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THE WILDERNESS SOCIETY

August 1, 1994

Exxon Valdez Trustee Council
Attn: EIS Comments
645 G Street, Suite 401
Anchorage, AK 99501-3451

Dear Trustee Council:

The Wilderness Society is pleased to provide comments on the proposed Restoration Plan draft environmental impact statement (EIS) for the Exxon Valdez oil spill. National interests are truly at stake because most oiled shorelines were within the boundaries of conservation units designated by the Alaska National Interest Lands Act and the Chugach National Forest. The public trust of all Americans in restoration of wilderness, wildlife, and the entire ecosystem must be upheld in the restoration plan.

To put it simply, the Trustees must buy more habitat to reach this goal. The Proposed Action is clearly unacceptable for upholding the public interest because it does not contain a sufficient goal for habitat acquisition funds. Since restoration planning began in 1990, we have advocated that the vast majority of the entire settlement fund be used for habitat acquisition because this will most effectively restore the ecosystem. The public provided overwhelming support for habitat acquisition in its response to the summary of alternatives "brochure," the most widely distributed scoping document for the restoration plan, and therefore, for this EIS.

We support alternative 2 because it provides the most funding for habitat acquisition, but believe it is flawed by a poor set of accompanying policies and an unrealistically low level of funding for a well-integrated ecosystem monitoring and research program (see Table 1 and below). We oppose alternatives 1, 3, 4, and 5 because they fail to give adequate priority for habitat acquisition which will most effectively restore the most ecosystem components, and provide too much emphasis on unjustified "general restoration". Furthermore, #5 needlessly dedicates 1/6 of the remaining funds to an undefined "restoration reserve" even though maximum flexibility is needed immediately for negotiations over habitat acquisition.

The Trustees must do more to restore the wilderness values of solitude and to prevent further degradation of the ecosystem from logging and other extractive activities than in the proposed action. Habitat acquisition will do more to protect the scenic ecosystem and quiet that visitors come to experience, and that Americans living in all parts of the country treasure, than any other actions. The plan needs to better cover non-market values, such as recreation, subsistence, and passive uses of wilderness. The EIS should

incorporate the results of A Contingent Valuation Study of Lost Passive Use Values Resulting from the Exxon Valdez Oil Spill which focused on the economic values of wilderness to the lower 48 public into its evaluation of plan alternatives. This survey found that 90% of Americans believed there should be more protection of lands where no development is allowed, i.e. wilderness.

Table 1. Policies that should be included in Preferred Alternative.

Issue	Policy Question
Injuries Addressed by Restoration Actions	Restoration actions may be considered for all injured resources and services. There does not have to be a population decline, but priority to species with such declines.
Restoration Actions for Recovered Resources	Continue restoration actions even after a resource has recovered, but priority to species with population declines.
Effectiveness of Restoration Actions	Enhancement and manipulations should be required to produce substantial improvement over natural recovery. High priority to actions that minimize further harm to an injured resource or service.
Location of Restoration Actions	Undertake restoration actions in the entire spill affected ecosystem. Allow actions outside the spill area for species with continuing population declines.
Opportunities for Human Use	No restoration actions to promote new human uses of the spill area, or to conduct activities that are regular agency functions for recreation, etc.

GENERAL COMMENTS

Key data has been ignored-- We are stunned that the Department of the Interior has failed to release its Congressionally-mandated study of Afognak Island and its habitat values for resources injured by the spill. Because this report was completed by the Fish & Wildlife Service over a year ago, we presume that its release has been suppressed. This report should be released prior to the released of the Final EIS on the Restoration Plan.

Flawed impact analysis-- The impact analysis is flawed due to its assumptions and lack of substantiation for benefits to the environment or negative impact. "General restoration" is assumed to have positive environmental impact, even in cases where the feasibility of techniques is unknown (such as planting Fucus) or where significant negative effects may result (such as from genetic damages or food competition resulting from hatchery fish stocks). Furthermore, "general restoration" gets more weight in the impact conclusions than does habitat protection even though such projects tend to be focused on single species unlike habitat protection which would benefit a broad array of species.

These flaws are obvious when comparing alternatives. For example, the EIS shows alternative #5 providing more benefit to wilderness values than alternatives #2 or #3 even though it includes projects to promote increased visitor use and construction of new facilities and #2 would provide protection of more habitat from clear-cut logging and other development activities. Another obvious example is marbled murrelets where a "high" benefit is shown for alternatives 2, 3, 4, and 5, even though #2 calls for the most funding for protecting habitat and nearly twice as much as #5. This is illogical when considering that "acquisition of old-growth forest habitat would have the highest possible benefit for enhancing marbled murrelet recovery."

