAS, the federal government has authorized the expenditure of up to \$1,000,000 per year for leasing space from the University of Alaska in the new facility; and

WHEREAS, the University of Alaska is interested in and committed to the continued growth of the Fisheries Industrial Technology Center; and

WHEREAS, it is the charge and responsibility of the Exxon Valdez Oil Spill Trustee Council to seek projects which will restore the communities and the species that were damaged by the Exxon Valdez oil spill; and


WHEREAS, the proposed expansion of the Fisheries Industrial Technology Center will provide multiple restoration impacts to a number of fisheries and shellfish, including subsistence foods for the Native villages on Kodiak Island, and the project is in full accordance with the restoration plan from the Exxon Valdez Oil Spill Trustee Council;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT:

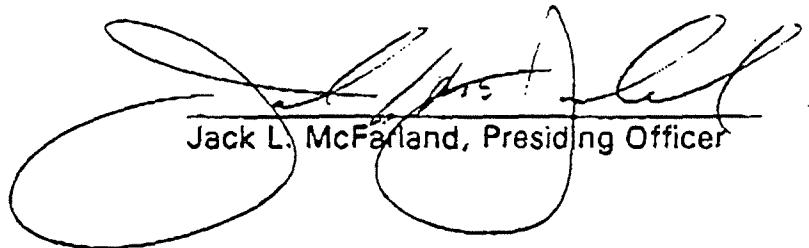
Section 1: the Public Advisory Group and the Exxon Valdez Oil Spill Trustee Council is urged to fund the design of the Fisheries Industrial Technology Center in the amount of \$1,000,000 in the fiscal year 1993 work plan.

**ADOPTED BY THE KODIAK ISLAND BOROUGH ASSEMBLY
THIS 17TH DAY OF DECEMBER, 1992**

KODIAK ISLAND BOROUGH

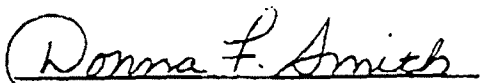


Jerome M. Selby, Borough Mayor



Jack L. McFarland, Presiding Officer

ATTEST:



Donna F. Smith, Borough Clerk

Introduced by: Mayor Selby
Requested by: Mayor Selby
Drafted by: Mayor Selby
Introduced: 12/17/92
Adopted: 12/17/92

KODIAK ISLAND BOROUGH
RESOLUTION NO. 92-52

**A RESOLUTION URGING THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL TO
FUND THE KODIAK AREA NATIVE ASSOCIATION ARCHAEOLOGICAL MUSEUM
PROJECT IN FISCAL YEAR 1993**


- WHEREAS,** the Exxon Valdez oil spill resulted in a number of architectural sites being mapped and, in effect, "discovered;" and
- WHEREAS,** the discovery, attention, and increased awareness which resulted from the publicity surrounding the oil spill has caused these sites to become very well known in the public sector; and
- WHEREAS,** the result has been a large amount of digging at these artifacts sites with artifacts being stolen and taken to locations elsewhere in the country and sold on the black market; and
- WHEREAS,** the culture and history of the people are being stolen from them; and
- WHEREAS,** it is the responsibility of the Exxon Valdez Oil Spill Trustee Council to use funds to restore impact from the oil spill; and
- WHEREAS,** a definite impact from the oil spill was the stealing of these artifacts from the various sites; and
- WHEREAS,** the only way to adequately protect the many valuable artifacts that exist in the spill area, particularly on Kodiak Island, is to have a team of archaeologists conduct digs to recover these artifacts and preserve them for history in a museum setting for future generations; and
- WHEREAS,** there has been very little done for the people resource as a result of the Exxon Valdez oil spill, and the development of an archeological museum under the guidance of the Kodiak Area Native Association would result not only in preservation and restoration of the artifacts but also would provide some measure of restoration to the Native residents of Kodiak Island in return for the great damage that was done to them during the Exxon Valdez oil spill;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT:

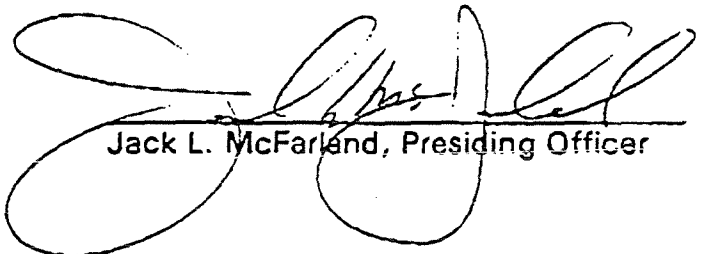
Section 1: the Public Advisory Group and the Exxon Valdez Oil Spill Trustee Council is urged to fund the design of an archeological museum for the Kodiak Area Native Association in the amount of \$800,000 for the fiscal year 1993 work plan.

**ADOPTED BY THE KODIAK ISLAND BOROUGH ASSEMBLY
THIS 17TH DAY OF DECEMBER, 1992**

KODIAK ISLAND BOROUGH

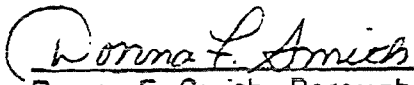


Jerome M. Selby, Borough Mayor



Jack L. McFarland, Presiding Officer

ATTEST:



Donna F. Smith, Borough Clerk

MEMO to the Exxon Valdez Oil Spill Public Advisory Group

December 9, 1992

From: Brad Phillips, Chair

Subject: January Meeting

*Doug Mutter
for
Brad Phillips*

Attached is the agenda for the next PAG meeting, scheduled for January 6 and 7, 1993 in Anchorage. Please be ready to discuss and make recommendations on the 1993 restoration work plan and budget.

Also attached is the draft summary of the December 2, 1992 PAG meeting, along with the resolutions I will present to the Trustee Council at their December 11 meeting.

See you in January!

cc: Doug Mutter, Designated Federal Officer
Dave Gibbons, Interim Administrative Director, Restoration Team

**EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP
1993 WORK PLAN/BUDGET RECOMMENDATION**

PROJECT	DESCRIPTION	PAG RECOMMENDATIONS	VOTE Y-N-A
Admin. Dir.	Office of the Administrative Director		
Finance	Finance Committee		
Rest. Team	Restoration Team		
PAG	Public Advisory Group		
Public Part.	Public Participation Work Group		
Manag.	Management Work Group		
CS/Peer Review	Chief Scientist/Peer Review		
1994 WP	1994 Work Plan Work Group		
Cult. Res.	Cultural Resources Work Group		

**EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP
1993 WORK PLAN/BUDGET RECOMMENDATION**

PROJECT	DESCRIPTION	PAG RECOMMENDATIONS	VOTE Y-N-A
GIS	Geographic Information System Work Group		
Env. Compl.	Environmental Compliance Work Group		
RPWG	Restoration Plan Work Group		
Habitat Protect	Habitat Protection Work Group		
93002	Sockeye Salmon Overescapement		
93003	Pink Salmon Eggs to Pre-Emergent Fry Survival in PWS		
93004	Documentation, Enumeration, & Preservation of Genetically Discrete Wild Populations of Pink Salmon Impacted by EVOS in PWS		
93005	Cultural Resources Information, Education, & Interpretation		
93006	Site Specific Archaeological Restoration		

**EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP
1993 WORK PLAN/BUDGET RECOMMENDATION**

PROJECT	DESCRIPTION	PAG RECOMMENDATIONS	VOTE Y-N-A
93007	Archaeological Site Stewardship Program		
93008	Archaeological Site Patrol & Monitoring		
93009	Public Information, Education, & Interpretation		
93011	Develop Harvest Guidelines to Aid Restoration of River Otters & Harlequin Ducks		
93012	Genetic Stock Identification of Kenai River Sockeye Salmon		
93015	Kenai River Sockeye Restoration		
93016	Chenega Chinook & Coho Salmon Release Program		
93017	Subsistence Restoration Project		
93018	Management for Wild Stocks in PWS, Special Emphasis on Cutthroat Trout & Dolly Varden		

**EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP
1993 WORK PLAN/BUDGET RECOMMENDATION**

PROJECT	DESCRIPTION	PAG RECOMMENDATIONS	VOTE Y-N-A
93022	Evaluating the Feasibility of Enhancing Productivity of Murres by using Decoys, Dummy Eggs, & Recordings of Murre Calls to Simulate Normal Densities at Breeding Colonies Affected by EVOS, & Monitoring the Recovery of Murres in the Barren Islands		
93024	Restoration of the Coghill Lake Sockeye Salmon Stock		
93025	Montague Island Chum Salmon Restoration		
93028	Restoration and Mitigation of Wetland Habitats for Injured PWS Fish & Wildlife Species		
93029	PWS Second Growth Management		
93030	Red Lake Restoration		
93031	Red Lake Mitigation for Red Salmon Fishery		
93032	Pink & Cold Creek Pink Salmon Restoration		

**EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP
1993 WORK PLAN/BUDGET RECOMMENDATION**

PROJECT	DESCRIPTION	PAG RECOMMENDATIONS	VOTE Y-N-A
93033	Harlequin Duck Restoration Monitoring Study in PWS & Afognak Oil Spill Areas		
93034	Pigeon Guillemot Colony Survey		
93035	Potential Impacts of Oiled Mussel Beds on Higher Organisms: Contamination of Black Oystercatchers Breeding on Persistently Oiled Sites in PWS		
93036	Recovery Monitoring & Restoration of Intertidal Oiled Mussel Beds in PWS & the Gulf of AK Impacted by EVOS		
93038	Shoreline Assessment		
93039	Herring Bay Experimental & Monitoring Studies		
93041	Comprehensive Restoration Monitoring Program Phase 2: Monitoring Plan Development		
93042	Recovery Monitoring of PWS Killer Whales Injured by EVOS Using Photo Identification Techniques		

**EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP
1993 WORK PLAN/BUDGET RECOMMENDATION**

PROJECT	DESCRIPTION	PAG RECOMMENDATIONS	VOTE Y-N-A
93043	Sea Otter Population, Demographics & Habitat Use in Areas Affected by EVOS		
93045	Surveys to Monitor Marine Bird & Sea Otter Populations in PWS During Summer & Winter		
93046	Habitat Use, Behavior & Monitoring of Harbor Seals in PWS		
93047	Subtidal Monitoring: Recovery of Sediments, Hydrocarbon Degrading Microorganisms, Eelgrass Communities & Fish in the Shallow Subtidal Environment		
93051	Habitat Protection Information for Anadromous Steams & Marbled Murrelets		
93053	Hydrocarbon Data Analysis, Interpretation, & Database Maintenance for Restoration & NRDA Environmental Samples Associated with EVOS		
93057	Damage Assessment Geographic Information System		
93059	Habitat Identification Workshop		

**EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP
1993 WORK PLAN/BUDGET RECOMMENDATION**

PROJECT	DESCRIPTION	PAG RECOMMENDATIONS	VOTE Y-N-A
93060	Accelerated Data Acquisition		
93061	New Data Acquisition		
93062	Restoration Geographic Information System		
93063	Survey & Evaluation of Instream Habitat & Stock Restoration Techniques for Anadromous Fish		
93064	Imminent Threat Habitat Protection		

**EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP
1993 WORK PLAN/BUDGET RECOMMENDATION**

PROJECT	DESCRIPTION	PAG RECOMMENDATIONS	VOTE Y-N-A
93010	Reduce Disturbance Near Murre Colonies Showing Indications of Injury from EVOS		
93014	Quality Assurance for Coded Wire Tag Application in Fish Restoration Projects		
93019	Chugach Region Village Mariculture Project		
93020	Bivalve Shellfish Hatchery & Research Center		
93026	Fort Richardson Hatchery Water Pipeline		
93050	Update: Restoration Feasibility Study #5 (Identification & Recordation of Information Services Relevant to Land & Resources Affected by EVOS)		
93052	Identification & Protection of Important Bald Eagle Habitats		

n

FAX MESSAGE

To: Doug Mitter, 271-4/02
Designated Federal Official EVOS-PAG

From: John French

Re: EVOS-PAG Response
FY 93 Work Plan

Pages including this cover: 4

Message: Please distribute the following comments to the Trustee Council for Dec 11 meeting and to other EVOS-PAG members. Thanks

If there are problems with this FAX please contact me at 474-7532.

FYI
Vol. I, tab X

UNIVERSITY OF ALASKA FAIRBANKS
FISHERY INDUSTRIAL
TECHNOLOGY CENTER

SCHOOL OF FISHERIES & OCEAN SCI

900 TRIDENT WAY, KODIAK, ALASKA 99615-7401 (907) 486-1500 FAX: (907) 486-1540

December 8, 1992

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

Subject: Public Advisory Group Response to Draft 1993 Work Plan

The official position of the EVOS-PAG is that we are not prepared to take a group position and request that you delay action on projects where possible until after the next EVOS-PAG meeting on January 6-7, 1993. I have attempted to evaluate the position of my interest group, science/academic. The rest of this letter deals with general approaches to restoration and specific projects as requested by Curtis McVee. It is my understanding that you are receiving similar comments from other EVOS-PAG members.

Whether it is in place or not, the work plans for the coming years must be based on the foundation of a restoration plan. After trying to synthesize both the written and verbal comments I have received, I am proposing five basic tenets for the use of the settlement funds:

- I. Adapt a long-term ecosystems approach
- II. Develop a mechanism, such as an endowment, to support projects beyond the settlement payments
- III. Support the development of the infrastructure to undertake restoration tasks within the State of Alaska
- IV. Acquire habitat areas and resources necessary to protect critical aspects of the effected ecosystems
- V. Revise administration of restoration funds to provide more through scientific, budgetary and technological review outside the trustee agencies

The overall object of this approach is to get the most out of the limited EVOS Settlement funds, to understand and effectively utilize our resources, as well as enhance restoration, enhancement and replacement, and facilitate the mitigation of future oil spills. Additional aspects of these five tenets follows:

- I. Restoration projects should adapt a long-term ecosystems approach including:
 - A. Coordination of studies and a requirement to include results in larger databases and facilitate development of ecosystem models.
 - B. Study of species central to food webs regardless whether

actual "damage" to the species has been demonstrated.

- C. A long enough term to encompass natural cycles and variation in the ecosystems.
- D. The biochemical and physiological basis for sublethal toxic effects of crude oil derived hydrocarbons, including exposures due to contaminated food sources.

II. Restoration process should develop a mechanism, such as an endowment, to support projects beyond the settlement payments.

- A. Endowments should be focused enough to preclude a little of everything tree approach to funding requests. Arliss Sturgulewski's proposal for an EVOS Marine Sciences Endowment provides a good outline for one such focus.
- B. Endowments should be administered in such a way to insure the scientific quality and cost effectiveness of proposed projects. Review and selection of projects should not be limited to the Trustee agencies.
- C. Other aspects should be consistent with item V.

III. Restoration funds should be used to support the development of the infrastructure to undertake these tasks within the State of Alaska.

- A. The scope of facilities should be broad enough to facilitate a variety of restoration, enhancement, replacement and mitigation activities.
- B. Settlement funds should only be spent on the portion of facilities related to these activities, with the remainder coming from other sources.
- C. Preference should be given to facilities within the spill effected communities.

IV. Restoration funds should be used to acquire critical habitat areas and resources necessary to protect critical aspects of the effected ecosystems.

- A. The Nature Conservancy has proven very effective in identifying responsible criteria for habitat acquisition.
- B. Consideration should also be given to protecting terrestrial resources, such as timber rights and weir sites, and marine resources, such as small fish which may be critical food sources for several marine mammal species. The latter could be assisted by developing more selective fishing gear.

V. Administration of restoration funds should be revised to provide more through scientific, budgetary and technological review outside the trustee agencies.

- A. Projects should require full proposal, or work plan, development prior to inclusion in an annual work plan.
- B. Research projects should be evaluated for their contribution to the overall ecosystem modelling as well as scientific and

technological merit and cost effectiveness.

- C. Projects not requiring extensive scientific or technological review should be awarded on a competitive basis, but with preference given to residents of the oil spill area.

An important objective should be to make us better prepared in the future. We squandered billions of dollars of oil revenue on projects employing large numbers of people without dramatically improving the economic base of Alaska. We should work together to restore, enhance, and replace resources and services in the most effective way we can. The best way to mitigate the effects of future oil spills is to fully understand the total scope of the probable effects, and be prepared to respond in a more effective manner.

In reviewing the FY 93 Work Plan, many of us have concluded that no reasonable national source of funding would support any of the projects based on the sketchy information given in the work plan document. The plan appears to be limited by strict NRDA definitions of a damaged resource. The very nature of the NRDA legal process forced you to concentrate of damage assessment studies on resources where we had some reasonable chance of proving damage to the satisfaction of the court system. This required focusing studies on species where the best data existed on populations and physiology, or on species where it was easy to determine mortality. Thus it is by no mistake that the FY 93 Work Plan concentrates on salmon, marine mammals, and birds. These species were major areas of management emphasis before the oil spill and received emphasis during the NRDA process.

I believe it is wrong to continue to accept the restrictions of the NRDA process. The settlement has allowed use of more relaxed criteria and more extensive peer review. You should take advantage of this opportunity and adopt a more unified ecosystems approach to restoration projects. We need to develop our knowledge of the interrelationships of the species and not just restore them one by one. As Dr. Hunt (public opinion #93323017) relates, enhancement of one species, salmon, may have detrimental impacts on the food sources of another species needing restoration (Harlequin Ducks).

Scientific collaboration is one of the real strengths of multi-disciplinary studies. The lead agency approach has stifled creativity and cooperation among scientists and technologists throughout the State. It is too late for the FY 93 Work Plan, but I propose the following approach to future work plans: 1) Solicit ideas (1-3 pages) as was done for the current plan. 2) Screening review, combine ideas using systems approach and form working groups to write a integrated summary proposal. 3) Peer, PAG and Trustee review followed by full proposal development. 4) Final Draft Work Plan followed by public comment, review and acceptance. The fact that full proposals and contracts are required before the work plan is finalized should shorten the time from approval to implementation.



John S. French, Ph.D.
EVOS-PAG Science/Academic Member
Director, Fishery Industrial Technology Center
Professor of Seafood Biochemistry

James G King
 1700 Branta Road
 Juneau, Alaska 99801

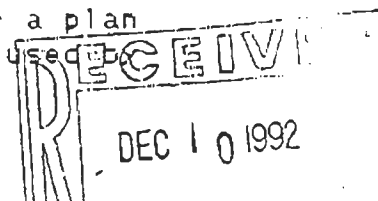
Exxon Valdez Oil Spill Trustee Council
 645 "G" Street
 Anchorage, Alaska, 99501

12/6/92

Comments; 1993 Draft Work Plan
 James G. King, Conservation Member
 Public Advisory Group

ABSTRACT - The conservation definition, wise use of natural resources for optimum sustained yield should be applied to the EVOS settlement funds. Remember "mother nature is doing most of the restoration" (R.B Spies 1992). The 1993 work plan should be limited to "those projects that are time critical or would otherwise be a lost opportunity" (93 Draft Work Plan). I therefore recommend:

- 1) That with exceptions below all 1993 projects be deferred and considered in the Restoration Plan.
- 2) That elements of 93007 and 93008 be combined and funded to ensure no further damage to archaeological sites.
- 3) That the first portion of 93017 be carried out by testing subsistence foods and informing users by newsletter and visits what is safe.
- 4) That the portion of 93052 monitoring Bald Eagles already carrying working radios should be funded.
- 5) That 93036, 38, 39, 41, 47, 53, dealing with contamination of the shore life need to be combined and coordinated in the Restoration Plan but portions needed to support 93017 could be done in 93.
- 6) That 93050, 57, 59, 60, 61, 62, seem to deal with information that may be needed for the Restoration Plan and should be combined and coordinated for that purpose.
- 7) That land acquisition, 93064, be based on fair market value procedures and that potential sellers be so advised.
- 8) That you consider some socio/economic/planning studies to guide habitat purchase and funding for economic ventures.
- 9) That the University of Alaska President be asked how endowed chairs and facilities under the University Foundation could meet long term resource enhancement goals of the Settlement.
- 10) That the US Fish & Wildlife Service be asked for a plan to remove introduced predators from nesting islands used by birds impacted by oil.



DEC-18-82 THE NORTH S... ..

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As the Trustees know the PAG has been in existence for just over a month and each of us has been provided a somewhat overwhelming amount of information (a ten inch high stack of letter size paper that weighs 25 lbs.). At our Dec. 2nd meeting we voted not to vote on recommendations for the 1993 Draft Work Plan because we had not had time to discuss it at either of our meetings. I think we recommended that the Council not make final recommendations at your Dec. 11 meeting but wait for our combined comments which we would try to provide in January 1993. Several of us felt that since we had worked at developing comments and since you might not be able to defer some decisions that we should give you the benefit of what we had been able to do so far. These comments should thus be considered preliminary and incomplete. I have studied the 1993 Draft Plan and read the 216 letters of comment on it. I am not against any of the proposals but feel most of them should be better coordinated with other proposals and with similar continuing agency work and be integrated into the Restoration Plan.

I know the Trustees are under considerable pressure to do something. I believe you should resist that and proceed with the orderly development of a Restoration Plan that considers all the proposals and comments available as well as the information to be presented at the Oil Spill Symposium in February and that most of the funds should be held until everyone has had their say. This will allay the regularly expressed fears that the money is being used up by the bureaucracy, that agencies are getting the money to finance on going responsibilities not directly related to the oil spill, that money is wasted on poorly designed studies that are not really needed and that in ten years mother nature will have largely healed the environment and that there will be less trace of the settlement funds than the oil.

There are a few things that should be taken care of this year, one is to ensure that archaeological sites are not further vandalized before a long term program for their identification, protection and analysis is set in place. The fear of what man has done to poison the life support systems of his fellows is a new and terrifying concept for people all over the world. What ever can be done to assure the subsistence users of the Gulf of Alaska resources about what is safe and what is dangerous should be done and as soon as possible. A few species adversely affected by the oil have been required to bear an additional burden most notably some 60 bald eagles carrying radios. How could the Trustees, the agencies, the conservationists or anyone else justify failure to monitor those faithfully borne and transmitting radios?

Conservationists worldwide are saying we need to protect some of the natural environments still unexploited by man. Their eye is on Alaska because unlike all areas in the

3

temperate zone and many areas in the tropics there are still naturally functioning ecosystems in the cold regions of the north perhaps best represented in Alaska. So there is a strong voice saying oil spill funds should be spent to safeguard natural ecosystems by purchasing them. The idea is good enough but the process is unclear. Our forefathers more than a generation ago thought they had forever safeguarded the bears of Kodiak by establishing a National Wildlife Refuge for them but the Congress gave some of it away and now we must debate if and how to buy it back. The same is true of the Chugach National Forest. Buying forest land is not apt to end the debate as to whether to cut or preserve. The State Park system has a shorter history but we see it's management funds being eroded so that it is more and more dependent on volunteers and prisoners to do the management chores essential for the perpetuation of the quality of the natural features the parks were established around. The fact is that Alaskans in particular and Americans in general have not reached a consensus about how we want these lands and waters to be used on into the future. The Trustee Council might consider calling for proposals to do some socio/economic/planning studies that would consider the needs of all present users and resources and how they can best be integrated so that there are no losers. Balancing commercial fishing, ecotourism, forestry, subsistence, hunting, community interests and other uses, in such a huge area, would not seem to be insurmountable. Similar studies are needed for Kodiak, the Alaska Peninsula, Lower Cook Inlet/Kenai Peninsula and Prince William Sound. We have a world class area and calling for a world class planning proposal might attract world wide interest and result in a new standard of land use planning. Perhaps special interests could hold off a bit if such planning promised to accommodate their needs. Implementing a sound plan could attract additional funding beyond the oil spill money.

The idea of using oil spill money in some form of foundation that would exist in perpetuity and even grow is mentioned by a great many commentators. There is less comment about what the foundation would do. I would like to suggest that we already have a functioning foundation at the University of Alaska. The University already has facilities and programs in the major communities of the oil spill area. Endowing 12 or 14 teaching/research chairs could be done under the enhancement section of the Settlement because enhancement more than restoration will depend on information and technology we do not have now and may not have in the immediate future. Knowledge and ecological understanding are cumulative and the next generation, or the one after that will know more about those resources than we do now or will in the next decade. Endowed chairs would result in a number of benefits beyond that from a similar amount invested in agency or contract studies. Endowed chairs attract the highest quality professors who attract the highest quality

graduate students who together produce good science and high quality publications thus leadership in their fields and ultimately they may attract additional funding and make unique contributions to our civilization as well as to Gulf of Alaska resources. In addition to good science universities produce trained people. Endowed chairs could be in the fields of archeology, past and future subsistence activity, fisheries, ornithology, sea mammals, intertidal ecology, rain forest ecology, marine chemistry and so forth. As the University is a statewide organization and as resources were diverted from southeast and western Alaska during the spill cleanup it would be appropriate to consider all campuses for endowment funds. I would suggest that the Trustees request a proposal from the University President about using endowed chairs to achieve the goals of the settlement agreement.

As the Trustees know I was nominated for the PAG by the Pacific Seabird Group an international organization with a well supported conviction that the certain way to aid seabird populations damaged by the oil would be to clean abandoned fur farm fox populations and other introduced mammals from the islands of western Alaska formerly used by nesting bird colonies. This problem was identified more than 60 years ago and though some islands have been cleared with dramatic increases in bird use, progress is very slow. As a bird biologist and the conservationist on the PAG I have been consistently urged to recommend restoration of the natural conditions on those islands that formerly hosted extensive bird colonies. I think it would be appropriate for the Trustees to request, from the US Fish & Wildlife Service, a time frame and cost estimate to restore the affected islands to their natural condition.

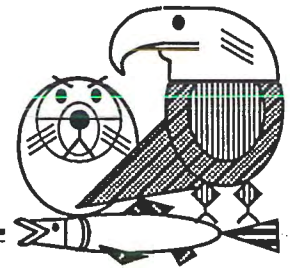
I realize there is a lot more information already available and a lot more to come and I have a lot more to learn about the restoration process so these are very preliminary thoughts. I want to thank the Trustees Council for the opportunity to work with you on this and feel confident that we can accommodate most concerns and produce a final result that will be a credit to all participants.

Sincerely,

Jim King
James G. King
Conservationist, PAG

Exxon Valdez Oil Spill Trustee Council

645 G Street, Anchorage, Alaska 99501
Phone: (907) 278-8012 Fax: (907) 276-7178



December 8, 1992

Dear PAG Member:

The following is a comment that was received before the official public comment filing system was in place. Please consider this comment in your deliberations.

If you have any questions, please call me at the Simpson Building 278-8012.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dave R. Gibbons".

Dave Gibbons, Ph.D.
Interim Administrative Director

Enclosure

c: Trustee Council
Restoration Team

93343217

CHENEGA CORPORATION

General Delivery
Chenega Bay, Alaska 99574-9999
(907) 573-5118

September 21, 1992

Michael A. Barton
Regional Forester, Alaska Region
USDA Forest Service

Charles E. Cole
Attorney General
State of Alaska

Curtis V. McVee
Special Assistant to the Secretary
U.S. Department of the Interior

Carl L. Rosier
Commissioner
Alaska Department of Fish & Game

Steven Pennoyer
Director, Alaska Region
National Marine Fisheries Service

John A. Sandor
Commissioner
Alaska Department of Environmental
Conservation

RE: Chugach Region Village Mariculture Project
Project No. 93-019
Bivalve Shellfish Hatchery and Research Center
Project No. 93-020

Dear Gentlemen:

This letter is presented on behalf of the villages and cooperating Village Corporations within the Chugach Regional Resource Commission's area of jurisdiction. The organization includes the Chugach Regional Resource Commission, the Native Village of Eyak,

Trustees Council
September 21, 1992
Page -2

the Native Village of Tatitlek, the Native Village of Chenega Bay, the Native Village of Port Graham, and the Native Village of English Bay. Cooperating land owners include Eyak Corporation, Tatitlek Corporation, Chenega Corporation, Port Graham Corporation, and English Bay Corporation.

The purpose of this letter is to provide you with further information concerning the importance of the Chugach Region Village Mariculture Project to the foregoing villages, in light of the natural resources damages caused by the Exxon Valdez Oil Spill. I am requesting you to reconsider your position with regard to both the mariculture project and the hatchery and research center.

First, the impact of the oil spill on bivalves in Prince William Sound and the lower Kenai Peninsula continues to be documented and further studied. For instance, the Council has identified a number of studies which in the aggregate, add up to millions of dollars with regard to the impact on mammals and other aquatic life on account of the devastation of bivalve populations. See for instance, Project No. 93-011 (Harvest guidelines for river otters and harlequin ducks); 93-035 (Black oyster catchers: impacts of oiled mussel beds); 93-036 (Oiled mussel beds: recovery monetary and restoration and PWS); 93-043/93-044 (Sea otter population demographics and habitat use in area); 93-045 (Boat surveys: marine bird and sea otter population in PWS).

Simply put, our people depend upon the injured resources of the inner tidal area to the same degree as did the troubled population you are now studying. Indeed, studies are now demonstrating that the sea otter population, which is linked directly to mussels, has demonstrated an increase in mortality during the youthful part of the population's life span, which in turn appears directly linked to the contaminated mollusk beds. The renewal of those natural resources, is clearly within the meaning of the Agreement and Consent Decree in the United States v. Exxon, 91-082 Civ., and State of Alaska v. Exxon, no. A91-083 Civ.

1(c) and (d), as well as within the meaning of "Subsistence Nature Resources" the consent decree and stipulation of dismissal in the Native Village of Chenega Bay et. al. v. United States of America and the State of Alaska, case no. A91-454 civ.,

Paragraph 4(e).

It is the position of the villages and organizations supporting the villages that the mariculture program is a vitally necessary action in order to replace the services provided by the natural resources

destroyed on account of the EVOS. The villages and organizations supporting the villages are convinced that the data available to the Council which supports the continued need to study effected mollusk populations on the higher food chain, demonstrate the need for the mariculture project proposed by the villages.

Indeed, the settlement funds from Exxon were received on account of Natural Resource Damages. "Natural Resource Damages" is defined in the Agreement and Consent Decree between the United States and Exxon and the State and Exxon to include:

Compensatory and remedial relief...for injury to, destruction of, or loss of any and all natural resources resulting from the oil spill,...,including compensation for loss, injury, impairment, damage or destruction of natural resources, whether temporary or permanent, or for loss of use value, nonuse value, existence value, consumer surplus, economic rent, or any similar value of natural resources, and (3) costs of...replacement of injured natural resources or the acquisition of equivalent resources.

See Agreement and Consent Decree at Paragraph 6.(d).

Indeed, the "costs of restoration, rehabilitation and replacement of injured natural resources, or the acquisition of equivalent resources" is the basis of the proposed project. The resources lost are invaluable; however, continued contamination and the additional stress on the resource will only increase the restoration costs up and down the food chain. To the extent the project may, in some way, be profitable, it is not contrary to the public interest to fund the project on behalf of the government entities, and the villages. Indeed, the profitability of the replacement resources is vital in order to assure the success of the project, which we believe we be self supporting in 2 1/2 to 5 years.

In this regard, the Trustees Council has approved enormous sums for projects intended to enhance the commercial fisheries. See for example, Project Nos. 93-002 (Sockeye salmon, Kodiak and Kenai river systems); 93-003 (Pink salmon); 93-012 (Kenai river sockeye); 93-015 (Kenai river sockeye); 93-026 (Fort Richardson hatchery); 93-030 (Red Lake sockeye salmon restoration); 93-031 (Red Lake mitigation: sockeye salmon). Further, the Trustees Council has approved sums for purely recreational fisheries. See Project No. 93-018.

It is therefore the position of the villages and their supporting organizations that the mariculture project is vital to village infrastructure development, replacement of subsistence resources, and to the health and safety of the village people. The benefit to the public is clear. The result is self-supporting village owned and managed mariculture programs, the creation of new local opportunities for employment, and the restoration and enhancement of traditional subsistence as a supplement to cash income to continue.

In addition, I requested and obtained a reduced budget for the project. I am attaching a copy of the reduced budget to this letter. The Council will note that the budget has been reduced by half for the first year. The reduction is accomplished by eliminating funding for Eyak's mariculture project, and reducing the scope of studies at Port Graham and English Bay for a year. This project therefore addresses only areas actually physically impacted by the oiling, and attempt to jump start replacement resources in those locations. It clearly falls within the guidelines of the Trustees Council, and is precisely the sort of project for which natural resources damages were paid. I urge your reconsideration.

I also request that you reconsider the rejection of the bivalve shellfish hatchery and research center. The purpose of the hatchery and research center is to develop a shellfish hatchery in Seward, and a mariculture technical center in order to produce bivalve populations more quickly under artificial conditions. In turn, replacement resources would be available to restore, replace, or enhance bivalve shellfish populations in oil affected areas in an Alaska facility, as opposed to an outside-Alaska facility. This project, to be led by the Alaska Department of Fish and Game, is clearly beneficial to furthering the goals of rehabilitation or replacement of injured bivalve shellfish populations within the affected areas.

Because bivalve shellfish populations were severely impacted by the oil spill, and by clean up efforts following the oil spill, and because the affected population were and continued to be used by marine mammals, birds, fishes, and for human subsistence, the replacement, restoration and rehabilitation of those resources is vital to furthering the goal of restoration of all natural resources damaged by the Exxon Valdez Oil Spill, and to provide substitute services while restoration activities, both natural and those funded through the Trustee's Council, continue.

Trustees Council
September 21, 1992
Page -5

In view of the foregoing, I request that you reconsider your decision to reject Project No. 19 and 20.

Very truly yours,

CHENEGA CORPORATION

By: Charles W. Totemoff
Charles W. Totemoff, President
and Native Landowners' Representative,
Public Advisory Group

enc:

j4\exxon\9-21.ltr

cc: Chugach Regional Resource Commission
Native Village of Tatitlek
Native Village of Chenega Bay
Native Village of Port Graham
Native Village of English Bay
The Tatitlek Corporation
Port Graham Corporation
English Bay Corporation

EXXON VALDEZ TRUSTEE COUNCIL

Project Description: Develop shellfish mariculture operations in the five Native villages of the Chugach Native Region. This project will be used to replace lost shellfish subsistence and economic development opportunities for the villages due to the Exxon Valdez oil spill.

Budget Category	Proposed 1-Jan-93 30-Sep-93			FY 94	FY 95	FY 96	FY 97	Sum FY 98 & Beyond
Personnel	\$108.3			\$148.8				
Travel	\$7.1			\$10.0				
Contractual	\$56.2			\$61.0				
Commodities	\$52.0			\$61.0				
Equipment	\$40.0			\$42.0				
Capital Outlay								
Sub-total	\$263.6			\$322.8	\$325.0	\$275.0	\$0.0	\$0.0
General Administration	\$17.8			\$19.0	\$19.0	\$18.0		
Project Total	\$281.4			\$341.8	\$344.0	\$293.0	\$0.0	\$0.0
Full-time Equivalents (FTE)	4.0			5.5				

Budget Year Proposed Personnel:

Position	Months Budgeted	Cost	Comment
Mariculture Trainee	48	\$108.3	Personnel costs are for paying trainees in the villages to learn mariculture and operate the village projects. Pay is \$10/hr plus 30% benefits. In FY 93 there will be three villages with active mariculture operations with 16 months of trainee time assigned to each village. Two additional villages will be added in FY 94 with 16 months assigned to these villages and the rest divided among the other three according to need. It is difficult to say at this time how many individuals will be involved in each village.