Because of underlying assumptions, Alternative #5 unfairly favors actions for consumptive natural resources, such as fish, and fails to assure that adequate action will be taken to restore--or prevent further impacts--to already hard-hit declining species such as marbled murrelets, black-legged kittiwakes, or harbor seals. Actions that provide benefits to many species, or are critically important benefits to certain species, should be more important than those for which benefits are uncertain or are accompanied by negative consequences. For example, the analysis should favor actions should that sustain or enhance wild salmon stocks as opposed to hatchery-raised stocks.

Unacceptable definition of recovery for some species-- It is unacceptable to define recovery for any species at lower than pre-spill levels. If species were in decline before the spill, such as marbled murrelets, then it is even more important that recovery actions be taken that optimize recovery with the goal of achieving pre-spill levels. That the marbled murrelet, harlequin duck and other species which suffered major effects from the spill are in trouble not just in the spill region, but in fact throughout their range should increase the priority for taking actions that most effectively help them recover. It would be irresponsible for the government to pick some point on a declining chart to decide that enough action has been done for recovery of marbled murrelets or harlequin ducks, for example, if there is more habitat protection that could be undertaken to prevent further declines.

Consider species listed as Candidate II by the Endangered Species Act-- The EIS fails to

address issues related to the fact that these species are listed as Candidate II species on the List of Threatened and Endangered Species: harlequin duck, marbled murrelet, Kittlitz' murrelet, and Montague Island vole. Analysis of alternatives for impacts/benefits to these Candidate species should be provided. Furthermore, the plan needs to contain an additional policy to ensure that acquisition of high value habitats for marbled murrelets, and other declining species does indeed occur.

Opposition to endowments or "restoration reserve"-- There is no rationale in the EIS for how this "reserve" fund would improve restoration, or even how it would work or what it is. Therefore, the "reserve" should not be included as part of the proposed action because the public has had nothing substantive to comment on in the draft EIS. If the "restoration reserve" does go forward, it should be made clear that this could be used for any restoration purpose, including habitat acquisition.

We oppose endowments or the "reserve" due to the imminent need for maximum leeway in negotiations for habitat that must occur as soon as possible. We also believe that endowments for research are not needed to ensure that the Trustees make a commitment to a targeted, long-term ecological monitoring program.

Most "general restoration" is not justified-- We oppose virtually all enhancement and manipulation forms of restoration because there is little evidence that they would be effective, and these kinds of restoration generally address only one single species. We find the term "general restoration" misleading, and prefer use of the terms enhancement and manipulation as they are more descriptive as to what is really involved. For all alternatives, manipulation of resources should emphasize management that protects wild fish stocks and natural wildlife diversity and should avoid focusing on only single species. Enhancements should not compromise wilderness and recreational values.

Specifically, we oppose general restoration projects which are experimental or for which the feasibility is unknown: cleaning oiled mussel beds, the clam mariculture program, accelerated recovery of the upper intertidal zone. We generally oppose fishery manipulation or enhancement projects which would increase the number of hatchery-raised stock into the ecosystem and therefore interfere with wild stocks or other species such as birds, including new hatchery rearing, most lake fertilization or fish ladders, or projects which increase human structures in de-facto or designated wilderness in the region. We oppose predator control except on islands where human introduced (i.e. alien) predators (foxes or cattle) have wreaked havoc on nesting seabirds.

We support these "general restoration" projects: removal of non-native predators (i.e. alien foxes) on islands that previously supported murre colonies; to preserve and salvage archeological sites and the site stewardship program; testing of subsistence foods for contamination; and cooperative programs with subsistence users and fishermen, reduction of disturbance at marine mammal haulouts and bird nesting colonies (except that these may be programs already conducted in the course of normal agency functions, and therefore should not be priorities for restoration funding).

Better criteria for unsuitable projects are needed-- The EIS does an especially poor job of clarifying what won't be included in Alternative 5. The parameters for identifying what

kinds of projects are not eligible for Exxon Valdez funds must be more clearly laid out so that the Trustee Council does not spend lots of time evaluating proposals that are not suitable. The final EIS should include a list of projects which have been deemed unsuitable, and those that are of low priority, for EVOS restoration funding.

We oppose certain projects which have been proposed by the agencies for EVOS funds in the past: wetlands restoration on Montague Island, hazardous waste cleanups, second-growth forest enhancements, "in situ" oil test burns by Alaska Clean Seas or others, and cold water dispersant development. We also oppose using EVOS funds for baseline studies that are needed prior to federal OCS and state offshore oil leasing in areas such as Cook Inlet/Shelikof Strait or Yakataga; these are the normal agency responsibility of MMS as part of its on-going OCS program.

Funds should not go for promoting increased human uses-- We are shocked that this federal Administration is promoting expansion of human uses of the spill area, and even so-called "appropriate" new uses. We agree that the spill-affected ecosystem must be restored to the pre-spill level so that the existing human uses, particularly subsistence and wilderness-type recreational uses may resume. We oppose using spill settlement funds to create new recreation opportunities (facilities, cabins, trails, docks, airports, or other new access or supply means) as these are normal agency functions that should be scrutinized and considered under normal agency operations. In rare cases where an existing facility, such as a cabin, might have been destroyed or trashed out by oil spill cleanup activities, replacement is warranted, or if a new trail got started by cleanup workers, and fixing it is necessary to prevent further degradation of the environment by future visitors. If indeed there is now increased recreational demand since the spill, and this is the rationale for proposing new facilities, then it is contradictory to then promote new uses.

The projects listed under "promoting recreation use" are pure pork. New visitor centers are not needed, and if they are deemed necessary should be funded using normal agency funds. A marine environmental institute already exists in the spill region at Cordova; another is unnecessary. The EIS should address, however, specifically that the IMS Infrastructure Improvement Project (aka "Seward Sealife Center") has already been funded, and that a separate EIS is under preparation. To provide recreation information in Portage could be done at the existing visitor center without any additional funding. The Forest Service already has a "leave no trace" education program on the Kenai Peninsula in the Chugach National Forest, and distribution of other recreation information should be done using existing agency funds at existing visitor centers and contact points, and further marketing left up to the private sector.

More restoration for wilderness values is needed-- Designated Wilderness shorelines of Katmai National Park and Becharoff National Wildlife Refuge, proposed Wilderness in Chugach National Forest and Kenai Fjords National Park, and the spectacular defacto wilderness coasts of other national parks and wildlife refuges were harmed by the oil spill. We believe that an option should be added under "Designated Wilderness Areas": priority for habitat acquisition in the Nellie-Juan/College Fjords and other Wilderness Study areas. The EIS should explain that acquisition of fee-simple title to both surface and subsurface rights would allow federal designation as wilderness, and therefore is a benefit.

As well, the intrinsic values of solitude, quiet, and scenic values of the wilderness ecosystems, and the services these provide to visitors and the American public who may never visit them must be a larger part of the restoration plan, as was discussed earlier. A higher priority to habitat acquisition would best accomplish this goal.

We oppose removing more residual oil--especially under the pretext that this will improve the enjoyment of visitors, including the "perception" about its wilderness nature-- as there is no evidence in the EIS to suggest specific locations where this could still yield more positive benefits to the environment than would natural processes, and could likely produce more harm by disturbance or transferring contamination from one media (beach sediments) to another (water, subtidal, etc).

Habitat protection should be based on widely accepted ecological concepts-- Despite stating the policy that the "restoration program will take an ecosystem approach," there is little evidence of such an approach in the EIS. It is not enough to provide a chart ranking individual parcels that may be acquired for their values to individual species, or to evaluate impacts of the various alternatives solely on a species by species. The question that still must be answered is, how well does each alternative achieve the most restoration for sustaining the whole fabric of life sustained by the entire ecosystem--not just the pieces.

A new section should be added to the Restoration Plan to explain the scientific rationale for an ecosystem approach, and more specifics about how the Trustees intend to incorporate this into the on-going work.

Habitat protection and acquisition should generally occur on a broad scale in order to achieve settlement goals. As Trustees, you have the rare opportunity to protect still intact expanses of habitat used by a diversity of species and that support a range of services which were injured by the spill. Elsewhere, resource managers are left with crumb-sized pieces of habitat for designing nature reserves and from which to decide acquisition priorities. Here, we have the opportunity to apply our finite financial resources creatively and maximize habitat protection on an ecosystem-scale instead of simply biting off a few prime chunks.

In the spill-affected region, we are blessed with the opportunity to do more than just protect isolated pieces such as nesting sites or streamside buffers. Acquisition of especially rich sites is important, but the integrity of these areas cannot be maintained in isolation from the adjacent habitats, nor is their value independent of the quality of the larger watershed or ecosystem. It is well known that habitat loss causes population declines and can facilitate extinction by transforming large populations into smaller, more isolated ones through the process of habitat fragmentation. *Consensus exists among biologists that, all else being equal, continuous suitable habitat supports more individuals of a species targeted for conservation than does fragmented (discontinuous) habitat* (Thomas et al. 1990).

Certain concepts of conservation strategy widely accepted by specialists in the fields of ecology and conservation biology (Den Boer 1981, Harris 1984, Thomas et al. 1990, Wilcove et al. 1986) that are applicable to Exxon Valdez restoration include:

- "Bigger is better." Large blocks of habitat are better than small ones.

- Blocks of contiguous habitat are better than loose aggregations of fragmented blocks due to problems associated with fragmentation and edge effects including increased predation and susceptibility to blow-down, reduced wildlife dispersal and altered movements, erosion, and others.
- Protected habitats should be distributed across a species' complete geographic distribution.