17-Jul-92

1993

page of

Project Number:
 Project Title: Chugach Region Village Mariculture
 Project
 Agency:

FORM 2A
 PROJECT
 DETAIL

EXXON VALDEZ TRUSTEE COUNCIL

Travel:	Travel and perdiem is budgeted for project related travel for the CRRC project manager to the project sites. It will also be used to transport village trainees to workshops as part of their training. Expenses are estimated as follows:		
	2 round trips to Port Graham and English Bay	\$460	
	2 round trips to Eyak	\$340	
	2 round trips to Chenega Bay	\$635	
	2 round trips to Taftilek	\$850	
	7 days perdiem @ \$125	\$875	
	Travel and perdiem for 6 trainees to attend Anchorage workshop	\$3,900	\$7,060
Contractual:			
	Ware house rent	\$3,150	
	Boat charter	\$15,000	
	tideland leases	\$6,000	
	contract with mariculture specialist	\$25,000	
	permit development in villages with no permitted sites	\$2,000	
	freight	\$5,000	\$56,150
Commodities:			
	1 million oyster seed @ 0.025 each	\$25,000	
	culture supplies	\$10,000	
	office supplies	\$1,500	
	insurance	\$9,000	
	fuel	\$1,500	
	maintenance supplies	\$1,500	
	marketing supplies	\$3,500	\$52,000
Equipment:			
	Mariculture equipment: lantern nets, buoys, rope, anchors, pressure washer, sorter, storage and processing shed		\$40,000
		Total	\$155,210

17-5-92

1993

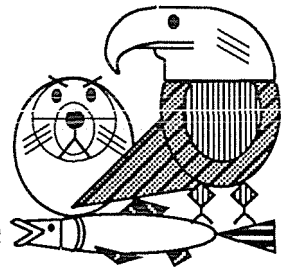
page of

Project Number:
 Project Title: Chugach Region Village
 Mariculture
 Project
 Agency:

FORM 2B
 PROJECT
 DETAIL

Exxon Valdez Oil Spill Trustee Council

645 G Street, Anchorage, Alaska 99501
Phone: (907) 278-8012 Fax: (907) 276-7178



November 20, 1992

Dear PAG Member:

Enclosed for your review is the detailed budget package pertaining to the 1993 Work Plan. A summary of the budget by Agency and Project is located in the front of the package on forms 1A and 1B.

This budget information will be discussed at the next PAG meeting, starting at 9:00 a.m. on December 2, 1992 at the Simpson Building.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dave Gibbons".

Dave Gibbons, Ph.D.
Interim Administrative Director



November 30, 1992

Ms. Donna Fischer
P. O. Box
Valdez, AK 99686

Dear Donna,

As local businessmen whose investments are directly impacted by commercial, sports fishing and tourism we are actively seeking your assistance to solicit funding for projects to restore our rapidly deteriorating wild stocks.

Recent research brought to my attention that there is a serious need to evaluate not only our numbers for long term survival but the reasons for the decline. From the periods of 1987 to 1991 the Pink and Chum Salmon escapement counts in the eastern Prince William Sound district reflects a fairly consistent average. (Compilation of material attached). The 1992 escapement count for this same region has seen an alarming decrease.

There are several points that made a direct link to the 1989 Exxon Oil Spill-

a. Mr. Sam Sharr (ADF&G research biologist - Cordova) states that all eastern sound salmon fry (small fish) depart the sound via the western corridor. In 89 the fry moved through the corridor as usual, oil and all.

The return time line is three years, the 92 decline in all probability could be from the mortality of the fry traveling through the oil.

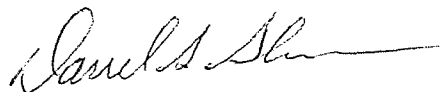
b. Due to lack of funding, research data is not available for the Coho wildstocks of the eastern district. It is appalling that the state has left a very vital component of the fisheries to luck. Addressing longevity of wildstock, should man made stock suffer some devastation could be a key to survival of a species. Several Valdez sportsfishermen have noted a tremendous decline in 92 Coho wildstock common to the eastern district; ie: Irish Cove, Sunny Bay, Hells Hole, St. Mathews Bay and Bear Trap Bay. The impact of loss of wildstock will have economic impact for Valdez and Cordova in both commercial and sports fishing. The subsistence fishing for the village of Tatitlek will also have direct impact.

c. Valdez is the largest coastal community in the state of Alaska that **does not have** a fishery biologist; other smaller communities have an office. We have a very unique situation in that many aspects of the fishing industry are impacted by the activities of Valdez. Some points for consideration: oil passing through Port Valdez, ballast water treatment, refinery construction and soon to be operational along spawning streams and shores, gas line construction studies, timber harvest at two Moon Bay and Irish Cove, growing sports and commercial guides, Air 'Taxi's and recreational fishermen. There is a serious need for the expertise of a biologist to advise our community and state government of a possible problem before it becomes a complete loss. On a funding basis; it is more feasible to keep a current program operational than to lose it and try to reconstruct.

The 1992 finfish management report is not yet available; however salmon escapement numbers were provided by Mr. Slim Moreded; project manager for Eastern PWS District escapement counts from the Cordova office.

In closing, I would like to propose a funding project to ADF&G for research to assess the salmon escapement loss and refurbishing project for the Eastern PWS district as applicable to the 1989 oil spill impact. In addition; I would also request the funds to institute the location of a state research biologist to keep these issues addressed on a current need. The Cordova office is directed at commercial fishing, Valdez and many other parts of Prince William Sound are sportsfishing oriented as well as commercial. The need to keep each of these issues at a maintainable level are of the utmost importance to both industries.

Sincerely,



Darrel Shreve
President
Valdez Charter Boat Association

Eastern PWS District Pink and Chum Salmon Escapement counts

(Orca Inlet, Simpson & Sheep, Gravina, Fidalgo, Valdez Arm/Port Valdez)

PINK SALMON		1965 - 1989 average (422,105)				
Year	** Orca It.	** S & S	** Gravina	** Fidalgo	Pt. Vlz/ Vlz Arm	Total
1992	2,258	15,264	33,512	37,295	116,054	204,383
1991	8,940	62,820	118,510	132,550	151,560	474,380
1990	6,350	55,610	113,360	109,520	158,820	443,660
1989	9,790	45,150	106,900	59,890	138,000	359,730
1988	4,000	64,480	95,280	81,070	119,370	364,200
1987	27,700	91,840	120,530	115,360	159,140	514,570
CHUM SALMON		1965-1990 average (94,661)				
1992	341	2,258	8,503	11,023	15,897	38,185
1991	200	3,730	20,970	43,010	18,450	86,360
1990	1,120	10,770	37,170	17,730	48,310	115,100
1989	1,120	18,740	36,420	23,700	32,100	112,080
1988	1,400	38,690	93,750	33,110	91,970	258,920
1987	2,230	38,100	50,440	29,680	63,170	183,620

** Designates areas that are wildstock

The Valdez Arm and Port Valdez would not see such a smaller reduction due to the hatchery productions.

This information can be located in the following Annual Commerical Fishing Management Reports.



United States Department of the Interior



OFFICE OF THE SECRETARY
Office of Environmental Affairs
1689 C Street, Room 119
Anchorage, Alaska 99501-5126

November 5, 1992

Memorandum

To: Exxon Valdez Oil Spill Public Advisory Group
From: Designated Federal Officer
Subject: December 2, 1992 Meeting and Distribution of Materials

The next meeting of the Exxon Valdez Oil Spill Public Advisory Group is scheduled for December 2, 1992--an agenda is attached.

Enclosed are materials for addition to your Document Control Binders as follows:

- replacement for Volume One table of contents
- two new tabs for Volume One:
 - Tab IX for meeting agendas and summaries
 - Tab X for correspondence and commentary
- a summary of the October 29 meeting (Tab IX)
- the restoration planning 1990 Progress Report for Volume Two, Tab I
- replacement Working Group Operating Procedures (Volume One, Tab III.B)
- replacement for PAG Member listing/addresses (Volume One, Tab IV.A)

For those not able to attend the meeting of October 29, Volume II of the Document Control Binder and a folder with travel reimbursement information are also enclosed. Cathy Miller or Regina Martinez (Fish & Wildlife Service travel experts) can be reached toll-free via 800/478-1456, if you have problems or questions.


Doug Mutter

Attachments

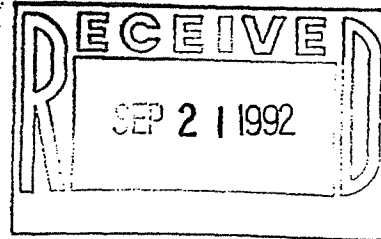
cc: Trustee Council
Restoration Team

U.S. House of Representatives
Committee on
Interior and Insular Affairs
Washington, DC 20515-6201

GEORGE MILLER, CALIFORNIA, CHAIRMAN
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NEIL ABERCROMBIE, HAWAII
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RICHARD T. SCHULZE, PENNSYLVANIA
JOHN J. DUNCAN, JR., TENNESSEE
RICHARD T. SCHULZE, PENNSYLVANIA
JOEL HEFLEY, COLORADO
CHARLES H. TAYLOR, NORTH CAROLINA
JOHN T. DOOLITTLE, CALIFORNIA
WAYNE ALLARD, COLORADO
RICHARD H. BAKER, LOUISIANA

DANIEL P. BEARD
STAFF DIRECTOR
RICHARD MELTZER
GENERAL COUNSEL
DANIEL VAL KISH
REPUBLICAN STAFF DIRECTOR



August 27, 1992

Mr. Curt McVee
Special Assistant to the Secretary
U.S. Department of Interior
Office of the Secretary
1689 C. St. Suite 100
Anchorage, Alaska 99501-5151

Dear Curt:

I write to you in your role as a Trustee on the Exxon Valdez Trustee Council, charged by the Court with the responsibility of disbursing the settlement monies relating to the spill in a manner that meets the tests which govern the settlement. Your task is not an easy one, but I am confident the Trustees will produce a mix of mitigation and restoration options which will ultimately be beneficial to the resources and most importantly, the people of the spill area and the State of Alaska.

As you know, there are no shortages of suggestions for ways to spend money when one is charged with finding ways to spend a large pot of money. Therefore, I urge that among those suggestions investigated, you include options which would benefit the people and the environment of the people who live in the spill area and were significantly affected by the spill. I believe there is a legal as well as moral obligation to these people to do so.

Where direct restoration can be accomplished, that should, of course, be your first choice. However, much of the damage may be irreparable or repairable only by mother nature over the very long haul. In the short term, the people of PWS and other affected areas continue to suffer not just from the oil spill, but also from other chronic sources of pollution -- many of which are clearly treatable. Addressing these non-oil spill related pollution sources will have a positive effect on both the people and the areas affected.

Allowing these chronic sources of pollution to continue cannot but have a negative effect on the natural recovery processes -- processes which in many cases are the only mechanism available to ameliorate the effects of the spill.

I would ask you to remember in your deliberations that these were Alaskans who were directly affected. All Alaskans -- indeed Americans concerned about our state -- suffered the

consequences of the spill. But it was the people of the affected region who suffered the most, and continue to live with the uncertainty of the future, as well as with the changes the spill brought so rapidly to their area. They were affected environmentally, economically and emotionally. I believe relatively low-cost options exist within the framework of the settlement to mitigate and restore these resources, while assisting the local people who continue to suffer in these three areas.

I know there is considerable pressure from certain areas to simply spend the money to purchase private lands which exist in the area. While I am very supportive of some purchases of land in the areas affected, I do not believe this should be the sole use of the funds.

Part of this pressure is no doubt due to the simplicity of outright purchases of land. However, simplicity and ease of expenditure of funds is not necessarily always the best approach to complex decision-making which affects peoples' lives so directly and for so long. I am reminded of the pressures which existed upon politicians within the State at the time of the "Oil Boom" days, when the bottom of the barrel seemed so far away.

We now grapple with the reality of those days: wasteful and abandoned projects; an exponential growth in bureaucracy for every program possible without regard to the long-term consequences or financial security of our residents; and significant questions about how to meet our future financial obligations to those who have come to expect so much from a government unwilling to make hard choices at a time when the money was easy, and unsure how to make hard choices now that the money is becoming tight.

Towards an end which might benefit the people and the environment of the people affected by the spill, I suggest that you consider among your options the rectification of some pressing significant environmental and human health and safety problems which require attention. Further, the proper utilization of the monies to rectify these problems could help offset the adverse economic impacts of the spill upon the people of these areas. Use of just a little of the money for fixing these problems could be good for the environment, create jobs in areas of Alaska where they are badly needed, and most importantly, help people who were and continue to be affected by the spill. **Any efficacious long-term restoration of the areas affected must include consideration of the people affected.**

The following represents just a few of the environmental, human health and safety problems in the PWS region affected. It is by no means inclusive, and does not include environmental problems in the Kodiak area which may require attention, as well. For example, Kodiak is presently facing a potential expenditure of millions so that their drinking water system may be upgraded to meet standards.

Cordova:

1. Orca Cannery has a large diesel spill requiring cleanup left from the 70's.
2. Cordova Electric/Eyak Plant has waste oil seeping into pond adjacent to lake -- they want to clean it up, but it'll be expensive. Why not use a little of the settlement for this purpose?

3. Copper River Railroad Yard has waste oil from the early 1900's dumped under a residential area.
4. Two of Cordova's four water sources do not have filtration to comply with the surface water treatment rule. And Cordova must still replace miles of wood-stave water line.
5. A new landfill is needed soon (about a year left until full). The landfill is unlined on tidal flats.

Chenega Bay:

1. The Chatham Straits Saltery and the Port Ashton Cannery are both contaminated with no clear responsible party.
2. The drinking water system needs new measuring equipment and filtration evaluation.
3. The Landfill is unpermitted, and leaches into a stream which runs through town. And Chenega wants and needs an incinerator. Why not try to help these people and their environment, which was so hard hit by the spill?

Tatitlek:

1. Tatitlek also has drinking water system needs and its landfill is not permitted.

General PWS problems:

Middleton Island is a former military site, in need of cleanup of old drums, etc.

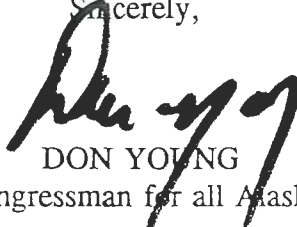
Strawberry Point on Hinchinbrook Island is contaminated by prior fuel contamination, etc.

These are but some of the problems in but some of the area affected by the spill where solutions to chronic pollution or threats to human health and safety might assist in ameliorating the environmental problems relating to the spill. There are no doubt further unmet needs which need to be fulfilled.

In sum, there are significant unmet human and environmental needs which might very well fit the purposes for which the restoration fund was established. Using the fund to remedy these problems could create jobs for Alaskans in the region. I urge you to examine these needs, mindful that we not forget the people -- Alaskans -- who were affected by the spill.

Thank you for your consideration of this request, and please do not hesitate to contact me if you have any further questions. With warm personal regards, I remain,

Sincerely,



DON YOUNG
Congressman for all Alaska

REMARKS TO
EXXON VALDEZ PUBLIC ADVISORY GROUP
INITIAL MEETING
BY
CURT McVEE
OCTOBER 29, 1992

I am very pleased that each of you agreed to serve on the Exxon Valdez Oil Spill Public Advisory Group. Like most government programs, you have been given an acronym, P-A-G. You will now hear that you are a member of the P-A-G. As best I can tell, there are no pejorative connotations from this term -- and certainly, none were intended.

Like the State of Alaska, nothing related to this oil spill has been small:

- It was the largest oil spill in the United States, affecting fish and wildlife, as well as the people and services who rely on them in substantial areas within Prince William Sound as well as the Gulf of Alaska.
- It was also the largest ever environmental litigation settlement; and,
- It will take a major effort to put a complete restoration program in place.

When the settlement was adopted, the Secretary of the Interior and, I am sure, the other Trustees, viewed it as a model for the conduct of joint Federal-State activities in such a large ecosystem-wide spill. The court-approved settlement agreement requires joint decision-making by the U.S. and the State, rather than utilizing arbitrary allocations to attempt to assign the recovery based on concepts of ownership of the impacted resources.

Your presence here today reflects another of the settlement requirements, that of public involvement throughout the entire restoration process, both directly and through this public advisory group. This requirement for public participation was included at the personal initiative of the Trustees, and is clear recognition that the resulting work product will be far superior with the active participation by you and the public at-large.

The success of this program will be a model for future restoration efforts. Its failures will be equally obvious to everyone.

The Trustees are very aware of the criticism leveled by many members of the public and the national and local media on the lack of progress that has been made on actually expending the settlement money for restoration of the injured resources. Similar concerns have been expressed with respect to the level of money being spent for administrative support of the not yet begun

restoration implementation program and for additional studies. The Department of the Interior feels that there is validity to such concerns and we recognize it is essential that the process remain responsive to public comment and recommendations.

Progress has been made on development of a draft restoration plan, for public and PAG review, during the year that has elapsed since the EVOS settlement was approved by the Court. Even so, the Council has been advised that the staff cannot complete preparation of a draft restoration plan that is suitable for public review until late winter/spring. Both the law governing the Superfund and the Department of the Interior's Natural Resource Damage Assessment Regulations provide that adoption of a restoration plan is necessary before commencing expenditures for restoration implementation. The one exception to this policy is where emergency situations present such an imminent threat to resources or services and any delay would exacerbate the injuries. Such actions will still require compliance with the requirements of the National Environmental Policy Act.

Your advice will be particularly important with respect to the proposed budget/work plan for the period running from March 1, 1993 through September 30, 1993. A seven-month budget was proposed in order to conform future budgets to the Federal fiscal year budgetary cycle.

The proposed work plan was mailed to the general public last week and is included in the materials in front of you today. Comments from the public on the proposed work plan are due by November 20. The Council has scheduled a meeting on December 11 to review the public comments and further consider this budget. I recommend that you schedule your next meeting prior to December 11 in order to focus your comments and concerns on this draft budget for the Council's benefit.

I want to be very frank and straightforward with you because I think it is essential that you understand the nature of the issues and problems that the Trustee Council must deal with in the very near future. These fall into two basic categories:

- (1) Those which will come before the PAG concerning the restoration plan and programs; and
- (2) Those which concern management and administration of the Trustee Council operations and organization.

Examples of the first category of issues which I would anticipate that the PAG will review are:

- The scope of spending that should be made under the 1993 Work Plan prior to finalizing the Restoration Plan. Is too much money proposed to be spent in the absence of a

completed Restoration Plan? Is too much money being spent for overhead and administrative costs?

- Were the criteria used by the Restoration Team or the Trustee Council in approving a particular project the appropriate ones for the intended purpose?

- Review of specific projects for feasibility, priority, urgency and costs of administration/overhead. Are all of the studies proposed necessary? From the public's standpoint, how many studies are justified?

- Is the Restoration Plan being completed without undue delay? Have the appropriate resources been devoted to completion of the Restoration Plan/Environmental Impact Statement?

- Since the standard under the law is to restore the resources to their pre-spill base line levels (the levels they would have been but for the spill), how should it be determined when services have been restored?

The second category of issues is organizational/management problems which have, perhaps, resulted from the Council not fully appreciating the scope of the task and the amount of time necessary to "start" an organization of this kind. The Council operates on the basis of unanimous agreement of six members --

three members from the Federal government and three members from the State government -- and each agency has different procurement practices and operating procedures.

I don't expect that these problems will necessarily come before the PAG. But, you should be aware that the Council will have to deal with these and similar administrative concerns in the immediate future. Examples of such issues are:

- For nearly 11 months the Council has operated with an interim Administrative Director and has yet to fill the permanent position that has been created.
- Rather than having its own staff, the Council has used personnel from each Trustee Department or Agency to form the Restoration Team, to carry out the day-to-day management effort. We are concerned that this creates an agency bias to procure for each agency its "share" of the funds rather than to objectively approve projects which are essential for the restoration effort.
- Schedules for many activities have generally not been developed -- or when developed -- deadlines are rarely met. We are concerned with any such tardiness and that revised or updated deadlines are not being established and made available to the public.

- The procurement process has generally failed to utilize competitive procurement procedures.

Finally, the role the PAG will undertake is one that you and the Trustee Council ultimately decide is needed. The Trustee Council will, from time to time, undoubtedly make recommendations or suggestions for you to examine. How you consider them, and what positions you wish to take, are solely up to you.

With your help and the participation of the general public, we believe that a program can be put together of which everyone can be proud.

I would be pleased to answer any questions you may have for me now or in the future. Please don't hesitate to call me at my office whenever you need information or have questions about Interior's position.

PROPOSED RESTORATION OPTION

Exxon Valdez Marine Sciences Endowment

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

August 24, 1992

I. Purpose

I propose that the 1993 Work Plan or the Restoration Plan include a long-term research endowment. The *Exxon Valdez* Marine Sciences Endowment would be created by diverting a portion of civil settlement funds due the State of Alaska and the United States into a separate fund. The endowment will have two primary objectives. Its basic purpose is as a source of funding dedicated to long-term baseline marine research necessary to:

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

The spill has magnified both the opportunity and responsibility for prudent stewardship of Alaska's spill-distressed resources, lands, and waters. The preeminent mission of the endowment is to advance knowledge applicable to resource and habitat management, to speed and improve restoration, and to monitor and assess restoration and revival.

The Restoration Framework states that "(t)he trustees propose to restore natural resources and natural resource services in the areas affected by the *Exxon Valdez* oil spill to their pre-spill condition." Fully half of the potential restoration

options presented in that document¹ are dependent upon the acquisition of currently unavailable marine science data.

A research endowment will be a crucial tool in taking on issues and concerns identified in the Restoration Framework, providing funding for:

- future spill prevention;
- continued clean-up need assessment;
- continued natural resource damage assessment;
- long-term injury research;
- long-term monitoring;
- natural healing capacity study;
- regulatory program evaluation; and
- habitat protection needs assessment.

Damage control and clean-up, restoration, and acquisition will forever change affected ecosystems. The enduring legacy of an endowment is thus appropriate and will engender great benefits. One inevitable and happy corollary will be an improved capacity to respond to Alaska's next maritime calamity. We have already made a substantial investment in healing spill damages. We must protect that investment and reap future dividends from it.

Another benefit is the preservation of the endowment corpus, giving the trustees continued options and time to consider those options. An endowment safeguards a portion of settlement funds from pressures for immediate use. Once a dollar is spent on restoration or acquisition, it is spent. An endowment dollar remains an income spawning resource for the future. This endowment, in its fully funded form, could be the source of funding for about half of the projects, costing over \$6 million, on a preliminary list for the 1993 Work Plan².

¹Restoration Framework, Appendix B.

²"Exxon Valdez Restoration 1993 Project Ideas", July 21, 1992.

For as long as necessary, resources to study and understand spill damages and our attempts to counteract them will be available. Given the infant status of restoration ecology, continual assessment of our efforts to restore Prince William Sound and other areas is essential. Even if the cumulative wisdom gained by establishing a research endowment consists of no more than learning how nature heals itself, that knowledge will be unprecedented and priceless.

II. Endowment Charter and Operations

Endowment Structure: The trustee council will create the *Exxon Valdez* Marine Research Foundation to manage a similarly named endowment. The foundation charter will be based on principles established by the trustees. A board of directors would govern the foundation. There are two choices in establishing a board: 1) the trustee council acts as the foundation board or 2) the trustees create a board distinct from the council. I suggest the second option.

Appointment of an independent board creates the issue of delegation of authority. The civil settlement memorandum of agreement requires that the trustees unanimously approve all "...decisions relating to restoration activities or other use of natural resource damage recoveries...including...allocation of funds."³ Charter principles specifying the mission of the endowment, perhaps abetted by periodic statements of the will of the trustees, would likely satisfy this requirement.

In either case, the trustees must approve the final version of the charter, whether articulated by a separate board under trustee guidance or by the trustees themselves. The Alaska Science and Technology Foundation provides a model that the trustees may find instructive.

Board Composition: An autonomous board would be composed of the principal north Pacific marine research agencies, the University of Alaska, University of Washington, Alaska Department of Fish and Game, and National Oceanic and Atmospheric Administration (Alaska Region). The board would also benefit from expertise in grant evaluation and administration, a logical source being the Alaska Science and Technology Foundation. Finally it would include a number of seats designated for one or more other marine research institutes, resource users, or community representatives.

³Memorandum of Agreement and Consent Decree, p. 10.

Endowment Life: The endowment will be established, beginning in December 1992, as a trust with a perpetual (or unspecified) existence or as a limited duration sinking fund which will spend itself out of existence by a time certain. An unlimited period of existence is preferable, at least until the duration of tangible effects of the spill has been defined. The time should be sufficient to allow full assessment of long-term damages and recovery and study of alternatives. This will inevitably stretch beyond the point at which damage is no longer measurable and past the day when the last check from Exxon is received.

The Department of Fish and Game's creation of the Frazer Lake sockeye salmon run and its subsequent failure about 20 years later demonstrates that the consequences of resource management initiatives may not be known for decades. Damage assessments to date "...suggest a prolonged, spill-related effect on the western Prince William Sound sea otter population."⁴ Since perhaps as many as half the sound's sea otters died from exposure to spill effluents, this is an understatement. Other species suffering heavy spill mortality, like the common murre, may require decades to recover.⁵

The full extent of injuries to other long-lived, low reproductive rate species such as the orca may not even reveal themselves for years. We do not yet know if anything can be done to help these and other species recover. It is certain that the spill, damage control, restoration, and habitat acquisition have altered and will continue to alter natural systems irreversibly. While these systems will eventually revive, they will not be the same systems they were during the pre-spill era.

Endowment Management: The foundation's operations and research grant program would be outlined in annual plans composed by its board and approved by the trustees. If the foundation's charter is explicit enough, it may not be necessary to compose and approve a new plan annually. Since the focus is long-term research, revising a multi-year program could be appropriate. Trustee approval of board plans would help fulfill previously noted MOA requirements that decisions be made by the trustees.

The endowment would be constructed from annual contributions on a schedule based on the total amount and the fund's structure (options include a perpetual trust or a sinking fund). I prefer the trust option. With the principal inviolate,

⁴Restoration Framework, p.23.

⁵Restoration Following the Exxon Valdez Oil Spill, pp. 43-45.

only annual earnings would be spent on administration, grants, and inflation proofing. \$75 million to \$100 million deposited into a perpetual trust would be sufficient to generate annual income supporting a meaningful grant program (see attached tables). "Front-loaded" contributions generate adequate operating income sooner, freeing the trustees from responsibility for administrative costs, and increasing the amount available for grants.

Financial management should be conservative, on the model of the Alaska Permanent Fund Corporation, the objects being to protect the principal from the effects of inflation and provide a predictable annual income stream.

The endowment should be set up outside of the U.S. District Court Registry Investment System (CRIS) where settlement funds currently are invested until the trustees draw upon them. CRIS regulations limiting investments to short-term U.S. Treasury securities make it impossible to earn returns adequate to fund a meaningful program. If the MOA is interpreted to require that funds be deposited in the CRIS, there is provision to change that.⁶ Establishing a separate endowment may require that the trustees obtain relief from U.S. Treasury regulations concerning the reversion of interest on "public funds" to the treasury.

Foundation Operations: Operations costs will be held to a minimum (target - approximately 4% to 5% of funds available annually) by utilizing existing agency resources as much as possible. A small staff will screen proposals and administer grants. The trustees may want to administer the foundation until annual income is sufficient to support operations, the board is appointed and the administrative apparatus is in place. Alternatively, a higher percentage of annual earnings could be devoted to operating costs until the endowment is generating adequate income. At that point, the expense ratio could be decreased to the target.

State law (AS 37.14.420) prohibits state trustees from agreeing to expenditures from the trust established in the MOA to "...a person or entity other than an agency of the state or federal government unless the expenditure is for administrative expenses of the trust" and is consistent with the state procurement code. As a consequence, the MOA may have to be modified as noted in the section on endowment management. Furthermore, research grants to entities other than state or federal agencies will likely have to be contracted through a state or federal agency (the usual practice with damage assessment and restoration projects now) rather than granted directly to the applicant.

⁶Memorandum of Agreement and Consent Decree, p. 10.

III. Research Grant Program

Purpose: To provide funding for marine ecosystem research, focussing on the food chain, (from the first link to the last) oceanographic systems, and their interrelationships. We must know, as best we can, the fundamental long-term implications of the oil spill for resource management, systematic levels and distribution of environmental and ecological constituents, and standing stocks of biota. The prime objective of each project would be to increase understanding of the structure and dynamics of marine ecosystems affected by the oil spill, including the responses of marine organisms and their interactions with the surrounding environment.⁷ Applicants will be expected to identify and use other applicable funding sources to complement foundation funding where possible.

Proposal Evaluation and Eligibility: While the trustees may choose to provide more specific direction in the foundation charter, there are three basic eligibility criteria:

- A proposal must demonstrate scientific merit and technical feasibility;
- The outcome of a proposal must advance management of injured marine resources or systems or the equivalent of such injured resources or systems;
- A legitimate link between the civil settlement requirements to restore, replace, enhance, rehabilitate, or acquire natural resources injured by the spill or their equivalents and the outcome of a proposal must be established.

Endowment funded research will monitor recovery and assess restoration alternatives. It will permit the identification of hitherto unknown "consequential injuries." The endowment will provide the tools to determine when "full ecological recovery has been achieved," as it is defined in the Restoration Framework.

The proposal review and evaluation process will be based on accepted practice for the sciences. The Alaska Science and Technology Foundation again provides a germane precedent. It will involve three components: 1) initial review by the foundation for purposes of cataloging proposals and identifying those which

⁷This statement of purpose is adopted in modified form from the U.S. Arctic Research Commission's 1991 Arctic Ocean/Bering Sea research goals.

obviously do not meet basic standards; 2) evaluation by relevant peer review committees; and 3) final recommendations/approval for funding by the foundation board. Depending upon the structure of the endowment, the board's decisions may then be forwarded to the trustee council for final concurrence.

Research work should not arbitrarily be limited to the area in which floating oil was detected or to the period of scheduled settlement payments. Since the spill, a learning process has begun. What we learn may suggest that the settlement framework must be modified or transcended.

When the spill occurred, we had only a very incomplete understanding of the status and interrelationships of the resources and habitats of Prince William Sound and the Gulf of Alaska. In restoring spill-injured species and systems to pre-spill conditions, there may be no alternative to conducting research in similar uninjured areas to develop a picture of pre-spill baseline conditions.

The settlement charge to enhance or acquire the equivalent of injured natural resources or reduced or lost services will naturally lead beyond spill boundaries. The resources and systems of Prince William Sound, the Gulf of Alaska, and the Bering Sea are not neatly divisible, but strongly interdependent in many ways.

- Winter atmospheric conditions in the sound, the gulf, and the southeastern Bering Sea are historically very similar and directly linked to salmon harvests, according to a recent hypothesis.⁸
- The oceanographic systems of the three bodies of water are not discrete. The dominant feature of Gulf of Alaska oceanography, the Alaska Current flows along the gulf coast, through Prince William Sound, and then straddles Kodiak Island.⁹ Eventually, some of this same water that carried spilled oil out of Prince William Sound streams through Unimak Pass and other passes into the Bering Sea.

The Subarctic Current system originates in the western Bering Sea. It flows along the Aleutians, then skirts the Gulf of Alaska until it nears the coast of British Columbia. There it bisects, the northern branch becoming one of the primary sources of the Alaska Current.

⁸"Salmonid Fisheries Oceanography of the Northeast Pacific," (Proposal to Washington SeaGrant).

⁹Pacific Salmon Life Histories, p. 72.

- Nor are biota of the three seas discrete. Four of the five salmon species spawning in Alaskan streams frequent both the Bering Sea and parts of the Gulf of Alaska fouled by the renegade cargo of the *Exxon Valdez*.¹⁰ Bristol Bay sockeye, for one, migrate along the south shore of the Alaska Peninsula, within the recorded range of the spill during their third year at sea on their way back to their home streams. Sockeye from Prince William Sound and the entire southern coast swim essentially the length and breadth of the Gulf of Alaska during their three year ocean odyssey.

Pink salmon, both immature and maturing, from southeast and gulf Alaska likewise traverse the entire gulf including the spill zone. So do western Alaska and other chum salmon stocks, in all probability. Central and southeastern bred chinook are thought to be common in the Bering Sea and Bering Sea chinook are found in the western gulf.

- A joint Japanese-U.S. longline survey released tagged sablefish along the continental slope from 1979 to 1987. Recoveries made during the same period show that fish released in various North Pacific Fishery Management Council (NPFMC) regulatory areas ranged widely throughout the Gulf of Alaska, Aleutians, and Bering Sea.¹¹ Table 1 shows recovery sites of tagged sablefish released in the NPFMC Central Gulf of Alaska (which corresponds closely to the *Exxon Valdez* spill area) and Bering Sea regulatory areas.

It appears tagged fish moved freely between the Gulf of Alaska and the Bering Sea. Sablefish from all over the Gulf of Alaska seem to frequent the spill area: over half the releases in the central gulf were recovered in other regulatory areas. Almost one fifth of the mature (large in the table) tagged fish released in the Bering Sea were recovered in the spill zone. It seems sablefish are highly and widely mobile throughout their lifespan. They do not appear to be homebodies, but to spend their lives moving throughout the gulf and Bering Sea. Fish spawned in oiled waters may spend their reproductive years in Bering Sea or Southeast waters. Sablefish are long-lived; thus injuries may not manifest themselves until many years and many miles separate them from the point of exposure to injury.

¹⁰Pacific Salmon Life Histories, pp. 79, 81, 190, 264, 267, and 336.

¹¹"Movement Dynamics of Tagged Sablefish in the Northeastern Pacific," in *Fisheries Research*, 1991, pp. 355-374.

Table 1
 Annual Sablefish Movement Estimates
 (Percentage by size of fish)

Release Area	Recovery Area				
	E. Gulf	C. Gulf	W. Gulf	Bering Sea	Aleutians
Small Fish					
C. Gulf	19.4	48.4	22.9	4.6	4.6
Bering Sea	1.0	7.3	16.1	71.0	4.7
Med. Fish					
C. Gulf	27.2	47.4	19.8	2.3	2.9
Bering Sea	2.9	16.5	24.6	49.4	6.6
Large Fish					
C. Gulf	46.8	42.3	7.3	1.1	1.7
Bering Sea	9.5	18.1	25.9	28.6	17.8

Source: Heifetz and Fujioka, 1991.

It is overly restrictive to take a map delineating known dispersion of *Exxon Valdez* oil and say that we will look no further than these shores and these waters and at no other than the flora and fauna that inhabit them full-time or begin their lives there. While the foundation's basic philosophy should be the pursuit of legitimate research without arbitrary geographic or temporal restriction, it will remain the burden of applicants to prove the connection between their proposals and settlement guidelines.

Individual/Institutional Eligibility: Any scientist or institution with appropriate credentials in marine research may apply for grants. Most grants will be directed to scientists and institutions in Alaska, in keeping with the spirit of the MOA guideline on natural resource restoration expenditures directing that damage recoveries be expended on resources in Alaska "unless the trustees unanimously

agree that spending funds outside of the state is necessary.¹² The board will develop criteria to ensure this, as well as the objective consideration of all proposals.

Research Coordination: The endowment board will coordinate the projects and programs it funds with those of other north Pacific marine research organizations to promote efficient use of limited research resources. The board will be responsible for ensuring that its research program is consistent with and complementary to other programs to the extent allowable under the MOA.

There are currently five major regulatory agencies, representing state, federal, and international governments, with varying and generally discrete jurisdictions within the area affected by the spill. Another nine entities, from the three levels of government, as well as academic and private non-profit institutions, conduct biological, harvest, or economic research within the spill area.¹³ These institutions pursue their overall missions and individual projects absent a comprehensive coordinating medium.