Our priorities for acquisition are broad areas, including entire watersheds, in these areas:

- ◆ Shuyak Straits - Afognak Island (Afognak Joint Venture holdings) old-growth forest habitat located along the north part of the island adjacent to and east of the Kodiak National Wildlife Refuge unit on this island.
- ◆ Kenai Fjords National Park - All English Bay and Port Graham inholdings.
- ◆ Kodiak National Wildlife Refuge inholdings on Kodiak Island.
- ◆ Port Gravina / Orca Bay - Eyak Corporation inholdings in Chugach National Forest, including Orca Narrows/Nelson Bay, Sheep Bay, Simpson Lagoon.
- ◆ Port Fidalgo - On-going logging threatens densely forested habitat along sheltered bays near Valdez and Tatitlek.
- ◆ Knight Island Passage - Chenega Corporation inholdings in Chugach National Forest, including Knight Island and Jackpot/Eshamy.
- ◆ Port Chatham - This last stretch of intact forest habitat along the tip of the outer Kenai Peninsula coast, and adjacent to Kenai Fjords National Park, is threatened by logging.

SPECIFIC COMMENTS

Summary

The titles to the alternatives are confusing because "restoration" is both the over-arching goal of the entire project described by the EIS, and used as a term to describe enhancement and manipulation activities and certain types of research and monitoring. Therefore, it would be less confusing to call #3 "Limited Enhancement", and #4 "Moderate Enhancement".

Alternative 1-- We disagree that the negative effects from no action would be low to tourism and moderate to recreation, and believe they should be listed as major. Without using the majority of the EVOS funds on habitat acquisition, clearcut logging of old-growth forests will occur in some of the most heavily visited areas, or the most pristine defacto wilderness areas. Because the trees in these forests are hundreds of years old, the effects to visual aesthetics, as well as to wildlife habitats upon which many recreational activities depend (i.e. hunting, fishing, birdwatching) will be very long-term.

The effects from no action on Wilderness would also be major because of massive clearcut logging on the private lands, in addition to the reasons listed in the EIS.

The government has provided insufficient information to state that there may not be a major negative effect on marbled murrelets in the spill affected region if no action is taken. This species is a Candidate II species for the list of Threatened and Endangered Species under the Endangered Species Act. Because of continuing negative impacts on the population from chronic oil spills, logging, and fishing conflicts, it seems that the Trustees have no evidence that the species may not recover to pre-spill conditions, and therefore, we believe the EIS downplays the effects of no action for this species, especially compared with the description for pink salmon and others. CHECK

Despite all the emphasis on peer review, that this document contains in the summary the statement "however, recent insight on population recovery of common murre populations, based on 20-years of data from the Bering Sea, suggests that the population at the Barren Islands may recover within 20 years (Roseneau, pers.comm., 1994)." The rate of recovery of murre is of great scientific controversy, and it is premature to put such a statement, especially one based not on a peer-reviewed publication, but on verbal communication, in the summary. Furthermore, these statements contradict those in the description of affected environment (Ch. 3-15-16). And even if recovery was within 20-years, this would be many generations later and therefore, there would still be major long-term negative effects from no action. Because the Roseneau information so controversial, it should be deleted from the summary, and the description given in a way consistent with those for other species. Furthermore, murre were injured in areas besides the Barren Islands-- in fact many of the smaller colonies throughout the spill zone were not even systematically studied. Furthermore, murre are still among the most vulnerable species to effects of chronic on-going and future oil spills and other factors may contribute to the decline of the population.

Alternative 2-- Because this alternative would give the most protection to habitat through acquisition and other measures, it should also have included some actions beyond the area directly affected by the oil spill. Measures to restore the populations of seabirds affected by the spill, especially common murre, may be most effective in areas of Alaska beyond the areas hit by oil and may involve habitat acquisition or protection.

Furthermore, this alternative should not have as a policy to promote increased use of the spill area to greater than pre-spill levels. This is especially important for designated wilderness areas, and Wilderness Study areas.

We believe the benefits to Recreation and Tourism and Wilderness would be major over the long-term if a major program of habitat acquisition and protection if undertaken.

Alternative 3-- We find it ironic that this alternative calls for the most limited habitat protection or acquisition, but is the only one that does not mention a policy to increase existing human use of the spill area, but only seeks to protect the existing human uses.

Alternative 4-- The first policy under this alternative is written in such a way to bias the reader. Of course, the public wants the "most effective" actions to protect and restore resources. Prevention of further damage to the ecosystem is the most effective thing that may be done for injured resources, and it is ludicrous to imply otherwise with the terminology given under this alternative.

There is a contradiction in the evaluation of impacts. If it is seen as a moderate to high benefit to have increasing recreational use levels, then there must be a corresponding negative effect on wilderness values-- i.e. level of solitude, quiet, and pristine quality of an area. There could be more increases if permanent protection through wilderness designation were part of any of the alternatives, but this is not the case.

Alternative 5-- The summary gives an extremely misleading characterization of this alternative relative to the others for marbled murrelets. By underlining "highest," the statement at quick glance implies this alternative gives highest benefits, whereas, alternative 5 probably will provide the least benefits to marbled murrelets of all alternatives, except #1, because it will give the least funds for habitat acquisition. This statement should be changed to say there would be minor benefits to marbled murrelets, depending on the amount of old-growth forest habitat that is acquired.

It is extremely misleading to characterize the proposed action as one that would provide more wilderness benefits when it at the same time calls for many more intrusive activities such as hatchery stock introductions, other habitat manipulations, and actions that will increase many kinds of human activities in the areas, while offering no proposal for additional permanent protection of land. Furthermore, it is illogical that more types of general restoration are listed for this alternative than for #4, even though half as much money would be spent on them.

Summary - Chapter 4, Environmental Consequences-- Impact levels must address habitat factors, as well as changes in populations levels. Furthermore, quality of habitats, such as contamination levels should be addressed.

Table of Contents-- Appendices should be listed. Appendix E was not included in the document.

Ch.1-13 Although we believe it is reasonable for the Trustees to focus on the impacts to selected species where there was greater initial mortality, or better evidence of on-going damages, we do not believe that the other species should be completely ignored in this EIS.

Ch.1-13 Give the full name of the sea lion species; for birds list all species, not just major groupings such as loons. Perhaps in the "affected environment" section, or in an appendix, all of the species of organisms known to have been affected by the spill should be listed.

Ch.1-16 If certain specific actions, such as developing new facilities or employing habitat manipulation techniques may be in conflict with the Kodiak or Alaska Maritime Refuge plans, then the proposed action should exclude such restoration activities for this refuge. If such proposals are currently being advanced, this EIS should address them in a site specific way.

Ch.1-16 The specific activities which could be carried out on State land under the Area Plan for Prince William Sound that would conflict with the Restoration plan should be identified. It is not in the public interest to have one hand spending money to restore resources and services, while the other hand spends money fostering activities that would impact these same resources or services.

Ch.1-19 More information about the Regional Comprehensive Salmon Enhancement Plans should be provided in this EIS, especially concerning issues of increasing hatchery stock runs vs. other rehabilitation efforts, and the specific proposals currently on the books.

Ch.1-19 It is unclear that if no actions are proposed for certain species, like bald eagle, river otter, rockfish, or Dolly Varden, whether restoration projects could later be done that benefit the habitats these species depend on, or their populations, and whether these species may be used in deciding ranking of projects, including habitat acquisition. We disagree that cutthroat trout or Dolly Varden should have no actions proposed to benefit these species, and that the focus of restoration is on the services they provide. If the recovery of these species is

unknown, then why is it any more justified to do projects to address the services, than it is to help the species themselves. We believe that habitat protection best provides restoration for all of the above mentioned species, except rockfish.

Although bald eagle, black oystercatcher, and killer whale may be in the process of recovering, this is not an adequate reason that they should not be considered as components of the injured ecosystem for which recovery actions are sought, and therefore such species should be considered in project and habitat acquisition ranking criteria. Furthermore, the choice to not analyze subtidal resources--even if there is nothing humans can do to foster recovery or prevent further degradation of such habitats--unnecessarily downplays this critical part of the damaged ecosystem. And there could be other actions proposed for intertidal resources, such as giving closer scrutiny to dredge or fill activities which will cause future loss or degradation of such habitats.

Ch.2-4 This section should also include the Fish & Wildlife Service's responsibilities under the Migratory Bird Treaty Act, the Endangered Species Act (for candidate species), and the Fish & Wildlife Coordination Act.

Ch.2-9 "Predator control" should specify that this is only of introduced, alien predators on islands.

Ch.2-13,14 It doesn't make sense that alternative 5 calls for at most half the amount of funds to be spent on general restoration as alternative 4, but contains an even longer list of possible projects.

Ch.2-14 The restoration reserve needs to be better described. Where would the funds be placed. How much interest would be expected? What projects could these funds be used for? What are the fiscal and environmental advantages and disadvantages of such as reserve.

Ch.2-19 This chart should list "very high" benefits to marbled murrelet for alternative 2.

Ch.2-21 The table of definitions of impact levels should include degree of protection to critical habitats used by species--especially for birds--in addition to enhancing measurable levels of populations, productivity or sub-lethal injuries.

Ch.2-22 The definitions of impact levels for wilderness need to be modified so that they also include impacts to degree of solitude and quiet, absence of permanent human activity, and intact, natural qualities of the ecosystem. The "perception" of injury to the wilderness qualities from the oil spill was not only due to the oiling itself, but also the intrusion of massive numbers of people, vehicles, machinery. Especially because the Proposed Action calls for promotion of increased human uses of the spill area, this EIS must address all types of wilderness impacts, not just the ones which allow this EIS skew or hide the negative impacts of the Action.

Ch.3-6 Maps should be included in this EIS which show boundaries of the Chugach National Forest (including the Nellie Juan Wilderness Study area), National Wildlife Refuges, National Parks, State Parks and Refuges, and outlines of designated federal wilderness areas so that the public can better understand how the plan will address the values of the public lands.