The *Exxon Valdez* Marine Sciences Endowment board, as proposed, will be well situated to coordinate its research programs with others in the north Pacific. The proposed membership includes both the major research institutions and their associations. Institutions and individuals seeking grants must include with their grant proposals a synopsis of all other current and planned research activities. The endowment board will use this information to construct a marine research needs assessment and comprehensive research plan to guide its funding decisions.

This research plan will be a vital tool in realizing a comprehensive, long-term restoration plan. Ongoing monitoring and assessment will be crucial to interpret and judge the progress and efficacy of restoration. A coordinated research plan will provide this vital element.

IV. Summary

This proposal represents something other than the typical proposal. It is broad and all-encompassing, rather than focussing on a single restoration project. It targets aspects of restoration that are of as great a value as many believe the

¹²Memorandum of Agreement and Consent Decree, p. 14.

¹³"North Pacific Fisheries Research Organizations," pp. 1 - 11.

State Senator Arliss Sturgulewski
August 24, 1992

preservation of habitat by acquisition to be. The trustees are working with a new sort of science (restoration ecology) in a unique situation (the aftermath of the *Exxon Valdez* oil spill). Ongoing injury assessment and collection of baseline data are imperative for informed management decisions into the future. Wise resource and habitat replacement, enhancement, and acquisition will require more information than we now have.

In all likelihood, the most productive means of restoration at our command will prove to be management of human uses of resources and habitats. Manipulation of affected resources may prove beneficial in some instances, but in many we will discover that we must let nature do its own healing. In any event, the existence of the *Exxon Valdez* Marine Sciences Endowment will ensure that informed choices can be made. Future benefits will include a broader understanding of how to cope with the next marine disaster off Alaska's shores.

The value and utility of knowledge will not end when settlement payments cease. The outcome of many of the projects and programs undertaken in the name of restoration will not be known for years afterward. The long-term must be our horizon and this proposal provides the means to take that approach.

State Senator Arliss Sturgulewski
October 28, 1992

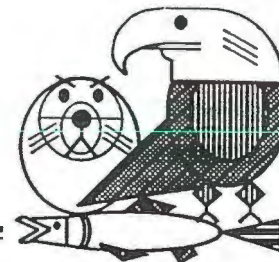
10. Charles E. Cole July 29, 1992
Attorney General
Alaska Department of Law
11. Dave Gibbons April 7, 1992
Interim Administrative Director
Exxon Valdez Oil Spill Restoration Team
12. Philip L. Johnson August 24, 1992
Executive Director
Arctic Research Commission
13. Michael A. Barton July 29, 1992; Sept. 17, 1992
Regional Forester
U.S. Forest Service
14. Jay Nelson Sept. 18, 1992
Representative Cliff Davidson's Office
15. Ray Hilborn October 14, 1992
Peer Reviewer, *Exxon Valdez* restoration
Professor
University of Washington/Fisheries Research Institute
16. A. H. Rebar, DVM, PhD October 16, 1992
Peer Reviewer, *Exxon Valdez* restoration
17. Richard M. Kocan, Ph.D. October 19, 1992
Peer Reviewer, *Exxon Valdez* restoration
University of Washington/College of Ocean and Fisheries Science
18. Craig O. Matkin October 20, 1992
Director
North Gulf Oceanic Society
19. Dave Garshelis October 20, 1992
Bear Project Leader
Minnesota Department of Natural Resources
Adjunct Professor of Wildlife Conservation
University of Minnesota
20. Donald B. Siniff October 21, 1992
Peer Reviewer, *Exxon Valdez* restoration
Professor
Ecology, Evolution and Behavior Department
University of Minnesota-Twin Cities

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



October 16, 1992

Dear Public Advisory Group Member:

Welcome to the *Exxon Valdez* Oil Spill (EVOS) Public Advisory Group (PAG).

The first meeting of the PAG is scheduled for 9:30 AM Thursday, October 29, 1992. The meeting will be held at 645 G Street, Anchorage. An agenda is enclosed, along with a substantial amount of background information. Please bring Volume I and any meeting-specific materials with you to the meeting. There is a need to brief PAG members on a variety of administrative and background items. A second meeting, if desired by the PAG members, can be scheduled later to review and discuss and make recommendations on the EVOS restoration program proposed for fiscal year 1993.

Enclosed are materials and instructions for making travel and accommodation arrangements. Please contact Ruth Dawson at 907/271-4962 for assistance or if you have questions.

I look forward to meeting you on the 29th.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas L. Mutter". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Douglas L. Mutter
Designated Federal Officer
U.S. Department of the Interior

enclosure

cc. Trustee Council

Meeting Announcement

- A. **MEETING:** Exxon Valdez Oil Spill Public Advisory Group (PAG)
- B. **DATE/TIME:** Thursday, October 29, 1992 @ 9:30 AM
- C. **LOCATION:** First floor conference room
645 G Street, Anchorage, AK
- D. **PURPOSE:**
1. Initial meeting of the PAG to organize and attend to administrative needs.
 2. Review the background and status of current restoration and related activities.

E. **AGENDA**

<u>Time</u>	<u>Topic</u>	<u>Person</u>
9:30	Call to order	Trustee Council Member
	--Opening remarks	
	--Introductions	
	--PAG member backgrounds	
	--Mission/charge to PAG	
	--PAG and TC discussion	
10:30	Break	
10:45	Administration/operations	Designated Federal Officer
	--Role of PAG	
	--Authorities & ethics	
	--Information/materials	
	--Travel/expenses	
11:45	Lunch break	
1:00	Background/program	Administrative Director
	--Brief history	
	--Court agreement	
	--Status of joint funds	
	--Public involvement	
2:00	Break	

2:15 Restoration activities Restoration Team

 --Restoration plan
 --Environmental impact statement
 --Habitat protection
 --1993 work plan
 --Oil spill symposium

4:15 Schedule next meeting

4:30 Public comment

5:00 ADJOURN

----- Tour of facilities

F. ATTACHMENTS:

1. Document Control Binder Volumes I & II
2. Materials for October 1992 meeting

TRAVEL INFORMATION

This travel/reimbursement information is for the Exxon Valdez Oil Spill Public Advisory Group. Reimbursements will be made in accordance with Federal travel regulations (FPMR 101-7). All travel must be approved in advance by the Designated Federal Officer using the form: Travel Authorization (DI-1020) (see Appendix). A copy of this form will be sent to Public Advisory Group members and the authorized travel agent prior to the date of travel.

Airline Tickets: Travel economy class by the most direct route. First class tickets will not be reimbursed unless first class is the only means available. Public Advisory Group members should make their own travel arrangements by calling the authorized travel agent at 800/770-2639. Request the government rate from vendors. Save the ticket stub/coupon.

Car Rental: Prior approval must be obtained for car rentals, if this is to be a reimbursable expense. Car rental is not encouraged since it is less expensive to use a taxi cab or shuttle bus. Save receipts.

Mileage: Authorized mileage for use of personal vehicles will be reimbursed at the rate of 25 cents per mile, but cannot exceed the cost of an airline ticket or other common carrier to the same destination.

Hotels: Members should make their own hotel reservations. Accommodations are usually available at government rates, if your request them. Save receipts.

Per Diem: The per diem rate (for lodging and meals and incidental expenses (M&IE)) varies by location and is subject to periodic change (see the following excerpt from the Civilian Personnel Per Diem Bulletin).

Reimbursement Process: Travel Vouchers (Standard Form 1012, in Appendix) requesting reimbursement of travel expenses will be prepared for Public Advisory Group members. Members will need to furnish:

--date and time travel commences and ends

--method(s) of travel

--for airline travel, the passenger coupon receipt remaining after travel has been completed

--receipts for lodgings and other reimbursable expenses over \$15.00

From the information and receipts furnished, the voucher will be completed and sent to the member for signature. A stamped, addressed envelope will be provided for returning the voucher for further processing. Any questions should be directed to Kathy Miller at 907/786-3467 or Ruth Dawson at 907/271-4962.

CIVILIAN PERSONNEL PER DIEM BULLETIN NUMBER 163

EFFECTIVE AUGUST 1, 1992

ISSUED BY:

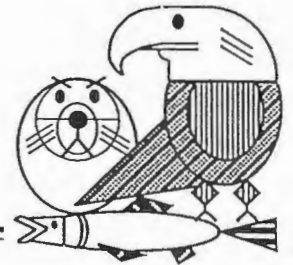
Per Diem, Travel and Transportation Allowance Committee
 Department of Defense
 Hoffman Building 1, Room 836
 2461 Eisenhower Avenue, Alexandria, Va 22331-1300

The following non-foreign locality rates are not set by the Department of State. They are being listed for convenience. Executive Order 12561, dated July 1, 1986, delegates to the Secretary of Defense the authority of the President in 5 U.S. Code 5702 (a) to set maximum per diem rates and actual expense reimbursement ceilings for Federal civilian personnel traveling on official business in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and possessions of the United States. When appropriate and in accordance with regulations issued by competent authority, lesser rates and ceilings may be prescribed.

LOCALITY	MAX. LODGING AMOUNT (A) +	M&IE RATE (B) =	MAX. PD RATE (C)	EFF. DATE	LOCALITY	MAX. LODGING AMOUNT (A) +	M&IE RATE (B) =	MAX. PD RATE (C)	EFF. DATE
ALASKA					ALASKA (Cont'd)				
Adak 5/	\$ 10	\$ 34	\$ 44	10-1-91	Kodiak	\$ 71	\$ 61	\$132	1-1-92
Anaktuvuk Pass	83	57	140	12-1-90	Kotzebue	125	72	197	1-1-92
Anchorage					Kuparuk Oilfield	75	52	127	12-1-90
(5/15 - 9/15)	174	71	245	5-1-92	Metlakatla	79	44	123	7-1-91
(9/16 - 5/14)	85	62	147	5-1-92	Murphy Dome				
Aniak	73	36	109	7-1-91	(5/15 - 9/15)	100	66	166	5-1-92
Atkasuk	129	86	215	12-1-90	(9/16 - 5/14)	66	63	129	5-1-92
Barrow	86	73	159	6-1-91	Nelson Lagoon	102	39	141	6-1-91
Bethel					Noatak	125	72	197	1-1-92
(5/1 - 9/30)	93	83	176	2-1-92	Nome				
10/1 - 4/30)	80	81	161	2-1-92	(5/15 - 9/15)	87	72	159	5-1-92
les	65	45	110	12-1-90	(9/16 - 5/14)	76	71	147	5-1-92
well	62	46	108	6-1-91	Noorvik	125	72	197	1-1-92
Cold Bay	71	54	125	12-1-90	Petersburg	72	64	136	5-1-92
Coldfoot	75	47	122	12-1-90	Point Hope	99	61	160	12-1-90
Cordova	83	77	160	2-1-92	Point Lay	106	73	179	12-1-90
Craig	67	35	102	7-1-91	Prudhoe Bay-Deadhorse	64	57	121	12-1-90
Dillingham	76	38	114	12-1-90	St. George	100	39	139	6-1-91
Dutch Harbor-Unalaska	113	67	180	5-1-92	St. Mary's	60	40	100	12-1-90
Eielson AFB					St. Paul Island	81	34	115	12-1-90
(5/15 - 9/15)	100	66	166	5-1-92	Sand Point	75	36	111	7-1-91
(9/16 - 5/14)	66	63	129	5-1-92	Seward				
Elmendorf AFB					(5/1 - 9/30)	107	53	160	1-1-92
(5/15 - 9/15)	174	71	245	5-1-92	(10/1 - 4/30)	61	48	109	1-1-92
(9/16 - 5/14)	85	62	147	5-1-92	Shungnak	125	72	197	1-1-92
Emmonak	60	40	100	6-1-91	Sitka-Mt. Edgecombe	72	69	141	1-1-92
Fairbanks					Skagway				
(5/15 - 9/15)	100	66	166	5-1-92	(5/14 - 10/14)	77	61	138	1-1-92
(9/16 - 5/14)	66	63	129	5-1-92	(10/15 - 5/13)	62	59	121	1-1-92
False Pass	80	37	117	6-1-91	Spruce Cape	71	61	132	1-1-92
Ft. Richardson					Tanana				
(5/15 - 9/15)	174	71	245	5-1-92	(5/15 - 9/15)	87	72	159	5-1-92
(9/16 - 5/14)	85	62	147	5-1-92	(9/16 - 5/14)	76	71	147	5-1-92
Ft. Wainwright					Tok	66	55	121	1-1-92
(5/15 - 9/15)	100	66	166	5-1-92	Umiat	97	63	160	12-1-90
(9/16 - 5/14)	66	63	129	5-1-92	Unakleet	58	47	105	12-1-90
Homer					Valdez				
(5/1 - 9/30)	71	60	131	1-1-92	(5/1 - 9/1)	98	53	151	1-1-92
(10/1 - 4/30)	57	58	115	1-1-92	(9/2 - 4/30)	84	51	135	1-1-92
Juneau					Wainwright	90	75	165	12-1-90
(5/1 - 10/1)	88	74	162	1-1-92	Walker Lake	82	54	136	12-1-90
(10/2 - 4/30)	75	73	148	1-1-92	Wrangell				
Katmai National Park	89	59	148	12-1-90	(5/14 - 10/14)	77	61	138	1-1-92
Kenai-Soldotna					(10/15 - 5/13)	62	59	121	1-1-92
(4/2 - 9/30)	94	68	162	1-1-92	Yakutat	70	40	110	12-1-90
(1/1 - 4/1)	69	66	135	1-1-92	Other 3/, 4/	63	47	110	7-1-91
ikan					AMERICAN SAMOA	85	47	132	12-1-91
(5/14 - 10/14)	77	61	138	1-1-92	GUAM	112	75	187	5-1-92
(10/15 - 5/13)	62	59	121	1-1-92	HAWAII				
King Salmon 3/	75	59	134	12-1-90	Hawaii, Island of				
Kiawock	75	36	111	7-1-91	Hilo	65	61	126	6-1-92
					Other	80	61	141	6-1-92
					Kauai, Island of	99	55	154	6-1-92



Exxon Valdez Oil Spill Restoration Team
645 "G" Street, Anchorage, AK 99501
Phone: (907) 278-8012 Fax: (907) 276-7178



TRUSTEE COUNCIL MEETING NOTES

January 19 - 20, 1993

By Dave R. Gibbons
Interim Administrative Director

Members Present:

Trustee Council

John Sandor (ADEC) ♦
Mike Barton (USFS)
Charlie Cole (ADOL)
Carl Rosier (ADF&G)
Steve Pennoyer (NMFS)
Curt McVee (USDOJ)

♦ Chair

Restoration Team

Dave Gibbons (IAD)
Mark Brodersen (ADEC)
Ken Rice (USFS)
Marty Rutherford (ADNR)
Jerome Montague (ADF&G)
Byron Morris (NOAA)
Pamela Bergmann (USDOJ)

1/19/93

1. Habitat Protection

APPROVED MOTION: Move to accept the Restoration Team recommendation (set B with 9C) of the threshold criteria on an interim basis.

APPROVED MOTION: Move to reword set B #3 of the threshold criteria to: The seller acknowledges that the government can not purchase the parcel or property rights in excess of fair market value.

APPROVED MOTION: Adopt the interim VALUATION/RANKING criteria recommended by the Restoration Team.

APPROVED MOTION: Approved the Resolution concerning Kachemak Bay (Enclosed).

2. Public Advisory Group

- a. Defer Kodiak Museum decision until 2/16 Trustee Council meeting where more detail is requested.

- b. Defer Chugach Resource Management Agency proposal until next Trustee Council meeting on 2/16.

1/20/93

APPROVED MOTION: The Administrative Director is to work with the Trust agencies and spill affected communities to utilize as much as practicable, local labor and equipment.

Discussion Items

- * Trustee Council wants to do restoration in 1994.
- * Discussion by Trustee Council and Restoration Team on 1994 Work Plan process in March.
- * Individual (federal) Trustee Council members should approach their legal council on need for EIS for the Restoration Plan.
- * Alaska Department of Environmental Conservation and United States Forest Service Restoration Team members develop a Prince William Sound Recreation project.
- * Restoration Team is to further review all PAG projects by the 2/16 TC meeting if possible.
- * A project action table concerning the 1993 Work Plan is enclosed.

APPROVED MOTION: If funds are needed to do additional work on project 93061, these funds can be taken from project 93064 after Trustee Council approval.

APPROVED MOTION: Restoration Team needs to review Public Advisory Group recommended projects as soon as possible (for 2/16 Trustee Council meeting if possible) and report back to Trustee Council.

APPROVED MOTION: Delete proposed expenditures for Public Advisory Group Public Hearings.

APPROVED MOTION: Approved 1st quarter (March 1 - May 31) Administrative Budget and, long-term contracting (i.e., CACI, Dr. Spies, EIS) for the period 3/1/93 - 9/30/93.

APPROVED MOTION: Charlie Cole and Mike Barton will represent the Trustee Council at the 2/2 Oil Spill Symposium.

Next Trustee Council meeting: 2/16 (thru 2/17 a.m. if required).

TABLE X Natural Resources: Summary of Results of Injury Assessment Studies Done After the Exxon Valdez Oil Spill

Resource	Description of Oil Spill Injury			Status of Recovery in December, 1992		Geographic Extent of Injury (a)				Comments/Discussion
	Initial Oil Spill Mortality (total mortality estimate)(b)	Measured Decline in Population after the spill	Evidence of Sublethal or Chronic Effects (c)	Current Population Status	Evidence of Continuing Sublethal or Chronic Effects	PWS	Kenai	Kodiak	Alaska Penin.	
MARINE MAMMALS										
Harbor Seals (d)	YES (345)	YES	YES	POSSIBLY STABLE, BUT NOT RECOVERING	NO	YES	YES (e)	UNKNOWN	UNKNOWN	Many seals were directly oiled. There was a measurable difference in populations between oiled and unoled areas in PWS in 1989 and 1990. Population was declining prior to the spill and recovery evident in 1992. Oil residues found in seal bile were 5 to 6 times higher in oiled areas than unoled areas in 1990.
Humpback Whales	NO	NO	NO	(f)	(f)	(f)	(f)	(f)	(f)	Other than fewer animals being observed in Knight Island Passage in summer 1989, which did not persist in 1990, the oil spill did not have a measurable impact on humpback whales.
Killer Whales	POSSIBLY (g)	POSSIBLY (g)	POSSIBLY (g)	RECOVERING	UNKNOWN	YES	UNKNOWN	UNKNOWN	UNKNOWN	13 whales of the 36 in AB pod are missing and presumed dead. Circumstantial evidence links whale disappearance to oiling. Several adult males have collapsed dorsal fins. Social disruption of family units has been observed. In AB pod, no new births were recorded in 1989 or 1990; one birth was recorded in 1991; and two births were recorded in 1992.

(a) There may have been an unequal distribution of injury within each region, see map for location of regions;

(b) Adjusted for carcasses not found, not reported, scavenged, or otherwise lost;

(c) Evidence of sublethal or chronic effects is defined as an observed physiological or behavioral change in an injured species;

(d) Population was declining prior to the spill;

(e) Based on recovery of dead animals from this region of the spill zone;

(f) If no injury was detected or known, no assessment of recovery could be made.

(g) "Possibly" was used if there was disagreement over the conclusions to be drawn from the results of the damage assessment studies.

Resource	Description of Oil Spill Injury			Status of Recovery in December, 1992		Geographic Extent of Injury (a)				Comments/Discussion
	Initial Oil Spill Mortality (total mortality estimate)(b)	Measured Decline in Population after the spill	Evidence of Sublethal or Chronic Effects (c)	Current Population Status	Evidence of Continuing Sublethal or Chronic Effects	PWS	Kenai	Kodiak	Alaska Penin.	
Sea Lions (d)	UNKNOWN	UNKNOWN	NO	CONTINUING DECLINE	(f)	(f)	(f)	(f)	(f)	Several sea lions were observed with oiled pelts and oil residues were found in some tissues in 1989. It was not possible to determine population effects or cause of death of carcasses recovered in 1989. Sea lion populations were declining prior to the oil spill.
Sea Otters	YES (3,500 TO 5,000)	YES	YES	STABLE, BUT NOT RECOVERING	YES	YES	YES	YES (e)	YES (e)	Post-spill surveys showed measurable difference in populations and survival between oiled and unoiled areas in 1989, 1990 and 1991. Survey data have not established a significant recovery. Carcasses of prime-age animals were found on beaches in 1989, 1990 and 1991. Proportions of prime-age carcasses found on beaches in 1992 is not significantly different from pre- or post-spill data. Sea otters feed in the lower intertidal and subtidal areas and may still be exposed to hydrocarbons in the environment.

- (a) There may have been an unequal distribution of injury within each region, see map for location of regions;
- (b) Adjusted for carcasses not found, not reported, scavenged, or otherwise lost;
- (c) Evidence of sublethal or chronic effects is defined as an observed physiological or behavioral change in an injured species;
- (d) Population was declining prior to the spill;
- (e) Based on recovery of dead animals from this region of the spill zone;
- (f) If no injury was detected or known, no assessment of recovery could be made.
- (g) "Possibly" was used if there was disagreement over the conclusions to be drawn from the results of the damage assessment studies.

Resource	Description of Oil Spill Injury			Status of Recovery in December, 1992		Geographic Extent of Injury (a)				Comments/Discussion
	Initial Oil Spill Mortality (total mortality estimate)(b)	Measured Decline in Population after the spill	Evidence of Sublethal or Chronic Effects (c)	Current Population Status	Evidence of Continuing Sublethal or Chronic Effects	PWS	Kenai	Kodiak	Alaska Penin.	
TERRESTRIAL MAMMALS										
Black Bear	NO	UNKNOWN	UNKNOWN	(f)	(f)	(f)	(f)	(f)	(f)	No field studies were completed.
Brown Bear	NO	NO	NO	(f)	(f)	(f)	(f)	(f)	(f)	Hydrocarbon exposure was documented on Alaska Peninsula in 1989 including high hydrocarbon levels in the bile of one dead yearling, although it is unknown if this was the cause of death. Brown bears feed in the intertidal zone and may still be exposed to hydrocarbons in the environment.
River Otters	YES (NUMBER UNKNOWN)	UNKNOWN	YES	UNKNOWN	YES	YES	UNKNOWN	UNKNOWN	UNKNOWN	Exposure to hydrocarbons and sub-lethal effects were determined, but no effects were established on population. Sub-lethal indicators of possible oil exposure remained in 1991. River otters feed in the intertidal and shallow subtidal areas and may be still be exposed to hydrocarbons in the environment.
Sitka Black-tailed Deer	NO	NO	NO	(f)	(f)	(f)	(f)	(f)	(f)	Elevated hydrocarbons were found in tissues in so deer in 1989 in PWS.

- (a) There may have been an unequal distribution of injury within each region, see map for location of regions;
- (b) Adjusted for carcasses not found, not reported, scavenged, or otherwise lost;
- (c) Evidence of sublethal or chronic effects is defined as an observed physiological or behavioral change in an injured species;
- (d) Population was declining prior to the spill;
- (e) Based on recovery of dead animals from this region of the spill zone;
- (f) If no injury was detected or known, no assessment of recovery could be made.
- (g) "Possibly" was used if there was disagreement over the conclusions to be drawn from the results of the damage assessment studies.

Resource	Description of Oil Spill Injury			Status of Recovery in December, 1992		Geographic Extent of Injury (a)				Comments/Discussion
	Initial Oil Spill Mortality (total mortality estimate)(b)	Measured Decline in Population after the spill	Evidence of Sublethal or Chronic Effects (c)	Current Population Status	Evidence of Continuing Sublethal or Chronic Effects	PWS	Kenai	Kodiak	Alaska Penin.	
BIRDS										
Bald Eagles	YES (more than 200 to 300)	POSSIBLY	YES	RECOVERED OR RECOVERING	UNKNOWN	YES	YES	YES (e)	YES(e)	Productivity in PWS was disrupted in 1989, but returned to normal in 1990. Exposure to hydrocarbons and some sub-lethal effects were found in 1989 and 1990, but no continuing effects were observed on populations. In 1989, 151 carcasses were recovered from beaches.
Black-legged Kittiwakes	YES (ESTIMATE UNKNOWN)	NO	NO	NO CHANGE	NO	YES	YES (e)	YES (e)	YES (e)	Total reproductive success in oiled and unoiled areas of PWS has declined since 1989. Hydrocarbon contaminated tissues were detected in 1989. Hydrocarbon contaminated stomach contents were detected in 1989 and 1990. This species is known for great natural variation and reproductive failure may be unrelated to the oil spill. In 1989, 1225 carcasses were recovered from beaches.
Black Oystercatchers	YES (ESTIMATE UNKNOWN)	YES	YES	RECOVERING	YES	YES	YES (e)	YES (e)	YES (e)	Differences in egg size between oiled and unoiled areas were found in 1989. Exposure to hydrocarbons and some sublethal effects were determined. Populations declined more in oiled areas than unoiled areas in post-spill surveys in 1989, 1990 and 1991. Black oystercatchers feed in the intertidal areas and may be still be exposed to hydrocarbons in the environment. In 1989, nine carcasses were recovered from beaches.

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(b) Adjusted for carcasses not found, not reported, scavenged, or otherwise lost;

(c) Evidence of sublethal or chronic effects is defined as an observed physiological or behavioral change in an injured species;

(d) Population was declining prior to the spill;

(e) Based on recovery of dead animals from this region of the spill zone;

(f) If no injury was detected or known, no assessment of recovery could be made.

(g) "Possibly" was used if there was disagreement over the conclusions to be drawn from the results of the damage assessment studies.

Resource	Description of Oil Spill Injury			Status of Recovery in December, 1992		Geographic Extent of Injury (a)				Comments/Discussion
	Initial Oil Spill Mortality (total mortality estimate)(b)	Measured Decline in Population after the spill	Evidence of Sublethal or Chronic Effects (c)	Current Population Status	Evidence of Continuing Sublethal or Chronic Effects	PWS	Kenai	Kodiak	Alaska Penin.	
Common Murres	YES (175,000 to 300,000)	YES	YES	DEGREE OF RECOVERY VARIES BY COLONY	YES	NO	YES	YES	YES	Measurable impacts on populations were recorded 1989, 1990 and 1991. Breeding was still inhibit in some colonies in the Gulf of Alaska in 1992. 1989, 10,428 carcasses were recovered from beach
Glaucous-winged gulls	YES (ESTIMATE UNKNOWN)	NOT DETECTED	NO	NO CHANGE	NO	YES (e)	YES (e)	YES (e)	YES (e)	While 555 dead birds were recovered in 1989, there is no evidence of a population level impact when compared to historic (1972, 1973) population levels.
Harlequin Ducks	YES (423)	YES	YES	STABLE OR CONTINUING DECLINE	YES	YES	YES (e)	YES (e)	YES (e)	Post-spill samples showed hydrocarbon contaminant and poor body conditions in 1989 and 1990. Survivors in 1990-1992 indicated population declines and a total reproductive failure. Harlequin ducks feed in the intertidal and shallow subtidal areas and may still be exposed to hydrocarbons in the environment. In 1989, 213 carcasses were recovered from beaches.
Marbled Murrelets (d)	YES (8,000 TO 12,000)	YES	UNKNOWN	STABLE OR CONTINUING DECLINE	UNKNOWN	YES	YES (e)	YES (e)	YES (e)	Measurable population effects were recorded in 1989, 1990 and 1991. Marbled murrelet populations were declining prior to the spill. In 1989, hydrocarbon contamination was found in livers of adult birds. In 1989, 612 carcasses were recovered from beaches.

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 (b) Adjusted for carcasses not found, not reported, scavenged, or otherwise lost;
 (c) Evidence of sublethal or chronic effects is defined as an observed physiological or behavioral change in an injured species;
 (d) Population was declining prior to the spill;
 (e) Based on recovery of dead animals from this region of the spill zone;
 (f) If no injury was detected or known, no assessment of recovery could be made.
 (g) "Possibly" was used if there was disagreement over the conclusions to be drawn from the results of the damage assessment studies.

Resource	Description of Oil Spill Injury			Status of Recovery in December, 1992		Geographic Extent of Injury (a)				Comments/Discussion
	Initial Oil Spill Mortality (total mortality estimate)(b)	Measured Decline in Population after the spill	Evidence of Sublethal or Chronic Effects (c)	Current Population Status	Evidence of Continuing Sublethal or Chronic Effects	PWS	Kenai	Kodiak	Alaska Penin.	
Peale's Peregrine Falcons	UNKNOWN	UNKNOWN	NO	(f)	(f)	(f)	(f)	(f)	(f)	When compared to 1985 surveys a reduction in population and lower than expected productivity measured in 1989 in the PWS. Cause of these changes are unknown. In 1989, two carcasses were recovered from beaches.
Pigeon Guillemots (d)	YES (1,500 TO 3,000)	YES	NO	STABLE OR CONTINUING DECLINE	UNKNOWN	YES	YES (e)	YES (e)	YES (e)	Pigeon guillemot populations were declining prior to the spill. In 1989, hydrocarbon contamination was found in birds and, externally, on eggs. In 1989, 614 carcasses were recovered from beaches.
Storm Petrels	YES (ESTIMATE UNKNOWN)	NO	UNKNOWN	NO CHANGE	UNKNOWN	YES (e)	YES (e)	YES (e)	YES (e)	Although 363 carcasses were recovered in 1989 an petrels ingested oil and transferred oil to their eggs, reproduction was normal in 1989.
Other Seabirds	YES (ESTIMATE UNKNOWN)	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN	YES (e)	YES (e)	YES (e)	YES (e)	Seabird recovery has not been studied. Species collected dead in 1989 include 216 common, 87 yellow-billed, 18 pacific, 5 red-throated loon; red-necked and 277 horned grebe; 426 northern fulmar; 360 sooty and 2,460 short-tailed shearwater; 38 double-crested, 418 pelagic, and red-faced cormorant; 8 herring and 33 mew gull; arctic and 1 Aleutian tern; 67 Kittlitz's and 31 ancient murrelet; 48 Cassin's, 5 least, 31 parakeet, and 141 rhinoceros auklet; and 139 horned and 361 tufted puffin.

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(b) Adjusted for carcasses not found, not reported, scavenged, or otherwise lost;

(c) Evidence of sublethal or chronic effects is defined as an observed physiological or behavioral change in an injured species;

(d) Population was declining prior to the spill;

(e) Based on recovery of dead animals from this region of the spill zone;

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(g) "Possibly" was used if there was disagreement over the conclusions to be drawn from the results of the damage assessment studies.

Resource	Description of Oil Spill Injury			Status of Recovery in December, 1992		Geographic Extent of Injury (a)				Comments/Discussion
	Initial Oil Spill Mortality (total mortality estimate)(b)	Measured Decline in Population after the spill	Evidence of Sublethal or Chronic Effects (c)	Current Population Status	Evidence of Continuing Sublethal or Chronic Effects	PWS	Kenai	Kodiak	Alaska Penin.	
Other Sea Ducks	YES (ESTIMATE UNKNOWN)	NO	UNKNOWN	UNKNOWN	UNKNOWN	YES	YES (e)	YES (e)	YES (e)	Species collected dead in 1989 include 4 Stellar's king and 17 common eider; 342 white-winged, 175 surf and 132 black scoter; 185 oldsquaw; 21 bufflehead; 6 common and 33 Barrow's goldeneye; 2 common and 33 red-breasted merganser. Sea ducks tend to feed in the intertidal and shallow subtidal areas which were most heavily impacted by oil.
Other Shorebirds	YES (ESTIMATE UNKNOWN)	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN	YES	YES (e)	YES (e)	YES (e)	Species collected dead in 1989 include 1 golden plover; 2 lesser yellowlegs; 1 semipalmated, 5 western, 4 least and 1 Baird's sandpiper; 3 surfbird; 1 short-billed dowitcher; 1 common snipe; 2 red and 7 red-necked phalarope.
Other Birds	YES (ESTIMATE UNKNOWN)	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN	YES (e)	YES (e)	YES (e)	YES (e)	Species collected dead in 1989 include 2 emperor and 1 Canada goose; 3 brant; 11 mallard; 4 northern pintail; 5 green-winged teal; 27 greater and 2 lesser scaup; 1 ruddy duck; 1 great blue heron; 1 long-tailed jaeger; 1 willow ptarmigan; 3 great-horned owl; 1 Steller's jay; 7 magpie; 18 common raven; 34 northwestern crow; 2 robin; 1 varied air 1 hermit thrush; 3 yellow warbler; 1 pine grosbeak; 1 savannah and 4 golden-crowned sparrow; 8 white-winged crossbill.

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Resource	Description of Oil Spill Injury			Status of Recovery in December, 1992		Geographic Extent of Injury (a)				Comments/Discussion
	Initial Oil Spill Mortality (total mortality estimate)(b)	Measured Decline in Population after the spill	Evidence of Sublethal or Chronic Effects (c)	Current Population Status	Evidence of Continuing Sublethal or Chronic Effects	PWS	Kenai	Kodiak	Alaska Penin.	
FISH										
Cutthroat Trout	YES	POSSIBLY (g)	YES	UNKNOWN	UNKNOWN	YES	UNKNOWN	UNKNOWN	UNKNOWN	Differences in survival and growth between anadromous adult populations in the oiled and unoiled areas persisted from 1989 to 1991 despite decrease in exposure indicators. This could be due to continuing injury to the food base.
Dolly Varden	YES	POSSIBLY (g)	YES	UNKNOWN	UNKNOWN	YES	UNKNOWN	UNKNOWN	UNKNOWN	Differences in survival between anadromous adult populations in the oiled and unoiled areas persisted from 1989 to 1991 despite a decrease in exposure indicators. This could be due to continuing injury to the food base.
Pacific Herring	YES, TO EGGS AND LARVAE	UNKNOWN	YES	UNKNOWN	NO	YES	UNKNOWN	UNKNOWN	UNKNOWN	Measurable difference in egg counts between oiled and unoiled areas were found in 1989 and 1990. Lethal and sublethal effects on eggs and larvae were evident in 1989 and to a lesser extent in 1990; in 1991 there were no differences between oiled and unoiled areas. It is possible that the 1989 year class was injured and could result in reduced recruitment to the adult population.

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Resource	Description of Oil Spill Injury			Status of Recovery in December, 1992		Geographic Extent of Injury (a)				Comments/Discussion
	Initial Oil Spill Mortality (total mortality estimate)(b)	Measured Decline in Population after the spill	Evidence of Sublethal or Chronic Effects (c)	Current Population Status	Evidence of Continuing Sublethal or Chronic Effects	PWS	Kenai	Kodiak	Alaska Penin.	
Pink Salmon (Wild) (d)	YES, TO EGGS	POSSIBLY (g)	YES	UNKNOWN	YES	YES	UNKNOWN	UNKNOWN	UNKNOWN	There was initial egg mortality in 1989. Egg mortality continued to be high in 1990 and 1991. Abnormal fry were observed in 1989. Reduced growth of juveniles was found in the marine environment 1989 and 1991, which correlates with reduced survival.
Rockfish	YES (ESTIMATE UNKNOWN)	UNKNOWN	YES	UNKNOWN	UNKNOWN	YES	YES	UNKNOWN	UNKNOWN	Twenty dead fish were found in 1989, but only a few were in condition to be analyzed. Exposure to hydrocarbons with some sub-lethal effects was determined in those fish, but the effects on the population was unknown. Closures to salmon fisheries increased fishing pressures on rockfish which may be impacting population.
Sockeye Salmon	UNKNOWN	YES	YES	SEE COMMENTS	YES	UNKNOWN	YES	YES	NO	Smolt survival continues to be poor in the Red Lake and Kenai River systems due to overescapements in Red Lake in 1989, and in the Kenai River in 1987 and 1988, 1989. As a result, adult returns are expected to be low in 1994 and successive years. Trophic structures of Kenai and Skilak Lakes have been altered by overescapement.