Ch.3-6 Maps should be provided that show the distribution of various terrestrial habitats, especially old-growth forest, and the location of already logged areas. This will help the reader assess the alternatives and impacts of the proposed action.

Ch.3-8 Maps showing the locations of 60 oiled mussel beds should be provided so that a reader may consider the type of activities that may be carried out there with other values, such as designated wilderness shorelines, bird habitats, subsistence use areas, etc.

Ch.3-11 Harlequin duck section should include that this species is a Candidate II species for list of threatened and endangered species under the Endangered Species Act.

Ch.3-10 The date and nature of "written communications" should be listed in the references. It should be explained if these are initial results of Trustee funded work, who their work is conducted for if it is not the Trustee Council.

Ch.3-12 A better description of the "timbered areas" adjacent to streams used by harlequin ducks for nesting should be given, including whether it is old-growth, and the type of stands.

Ch.3-18 The section on marbled murrelets should include references to studies showing that this species is among the most closely linked for nesting to old-growth forest habitat of any in the Pacific Northwest and California, and that it is listed as threatened in the lower 48 part of its range. Furthermore, evidence of the effects of logging of its nesting habitat, oil spills, and the effects of fishing elsewhere in its range, as well as whatever information exists for the spill region, should be included in this description of its status.

Ch.3-23 The terrestrial habitats surrounding Dolly Varden and Cutthroat trout spawning streams should also be described.

Ch.3-25 The paragraph on the authorization of the Trans-Alaska Pipeline should include specifics on what provisions of NEPA were waived, and description of the lawsuits. That there were major concerns over impacts from the Valdez marine terminal, including risks of oil spills and tanker collisions due to icebergs, should be included.

Ch.3-50 The economics should also be shown for the EVOS area without Anchorage included. An economic model that is not able to account for economic activity related to subsistence activities is inappropriate for use in the EIS. As well, more specific work on the economics of recreation should be done.

Ch.4-2 The description of an ecosystem approach should also discuss that proposed actions will be taken throughout the geographical region of the oil spill.

Ch.4-4 How can 1990-- a post-spill year-- be used as an economic baseline?

Ch.4-18 Delete speculative, and controversial, information about 20-year recovery time for murrelets in the Barren Islands which is based on a personal communication.

Ch.4-19 Provide quantitative information on the acreage of forest habitat that has been logged since the oil spill, and the total in the oil spill region to date. Evidence of marbled murrelet nesting on Montague Island (available from the Fish & Wildlife Service) should be included in this section. The conclusions regarding projected logging underplay the negative effects of no action on this species.

Ch.4-27 The conclusions statement about long-term effects to wilderness should also mention the high degree of negative impacts from extractive activities that would occur without the proposed action.

Ch.4-49 A more complete description of the process "cleaning" mussel beds should be included. Would the mussels be lifted using handtools or heavy machinery? What would be done with the contaminated sediments, and how much oil might be released into the water, and therefore into the intertidal and subtidal zone? Would this be more oil than is currently entering the food chain? Could the action be taken at a time that would not disturb nesting birds or hauled out marine mammals? We are concerned about this source of continuing contamination of the food chain, but would not support proposals to clean mussel beds without more information and a better assessment that it would not result in further impact to the ecosystem.

Ch.4-55 We support acquisition of Gull Island as part of the Alaska Maritime National Wildlife Refuge.

Ch.4-56 We oppose predator control programs except in circumstances on islands where introduced (i.e. alien) predators have had major effects on nesting productivity.

Ch.4-57 Typographical mistakes refer to pigeon guillemots in the section on marbled murrelets. Greater analysis of the best opportunities to protect threatened marbled murrelet nesting habitat should be included. Data from the Congressionally-mandated studies on Afognak Island, and from the on-going studies of the characteristics of nesting habitat should be included here.

Table A-1 Does this ranking include results from the Congressionally-mandated study of Afognak Island and other areas?

Ch.4-59,60 This section on general restoration should document the substantial evidence from the lower 48 that there may be major adverse impacts from some of these activities, especially hatchery rearing. Furthermore, the possible negative effects to bird forage fish from producing more hatchery-raised fish should not just be buried in the assumptions at the beginning of this chapter, but should also be listed in the conclusions.

Ch.4-69 We do not believe there would be increased benefits to wilderness values for there to be "marketing" or more public information campaigns about how residual oils were removed. We do not support removal of residual oil in beaches if the Trustees main purpose is to increase the public's perception of the wilderness-- this is an insult. We far prefer to see funds spend on actions resulting in real evidence on the ground, for example, protecting wilderness values from future degradation by preventing clearcutting or other extractive uses.

Ch.4-107 Even though the small parcel analysis is still being developed, maps showing the locations of these small parcels, and general descriptions of their ownership and the past, present, and potential uses should be given in this EIS.