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Resource	Description of Oil Spill Injury			Status of Recovery in December, 1992		Geographic Extent of Injury (a)				Comments/Discussion
	Initial Oil Spill Mortality (total mortality estimate)(b)	Measured Decline in Population after the spill	Evidence of Sublethal or Chronic Effects (c)	Current Population Status	Evidence of Continuing Sublethal or Chronic Effects	PWS	Kenai	Kodiak	Alaska Penin.	
SHELLFISH										
Clam	YES (ESTIMATE UNKNOWN)	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN	YES	YES	YES	YES	Native littleneck and butter clams were impacted both oiling and clean-up, particularly high pressure, hot water washing. Additional data are still being evaluated.
Crab (Dungeness)	UNKNOWN	UNKNOWN	UNKNOWN	(f)	(f)	(f)	(f)	(f)	(f)	Insufficient data to determine injury.
Oyster	UNKNOWN	UNKNOWN	UNKNOWN	(f)	(f)	(f)	(f)	(f)	(f)	Although studies were initiated in 1989, they were not completed because they were determined to be limited value.
Sea Urchin	UNKNOWN	UNKNOWN	UNKNOWN	(f)	(f)	(f)	(f)	(f)	(f)	Studies limited to laboratory toxicity studies.
Shrimp	UNKNOWN	UNKNOWN	NO	(f)	(f)	(f)	(f)	(f)	(f)	No conclusive evidence presented for injury link to oil spill.

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Resource	Description of Oil Spill Injury			Status of Recovery in December, 1992		Geographic Extent of Injury (a)				Comments/Discussion
	Initial Oil Spill Mortality (total mortality estimate)(b)	Measured Decline in Population after the spill	Evidence of Sublethal or Chronic Effects (c)	Current Population Status	Evidence of Continuing Sublethal or Chronic Effects	PWS	Kenai	Kodiak	Alaska Penin.	
INTERTIDAL/SUBTIDAL COMMUNITIES										
Intertidal Organisms/Communities	YES	YES	YES	VARIABLE BY SPECIES	YES	YES	YES	YES	YES	Measurable impacts on populations of plants and animals were determined 1989 to 1992. The lower intertidal and, to some extent, the mid intertidal is recovering. Some species (e.g. Fucus) in the upper intertidal zone have not recovered, and oil persists in and under mussel beds. Intertidal organisms were impacted by both oiling and clean up, particularly high pressure, hot water washing
Subtidal Communities	YES	YES	YES	VARIABLE BY SPECIES	YES	YES	UNKNOWN	UNKNOWN	UNKNOWN	Measurable impacts on population of plants and animals were determined in 1989. Eel grass and some species of algae appear to be recovering. Amphipods in eel grass beds recovered to pre-spill densities in 1991. Leather stars and helmet crabs show little sign of recovery through 1991.

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TABLE XXX Other Natural Resources and Archaeology: Summary of Results of Injury Assessment Studies Done After the Exxon Valdez Oil Spill (b)

RPWG draft 2/8/93

Resource	Description of Injury	Status of Recovery in December, 1992	Geographic Extent of Injury (a)				Comments/Discussion
			PWS	Kennai	Kodiak	Alaska Penin.	
Air	Air quality standards for aromatic hydrocarbons were exceeded at the spill site. Health and safety standards for permissible exposure levels were exceeded up to 400 times.	Recovered	YES	UNKNOWN	UNKNOWN	UNKNOWN	Impacts diminished as oil weathered and lighter fractions evaporated.
h1 Sediments	Oil coated beaches and became buried in beach sediments. Oil laden sediments were transported off beaches and deposited on subtidal marine sediments.	Oil remains intertidally on rocks and beaches and buried beneath the surface at other beach locations. Oil concentrations have increased in subtidal marine sediments and have spread to greater depths (to 720 meters) over time.	YES	YES	YES	YES	Unweathered buried oil will persist for many years in protected low-energy sites in Prince William Sound.
Water	State of Alaska water quality standards were not exceeded in open sea conditions. In small bays and near shore, hydrocarbon concentrations may have exceeded the 10 micrograms per liter standard immediately after the spill. Federal oil discharge standards of no visible sheen were exceeded.	Recovered	YES	UNKNOWN	UNKNOWN	UNKNOWN	Impacts were patchy and transient during the early stages of the spill. Impacts diminished as oil weathered and lighter fractions evaporated.
Archaeologic sites/artifacts	Currently, 24 sites are known to have been adversely affected by oiling, clean-up activities, or looting and vandalism linked to the oil spill. 113 sites are estimated to have been similarly affected. Injuries attributed to looting and vandalism (linked to the oil spill) are still occurring.	Archaeological sites and artifacts cannot recover, they are finite non-renewable resources.	YES	YES	YES	YES	* Injury studies are not yet complete (January 1993).

(a) There may have been an unequal distribution of injury within each region, see map for location of regions;

(b) This page has not yet been reviewed by the Chief Scientist;

	Alternative 1 Natural Recovery	Alternative 2 Habitat Protection	Alternative 3 Limited Restoration	Alternative 4 Moderate Restoration	Alternative 5 Comprehensive Restoration
THEME	No action other than monitoring and normal agency management.	Protect injured resources and services from further degradation or disturbance.	Take highly effective actions to protect and restore injured services and resources whose population has declined. Maintain the existing character of the affected area.	Take highly effective actions to protect and restore all injured resources and services. Increase, to a limited extent, opportunities for human use in the affected area.	Take all effective actions to protect, restore, and enhance all injured resources and services. Increase opportunities for human use in the affected area.
VARIABLES					
Injuries Addressed	N/A	All injured resources and services.	Injured services and resources whose populations declined.	All injured resources and services.	All injured resources and services.
Status of Resource Recovery	N/A	Resources not recovered and resources recovered.	Resources not recovered.	Resources not recovered.	Resources not recovered and resources recovered.
Effectiveness of Restoration Actions	N/A	All effective habitat protection actions.	Only highly effective actions.	Only highly effective actions.	All effective actions.
Strategies for Public Use	N/A	Protect or increase existing use through habitat protection.	Protect existing use.	Protect or increase existing use.	Protect or increase existing use or encourage appropriate new use.

Monitoring and information programs are included in all alternatives.

Restoration actions may be undertaken for injured resources, services, or their equivalents in all alternatives.

Table ____ . Summary of Draft Restoration Plan Alternatives

COMPARISON OF ALTERNATIVES

Alternatives:	1	2	3	4	5
Administration	1%	4%	6%	7%	7%
Monitoring	5%	5%	7%	8%	10%
Other Restoration	--	--	7%	10%	22%
Other Restoration Reserve	--	--	7%	12%	14%
Habitat Protection	--	91%	73%	63%	47%
Uncommitted Balance	91%	--	--	--	--

Table _____. Comparison of Alternatives by Allocation of Cost

RESOLUTION OF THE
EXXON VALDEZ SETTLEMENT TRUSTEE COUNCIL

We, the undersigned, duly authorized members of the Exxon Valdez Settlement Trustee Council, after extensive review and after consideration of the views of the public, find as follows:

1. The Seldovia Native Association owns lands within Kachemak Bay State Park ("park inholdings"), consisting of approximately 23,802 acres and more particularly described in Attachment A. These inholdings were selected pursuant to the Alaska Native Claims Settlement Act. The timber rights for the inholdings are held by the Timber Trading Company and the subsurface rights by Cook Inlet Region, Inc. ("CIRI"). The subsurface rights held by CIRI are not entirely coextensive with the surface rights due to minor exchanges between the State and CIRI.

2. The park is within the oil spill affected area and the tidelands adjoining the park inholdings were oiled in 1989.

3. A substantial portion of the park inholdings are threatened with imminent clearcut logging. Permit applications are pending for the logging of 5900 acres. Additional acreage is also subject to the threat of logging. The majority of threatened lands are coastal lands surrounding China Poot and Neptune Bays with smaller parcels at the head of Sadie Cove. Logging may commence on these lands during the 1993 season.

4. The park inholdings provide exceptional services to recreational users. Much of the recreational use is concentrated on or adjacent to the park's near shore waters and tidelands including areas which were oiled in 1989. Activities include pleasure boating, sport fishing for silver, pink and sockeye salmon, winter king salmon fishing, recreational dipnetting, clam digging, shrimping, kayaking, crabbing, beachcombing, photography, hiking, mountain bike riding, and wildlife observation. Logging would further impact these services.

5. The park inholdings include important habitat for several species of wildlife for which significant injury has been documented. There is substantial evidence that the park inholdings at Neptune and China Poot Bays are particularly important marbled murrelet nesting areas. The extent to which marbled murrelets are naturally recovering is unknown. Harlequin ducks, a species which continues to suffer injury, nest and forage in the China Poot drainage. Logging would directly effect these activities and hence rehabilitation of these two species. Restoration of black oyster catchers and river otters, which use shore lines adjacent to uplands slated for logging, would be impacted by logging. Harbor seal haul outs, numerous archeological sites, anadromous fish streams and intertidal and subtidal biota are all found in

substantial quantity in the threatened areas and would be impacted. Sea otters in China Poot Bay may be impacted by the increased logging activity. A murre colony on Gull Island which is immediately offshore from the timber harvest area will likely be impacted by the increased disturbance that attends any logging operation. Murres and sea otters were injured by the oil spill and do not yet appear to be recovering.

6. Existing laws and regulations, including but not limited to the Alaska Forest Practices Act, the Clean Water Act, the Alaska Coastal Management Act, the Bald Eagle Protection Act and the Marine Mammals Protection Act, are intended, under normal circumstances, to protect resources from serious adverse affects from logging and other developmental activities. However, restoration, replacement and enhancement of resources injured by the EXXON VALDEZ oil spill present a unique situation. Without passing on the adequacy or inadequacy of existing law and regulation to protect resources, biologists, scientists and other resource specialists agree that, in their best professional judgment, protection of habitat in the spill affected area to levels above and beyond that provided by existing law and regulation will likely have a beneficial affect on recovery of injured resources and lost or diminished services.

7. There has been widespread public support for the acquisition of the park inholdings.

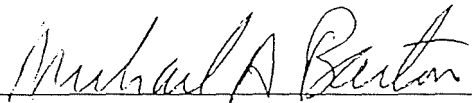
8. The purchase of the park inholdings is an appropriate means to restore injured resources and services in the Kachemak Bay region.

9. Approximately 7,500 acres of land, identified by an underlined marking on Attachment A, have been specifically identified as having both high natural resource or service values and as being immediately threatened with logging. This acreage has an estimated value of approximately \$7,500,000 to \$8,400,000.

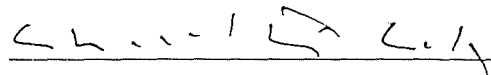
THEREFORE, we request the Attorney General of the State of Alaska and the Assistant Attorney General of the Environmental and Natural Resources Division of the United States Department of Justice to petition the United States District Court for the District of Alaska for withdrawal of the sum of \$7,500,000 from the EXXON VALDEZ Oil Spill Settlement Account ("Exxon Settlement Account") established in the Court Registry Investment System as a result of the governments' settlement with the Exxon companies. These funds shall be paid into the Alyeska Settlement Fund established by the State of Alaska as required in the Alyeska Settlement Agreement, and, together with the interest thereon, used to purchase fee simple title to the park inholdings. Title to the land shall be granted to the State of Alaska for inclusion of the lands in the Kachemak Bay State Park. The use of these funds is conditioned as follows: (1) the purchase must be completed by December 31, 1993; (2) the total purchase price may not exceed \$22,000,000; and (3)

the park inholdings must be purchased in fee simple title including all timber and all subsurface rights. If any of these conditions is not met the funds shall be returned, together with accrued interest, to the Exxon Settlement Account.

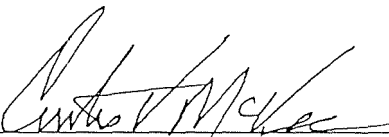
Dated this 11th Day of December, 1992 at Anchorage, Alaska.



MICHAEL A. BARTON
Regional Forester
Alaska Region
USDA Forest Service



CHARLES E. COLE
Attorney General
State of Alaska



CURTIS V. MCVEE
Special Assistant to the
Secretary
U.S. Department of the Interior



STEVEN PENNOYER
Director, Alaska Region
National Marine
Fisheries Service



CARL L. ROSIER
Commissioner
Alaska Department of
Fish and Game



JOHN A. SANDOR
Commissioner
Alaska Department of
Environmental Conservation

ATTACHMENT A

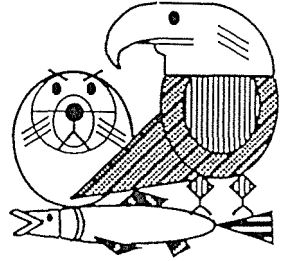
SNA LANDS TO BE ACQUIRED BY STATE

* All land described below is within Seward Meridian and is identified in BLM Interim Conveyances 139, 304, 372

<u>Parcel</u>	<u>Legal Description</u>	<u>Approximate Acreage</u>
1	Township 7 South, Range 12 West	
	A. Sec. 13 (fractional): W 1/2 NE 1/4 NW 1/4 NE 1/4, SE 1/4 NW 1/4 NE 1/4, W 1/2 NW 1/4 NE 1/4, S 1/2 NE 1/4 NW 1/4, S 1/2	575
	B. <u>Sections 22 (fractional): excluding Lot 1 of USS 3606</u>	370
	C. <u>Section 29: excluding USS 4738, ADL 41084-41085 located in NW 1/4 SW 1/4</u>	410
	D. <u>Section 30: excluding USS 3912, USS 3977 Tracts A, C, D, ASLS 76-114, ADL 41704, located in SW 1/4 SW 1/4</u>	408
	E. <u>Sections 19 (fractional), 20 (fractional), 21 (fractional), 23 (fractional), 24 (fractional), 25 (fractional), 27 (fractional), 28, 31, 32, 33, 34, 35: All</u>	6,049
	F. Section 27 (fractional), 26, 36: All	1,580
2	Township 8 South, Range 12 West	
	A. Sections 1, 2, 3, 4, 7, (fractional), 8 (fractional) 9, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 28: All	12,385
	B. Section 5 (fractional): excluding ADL 49431 located in the W 1/2 W 1/2 SW 1/4	615
	C. Section 6 (fractional): excluding ADL 48787 and ADL 49431 located in the E 1/2 SW 1/4; ADL 46149, ADL 46150, ADL 46151, ADL 46152, ADL 46153, and ADL 46650 located in the N 1/2, SE 1/4; and ADL 41043 located in the SW 1/4 NE 1/4 and NW 1/4 SE 1/4	300
	D. Section 16 (fractional): excluding ADL 46773 located in the SW 1/4 SW 1/4	615
	E. Section 21 (fractional): excluding ADL 47665 located in the SW 1/4 NW 1/4, ADL 41036 located in the N 1/2 SW 1/4, ADL 41300 located in the S 1/2 SW 1/4	495
	Cumulative Total	23,802

Exxon Valdez Oil Spill Trustee Council

645 G Street, Anchorage, Alaska 99501
Phone: (907) 278-8012 Fax: (907) 276-7178



February 3, 1993

TO: Trustee Council

FROM: Dave R. Gibbons *DRG*
Interim Administrative Director

SUBJECT: Prince William Sound Recreation

At the January 20, 1993 Trustee Council meeting, the Alaska Department of Environmental Conservation and U.S. Forest Service representatives to the Restoration Team were directed to develop, for the February 16 Trustee Council meeting, a proposal for implementing recreation restoration options identified for inclusion in the Draft Restoration Plan.

Enclosed is the Restoration Team's proposal for developing recreation project proposals for inclusion in the Draft 1994 Work Plan and beyond.

PRINCE WILLIAM SOUND RECREATION

INTRODUCTION

Prince William Sound, the site of the Exxon Valdez oil spill, is surrounded by the Chugach National Forest. There are seven Alaska State Marine Parks, six proposed marine parks and large tracks of private land, primarily in native ownership within the sound. Prince William Sound offers numerous recreation opportunities, ranging from ocean touring kayaks to large cruise ships. The western part of Prince William Sound lies within the congressionally designated Nellie Juan and College Fiord Wilderness Study Areas and is administered by the Forest Service for its wilderness values.

Both the Chugach National Forest Land Management Plan and the Prince William Sound Area Plan for State Lands emphasize recreation uses within Prince William Sound. Private landowners are also interested in developing recreation opportunities on their lands.

Immediately after the oil spill use by both commercial and non-commercial recreation use decreased. While there is no studies documenting continued reduced levels of recreation use, public perceptions remain that the area has been changed and some tour operators indicate their business has still not returned to pre-spill levels.

WHAT

A small group of recreation experts will be formed to work with the Restoration Team to provide advice and information to the Trustee Council on:

1. Development of an integrated approach for implementing restoration options for recreation in Prince William Sound.

There is an obvious conflict between user groups on the development of any recreation facilities or opportunities that has become apparent in reviewing public input into the development of recreation options for the Restoration Plan. Reaching consensus amongst user groups on appropriate projects and locations is central to this goal. A similar approach to dealing with recreation restoration options for the rest of the oil spill area may be appropriate at a later date.

2. Evaluate recreation management in the Sound to emphasize the world class recreation opportunities available which may include State and/or Federal special recreation designation.

Task 1 objectives:

1. Assemble and evaluate current information and public comment on the recreation opportunities in Prince William Sound.
2. Coordinate opportunities for recreation development with the various public and private land managers, recreation service providers and users in Prince William Sound and build consensus for implementing restoration options.
3. Develop integrated recreation project proposals for FY 1994 and beyond.

Task 2 objectives:

1. Identify the steps and/or procedures for state and federal special designations for any or all of Prince William Sound.
2. Develop goals and objectives for the long term management of Prince William Sound.

HOW

Recreation specialists and planners with site specific knowledge about Prince William Sound will review information collected on recreation as part of the Draft Restoration Plan and other sources. Working with landowners and commercial and non-commercial recreation user groups they will develop an implementation program for recreation restoration. Specific proposals for implementing the restoration options identified in the Draft Restoration Plan will be developed.

A major part of the work will be in developing a consensus amongst recreation users on the best way to implement restoration options. This will involve working directly with user groups. Some of the work will involve travel to local communities to get participation and agreement from the users.

Task 2 will consist of reviewing agency procedures to outline the steps for carrying out a special area designation for Prince William Sound, should the Trustee Council decide to implement this option.

ENVIRONMENTAL COMPLIANCE

This project is categorically exempt from formal documentation in an Environmental Assessment or Environmental Impact Statement under Forest Service regulations [FSH 1909.15 31.1a(3)].

WHEN

Task 1 will be completed in coordination with the 1994 Work Plan. Task 2 will be completed by September 30, 1993.

BUDGET (\$K)

	USFS	ADNR	TOTAL
Personnel	\$ 27.6	\$ 20.0	\$ 42.6
Travel	6.0	3.0	9.0
Contractual	4.0	2.0	0.0
Commodities	1.0	1.0	2.0
Equipment	0.0	0.0	0.0
Sub Total	\$ 38.6	\$ 26.0	\$ 53.6
General Admin	4.1	3.0	5.7
Project Total	\$ 42.7	\$ 29.3	\$ 71.0

Alaska Wilderness Recreation and Tourism Association

Board of Directors

Nancy Lethcoe
President
Alaskan Wilderness
Selling Safaris

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Eruk's Wilderness
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Alaska Discovery

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Recreation

Kirk Hoesle
Alaska Wildlands
Adventures

Bob Jacobs
St. Elias Alpine Guides

Karla Hurst
Alaska Rainforest Tours

Marck Baker
Alaska Mountaineering &
Hiking

February 3, 1993

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

Post-It™ brand fax transmittal memo 7871		# of pages *
To <i>Greg Patrick</i>	From <i>NANCY LETHCOE</i>	
Co. <i>Leg. Affairs</i>	Co. <i>AWRTA</i>	
Dept.	Phone # <i>835-4300</i>	
Fax # <i>486-8264</i>	Fax # <i>835-4386</i>	

Dear Mr. Gibbons:

The Alaska Wilderness Recreation and Tourism Association, a professional trade organization (501c(6)), supports the use of Exxon Valdez Restoration Funds to purchase imminently threatened lands in the Seal Bay area on the northeastern section of Afognak Island (all lands in T21S-R19W and R18).

*These areas are threatened with imminent logging by Afognak Joint Venture. It is our understanding that both the timber (Afognak Joint Venture, Seal Bay Timber Company, and Tonki Cape Land Company) and land owners (Old Harbor and Akhlok Kaguyak Native Associations) are willing sellers interested in discussing habitat acquisition with the EVOS Trustees (Tim Richardson, Letter to Trustees, November 15, 1992; Wilkens and Ebell, Letter to Barbara Mahoney, EVOS Trustee Council, January 8, 1993).

* Seal Bay was oiled by the spill (photographic documentation provided to Trustees by Afognak Wilderness Lodge). Services provided by the unspilled scenic quality of the shoreline were damaged as well as services provided by wildlife and fisheries resources injured by the spill. Habitat acquisition of the uplands would help to restore and replace lost services.

* These lands are of commercial value to the recreation and tourism industries for the habitat they provide to fisheries and wildlife resources. Their wildlife watching, hunting, and sportsfishing opportunities form the economic basis for tour operators, hunting guides, lodge owners, sports fishermen, bush flying services, outdoor outfitters, urban hotels, restaurants, gift shops, grocery stores, and recreational equipment stores to name a few of the businesses that benefit from the visits of our member's clients to the area.

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

p. 2

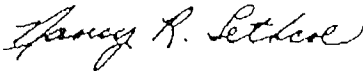
* The threatened lands contain important resources including 167 recently documented anadromous fish streams totalling approximately 35 miles which support the sportsfishing industry; brown bear habitat important to hunters and watchable wildlife visitors; and USFWS/ADF&G inventoried seabird colonies (3 located next to Seal Bay lands and 11 located adjacent to the Afognak Joint Venture lands) which are important destinations for bird watchers (Alaska Dept. of Fish and Game, *Habitat Areas*, Volume II, Sea Bird Colonies).

* According to the most recent information available from the Alaska Division of Tourism, Southwest Alaska including Kodiak visitors are 1) primarily independent and independent/package travellers, 2) they engage in more outdoor activities (canoeing/kayaking, hiking, wildlife viewing, bird watching, fishing) than visitors to other areas; 3) they are more satisfied with their experience, especially opportunities for watching wildlife than visitors to other areas; 4) they spend more time in the State than visitors to other areas, 5) they are three times more likely to return to Alaska for another vacation, and 6) are more likely to recommend an Alaskan vacation to others. (Division of Tourism, Alaska Visitor Statistics Program. *Patterns, Opinions, and Planning: Summer 1989*, pp. 118, 136, 158, 159). Clearly, the acquisition of privately owned wildlands for habitat protection will economically benefit the recreation and tourism industry as well as related industries. Since most tourism companies are small, Alaskan owned businesses who employ Alaskans living year-round in the State, there will be related benefits of economic diversity and community stability.

We would appreciate the acknowledgement of the receipt of this letter and an update of the restoration team's recommendations on lands proposed for acquisition. Please copy this letter to Trustee Council Members.

Thank you for all the work you have put into this project.

Sincerely,



Nancy R. Lethcoe

Rusher's Services

Rusher's Environmental 75
Oil Spill Clean-up

HC 33 BOX 2866
WASILLA, ALASKA 99687

Fax (907)373-6001
Office (907)376-9275

Feb. 10/1993

PUBLIC ADVISORY GROUP MEMBERS

I hope the PUBLIC ADVISORY GROUP will take the lead position on restoring the shorelines from twenty years of sub-surface oil.

A lead position could be the attention and consideration of this "PRIORITY PROJECT". Scientific data from 1989 and 1990 placement of Environmental-75 surface and sub-surface has shown beach worms are attracted to the controlled test sites in greater numbers and greater health than any other site on the shoreline. The beach worms are very important to the bird migration in the Prince William Sound. The worms a part of the food chain.

With strip application of Environmental-75, a natural restoration can occur by attracting worm movement to speed the rates of natural degradation of surface and subsurface contamination. In layman terms, worm movement would aerate the soil of the shorelines.

THE FUTURE IS WHAT WE DO NOW The opportunity to help a natural "AEMY" of workers to restore the shorelines of Alaska is at our disposal.

ENDORSEMENTS Largest corporation land owner CHUGACH ALASKA and the largest individual land owner ELLAMAR PROPERTIES both in the Prince William Sound.

TABLE OF CONTENTS: page 1 Introduction
page 2 Brief project proposal
page 3 Letter to Dave Gibbons Ref: to more information available if needed.
page 4 Funding project with duplication dollars.
page 5 Map Horseshoe Bay STATE MARINE PARK
Alaska has a State Marine Park at Horseshoe Bay that needs our help.

Sincerely,
Jerry D. Rusher
Jerry D. Rusher
Environmental Affairs

Rusher's Services

Rusher's Environmental 75
Oil Spill Clean-up

HC 33 BOX 2866
WASILLA, ALASKA 99687

Fax (907)373-6001
Office (907)376-9275

SHORELINE RESTORATION

TO: EXXON VALDEZ TRUSTEE COUNCIL

January 10/1992 meeting

Charles E. Cole
Alaska Attorney General

PRIORITY PROJECT: NATURAL PRODUCT NATURAL LIFE RESTORATION

In 1989 & 1990 scientific data has shown positive results in the application of Environmental 75 on the shorelines PRINCE WILLIAM SOUND EXXON VALDEZ OIL SPILL.

Environmental 75 is a natural non-toxic product.
(diatomaceous earth)

Scientific data has shown beach worms are attracted to the controlled test site in greater numbers and greater health than any other site on the shoreline.

Beach worms natural life in place on our shorelines right now are beneficial to the food chain of the PRINCE WILLIAM SOUND bird migration.

Test data shows that beach worms are natural life working to put oxygen into the subsurface and surface of our shorelines.

With strip application of Environmental 75 a natural clean-up can occur by attracting beach worm movement to speed the rates of natural degradation of subsurface and surface contamination.

RESULTS A CLEAN AND RESTORED ENVIRONMENT FOR ALL LIFE

This *NATURAL PRODUCT NATURAL LIFE RESTORATION* will help Mother Nature by 3 to 5 years and with the least amount of environmental damage to the biological and ecological system of the PRINCE WILLIAM SOUND AND THE GULF OF ALASKA.

****THE FUTURE IS WHAT WE DO NOW****

Jerry D. Rusher
Jerry D. Rusher
ENVIRONMENTAL AFFAIRS

Rusher's Services

Rusher's Environmental 76
Oil Spill Clean-up

HC 33 BOX 2866
WASILLA, ALASKA 99687

Fax (907)373-6001
Office (907)376-9275

February 12, 1992

EXXON VALDEZ TRUSTEE COUNCIL

Dave R. Gibbons, Ph. D.
Interm Administrative Director

Dear Mr. Gibbons

This letter is in response to your February 4 letter reference to proposals and that Rusher's Services could present proposals on the 5th or 6th of February. The proposal PRIORITY PROJECT was in the hands of the Trustee Council and hand delivered to you by John A. Sandor, Commissioner of the Alaska Department of Environmental Conservation on January 10, 1992.

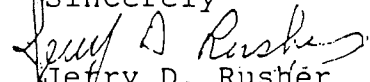
The proposal PRIORITY PROJECT ** NATURAL PRODUCT NATURAL LIFE RESTORATION ** was presented at the February 6th meeting and the Trustee Council asked for a copy to see if this proposal could be incorporated in the 1992 restoration plan.

Mr. Gibbons I have followed the request from you and the Trustee Council at this time I would Like to Know the present status of the proposal.

If additional information is needed for Chief Scientist review that information is available.

CC: Charles Cole EVTC
John Sandor EVTC
Carl Rosier EVTC
Mike Barton EVTC
Steve Pennoyer EVTC
Curt McVee EVTC

Sincerely


Jerry D. Rusher
Environmental Affairs

Rusher's Services

Rusher's Environmental 75
Oil Spill Clean-up

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TO EXXON VALDEZ TRUSTEE COUNCIL

FEBRUARY 10, 1992

PRIORITY PROJECT

** NATURAL PRODUCT NATURAL LIFE RESTORATION **

The most cost effective and budgetwise solution to the placement of this PRIORITY PROJECT on the 1992 budget is to use duplication dollars in the amount of \$1,071,850.00 that the council has in 13 projects at this time.

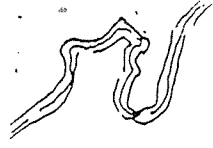
20 percent duplication:	CO ST1A	\$100,000.00		
	CO ST8	16,000.00		
	CO ST3B	49,000.00		
	PROJECT TOTAL	\$165,700.00	-20%	\$33,140.00
22 percent duplication:	103	\$500,000.00		
	103	200,000.00		
	PROJECT TOTAL	\$750,000.00	-22%	\$165,000.00
23 percent duplication:	ST1	\$950,000.00		
	ST8	175,000.00		
	ST4	160,000.00		
	TS1	150,000.00		
	ST1	800,000.00		
	PROJECT TOTAL	\$2,235,000.00	-23%	\$514,050.00
28 percent duplication:	R101	\$44,500.00		
	R101	540,000.00		
	R102	700,000.00		
	PROJECT TOTAL	\$1,284,500.00	-28%	\$359,660.00
THE TOTAL OF 13 PROJECTS		<u>\$4,435,200.00</u>		
THE TOTAL OF DUPLICATION OF 13 PROJECTS				<u>\$1,071,850.00</u>

THE OPPORTUNITY TO HELP A NATURAL ARMY OF WORKERS TO RESTORE THE SHORELINES OF ALASKA IS AT OUR DISPOSAL.

SINCERELY
Jerry Dale Rusher
JERRY DALE RUSHER
ENVIRONMENTAL AFFAIRS

additional funds for Project

Dollars used on obsolete samples



HUN

L A T O U C H E

26

HORSESHOE BAY STATE MARINE PARK BOUNDARY



OPP ApIn 309750

USS 7122

Tdl. Lsq Term. ATs 201408

M.S. 702

WR LAS 673
WR LAS 672

M.S. 970
20401

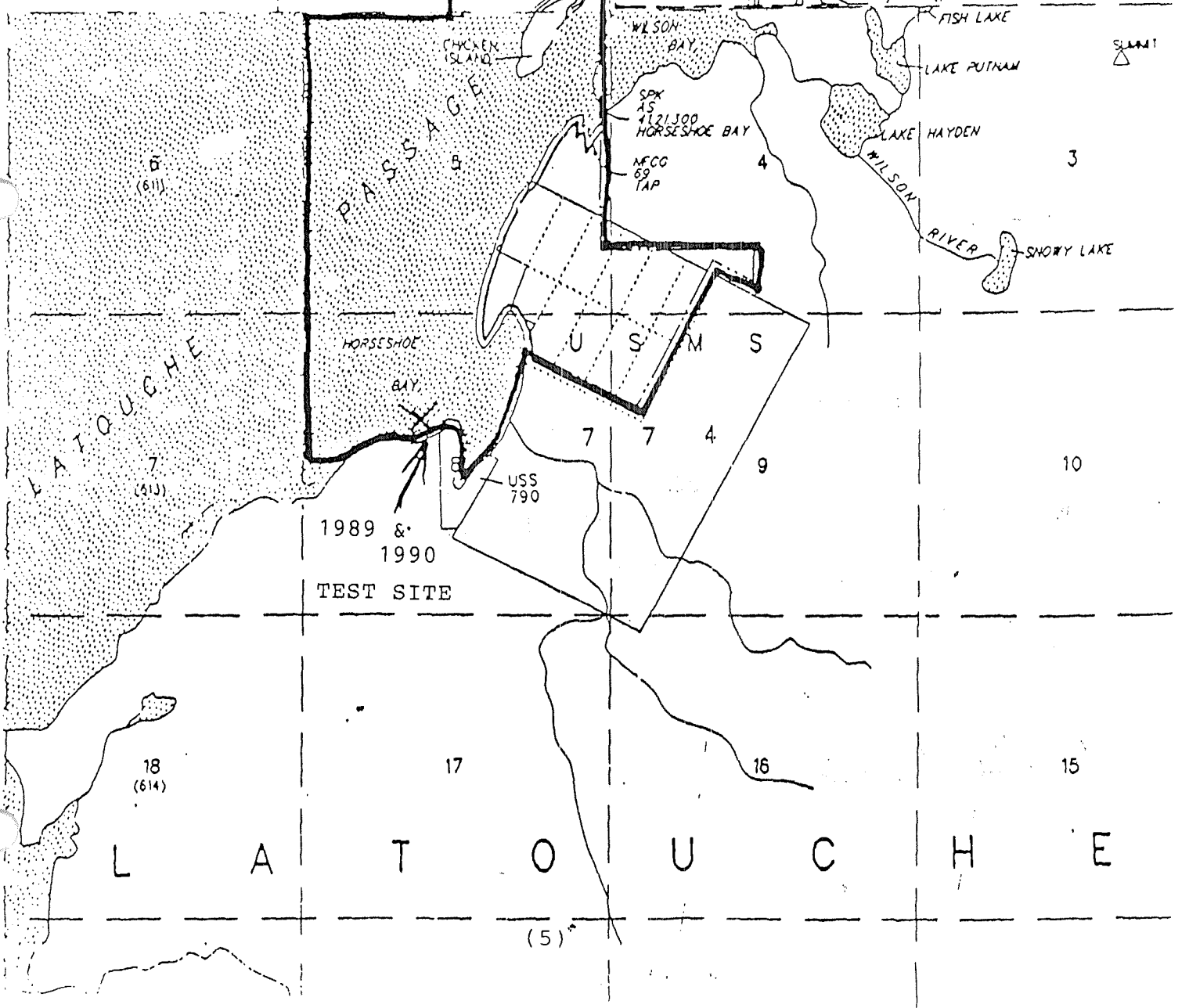
Fcl. # 27

CI-Com SC-79-026

USS 713

M.S. 884

M.S. 888



CHICKEN ISLAND

WILSON BAY

FISH LAKE

LAKE PUTNAM

SLURMIT

SPX 15
4121300
HORSESHOE BAY

MCCO 69
TAP

LAKE HAYDEN

WILSON RIVER

SNOWY LAKE

HORSESHOE BAY

U S M S

USS 790

1989 & 1990
TEST SITE

6
(611)

7
(613)

18
(614)

3

10

15

(5)

Meeting Announcement

A. MEETING: Exxon Valdez Oil Spill Public Advisory Group (PAG)

B. DATE/TIME: Friday, April 16, 1993 @ 10:00 A.M.

C. LOCATION: First floor conference room
645 G Street, Anchorage, Alaska

D. PURPOSE:

1. Review and make recommendations on the draft restoration plan alternative themes.
2. Review the status of other restoration activities.

E. AGENDA

<u>Time</u>	<u>Topic</u>	<u>Person</u>
10:00	Call to order/roll call	Brad Phillips, Chair
10:10	Approval of summary of February 10 information session	Brad Phillips, Chair
10:15	Approval of agenda	Brad Phillips, Chair
10:20	Report on the March 10 and 29 Trustee Council meetings	Dave Gibbons, Interim Administrative Director
10:30	Final PAG procedures and status of PAG Alternates	Doug Mutter, Designated Federal Officer
10:45	Status of the imminent threat habitat protection	Marty Rutherford, ADNR
11:10	Status of the 1994 Work Plan	Jerome Montague, ADF&G
11:30	Lunch break	
12:30	Restoration plan brochure	Sandy Rabinowitch, NPS
2:30	Break	
2:45	Continued review of restoration brochure	
3:30	Schedule next meeting	Brad Phillips, Chair
3:40	Public comment	
4:40	Adjourn	

F. ATTACHMENTS: information to be mailed later