Ch.4-109 We oppose a clam mariculture program that would target new areas of the intertidal zone because on the negative effects. We do not believe the Trustees should dedicate more funds to experimental projects such as seeding/planting Fucus for which feasibility is unknown.

Ch.4-146 The proposed MMS lease sale at Yakataga should also be included in this analysis because oil spills could affect the resources and ecosystem where restoration is planned. Unless the State does not plan on offering any more offshore lease sales in Cook Inlet, these should be listed under cumulative effects because tanker shipping and oil spills could impact the resources for which restoration is being undertaken. Future oil spills from tankers calling at the Trans-Alaska Pipeline terminal at Valdez should also be included in this analysis. The IMS Infrastructure Improvement Project at Seward should also be specifically included here. The construction of new docks at villages, and log dump facilities that would occur under most alternatives should be added.

Ch.4-155 It is illogical to say that the greatly increased number of tourists, recreational users, and industrial traffic would not have a cumulative effect on wilderness. Clearly, there would be reduced opportunities for solitude and quiet, a reduction in the number of areas where the presence of humans was not a permanent mark on the landscape, and a long-term degradation of the pristine, natural qualities of the landscape. Admit it!

Appendix D- Economic Analysis-- The IMPLAN economic model fails to address critical economic values, especially the non-market values of recreation and subsistence. Studies have shown that these non-market values can be substantial and have a direct contribution to personal economic resources. Because the IMPLAN model requires a significant number of simplifying assumptions, these should be identified in the EIS. Additionally, passive use economic values derived from contingent valuation studies should be added to the analysis. The extensive information compiled for the MMS has through economic studies for the spill-affected region should be included in the EIS.

The Wilderness Society has actively participated in the restoration process, since the settlement was signed, on behalf of our members and the interests of the public throughout the nation. We are a national membership organization devoted to preserving wilderness and wildlife, protecting America's prime forests, parks, rivers, and shorelands, and fostering an American land ethic. The non-profit organization has 280,000 members nationwide, nearly 1,400 of whom live in Alaska and many who reside along or use the shorelines of areas affected by the spill. We appreciate this opportunity to comment and look forward to continued involvement in the Restoration Process.

Sincerely,



Pamela A. Miller

Alaska Program Director



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Washington, D.C. 20006-2596



Exxon Valdez Trustee Council
Attn: EIS Comments
645 G Street, Suite 401
Anchorage AK 99501-3451

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TRUSTEE COUNCIL

THE WILDERNESS SOCIETY
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THE WILDERNESS SOCIETY

August 1, 1994

Exxon Valdez Trustee Council
Attn: EIS Comments
645 G Street, Suite 401
Anchorage, AK 99501-3451

Dear Trustee Council:

The Wilderness Society is pleased to provide comments on the proposed Restoration Plan draft environmental impact statement (EIS) for the Exxon Valdez oil spill. National interests are truly at stake because most oiled shorelines were within the boundaries of conservation units designated by the Alaska National Interest Lands Act and the Chugach National Forest. The public trust of all Americans in restoration of wilderness, wildlife, and the entire ecosystem must be upheld in the restoration plan.

To put it simply, the Trustees must buy more habitat to reach this goal. The Proposed Action is clearly unacceptable for upholding the public interest because it does not contain a sufficient goal for habitat acquisition funds. Since restoration planning began in 1990, we have advocated that the vast majority of the entire settlement fund be used for habitat acquisition because this will most effectively restore the ecosystem. The public provided overwhelming support for habitat acquisition in its response to the summary of alternatives "brochure," the most widely distributed scoping document for the restoration plan, and therefore, for this EIS.

We support alternative 2 because it provides the most funding for habitat acquisition, but believe it is flawed by a poor set of accompanying policies and an unrealistically low level of funding for a well-integrated ecosystem monitoring and research program (see Table 1 and below). We oppose alternatives 1, 3, 4, and 5 because they fail to give adequate priority for habitat acquisition which will most effectively restore the most ecosystem components, and provide too much emphasis on unjustified "general restoration". Furthermore, #5 needlessly dedicates 1/6 of the remaining funds to an undefined "restoration reserve" even though maximum flexibility is needed immediately for negotiations over habitat acquisition.

The Trustees must do more to restore the wilderness values of solitude and to prevent further degradation of the ecosystem from logging and other extractive activities than in the proposed action. Habitat acquisition will do more to protect the scenic ecosystem and quiet that visitors come to experience, and that Americans living in all parts of the country treasure, than any other actions. The plan needs to better cover non-market values, such as recreation, subsistence, and passive uses of wilderness. The EIS should

incorporate the results of A Contingent Valuation Study of Lost Passive Use Values Resulting from the Exxon Valdez Oil Spill which focused on the economic values of wilderness to the lower 48 public into its evaluation of plan alternatives. This survey found that 90% of Americans believed there should be more protection of lands where no development is allowed, i.e. wilderness.

Table 1. Policies that should be included in Preferred Alternative.

Issue	Policy Question
Injuries Addressed by Restoration Actions	Restoration actions may be considered for all injured resources and services. There does not have to be a population decline, but priority to species with such declines.
Restoration Actions for Recovered Resources	Continue restoration actions even after a resource has recovered, but priority to species with population declines.
Effectiveness of Restoration Actions	Enhancement and manipulations should be required to produce substantial improvement over natural recovery. High priority to actions that minimize further harm to an injured resource or service.
Location of Restoration Actions	Undertake restoration actions in the entire spill affected ecosystem. Allow actions outside the spill area for species with continuing population declines.
Opportunities for Human Use	No restoration actions to promote new human uses of the spill area, or to conduct activities that are regular agency functions for recreation, etc.

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GENERAL COMMENTS

Key data has been ignored-- We are stunned that the Department of the Interior has failed to release its Congressionally-mandated study of Afognak Island and its habitat values for resources injured by the spill. Because this report was completed by the Fish & Wildlife Service over a year ago, we presume that its release has been suppressed. This report should be released prior to the released of the Final EIS on the Restoration Plan.

Flawed impact analysis-- The impact analysis is flawed due to its assumptions and lack of substantiation for benefits to the environment or negative impact. "General restoration" is assumed to have positive environmental impact, even in cases where the feasibility of techniques is unknown (such as planting *Fucus*) or where significant negative effects may result (such as from genetic damages or food competition resulting from hatchery fish stocks). Furthermore, "general restoration" gets more weight in the impact conclusions than does habitat protection even though such projects tend to be focused on single species unlike habitat protection which would benefit a broad array of species.

These flaws are obvious when comparing alternatives. For example, the EIS shows alternative #5 providing more benefit to wilderness values than alternatives #2 or #3 even though it includes projects to promote increased visitor use and construction of new facilities and #2 would provide protection of more habitat from clear-cut logging and other development activities. Another obvious example is marbled murrelets where a "high" benefit is shown for alternatives 2, 3, 4, and 5, even though #2 calls for the most funding for protecting habitat and nearly twice as much as #5. This is illogical when considering that "acquisition of old-growth forest habitat would have the highest possible benefit for enhancing marbled murrelet recovery."

Because of underlying assumptions, Alternative #5 unfairly favors actions for consumptive natural resources, such as fish, and fails to assure that adequate action will be taken to restore--or prevent further impacts--to already hard-hit declining species such as marbled murrelets, black-legged kittiwakes, or harbor seals. Actions that provide benefits to many species, or are critically important benefits to certain species, should be more important than those for which benefits are uncertain or are accompanied by negative consequences. For example, the analysis should favor actions should that sustain or enhance wild salmon stocks as opposed to hatchery-raised stocks.

Unacceptable definition of recovery for some species-- It is unacceptable to define recovery for any species at lower than pre-spill levels. If species were in decline before the spill, such as marbled murrelets, then it is even more important that recovery actions be taken that optimize recovery with the goal of achieving pre-spill levels. That the marbled murrelet, harlequin duck and other species which suffered major effects from the spill are in trouble not just in the spill region, but in fact throughout their range should increase the priority for taking actions that most effectively help them recover. It would be irresponsible for the government to pick some point on a declining chart to decide that enough action has been done for recovery of marbled murrelets or harlequin ducks, for example, if there is more habitat protection that could be undertaken to prevent further declines.

Consider species listed as Candidate II by the Endangered Species Act-- The EIS fails to

address issues related to the fact that these species are listed as Candidate II species on the List of Threatened and Endangered Species: harlequin duck, marbled murrelet, Kittlitz' murrelet, and Montague Island vole. Analysis of alternatives for impacts/benefits to these Candidate species should be provided. Furthermore, the plan needs to contain an additional policy to ensure that acquisition of high value habitats for marbled murrelets, and other declining species does indeed occur.

Opposition to endowments or "restoration reserve"-- There is no rationale in the EIS for how this "reserve" fund would improve restoration, or even how it would work or what it is. Therefore, the "reserve" should not be included as part of the proposed action because the public has had nothing substantive to comment on in the draft EIS. If the "restoration reserve" does go forward, it should be made clear that this could be used for any restoration purpose, including habitat acquisition.

We oppose endowments or the "reserve" due to the imminent need for maximum leeway in negotiations for habitat that must occur as soon as possible. We also believe that endowments for research are not needed to ensure that the Trustees make a commitment to a targeted, long-term ecological monitoring program.

Most "general restoration" is not justified-- We oppose virtually all enhancement and manipulation forms of restoration because there is little evidence that they would be effective, and these kinds of restoration generally address only one single species. We find the term "general restoration" misleading, and prefer use of the terms enhancement and manipulation as they are more descriptive as to what is really involved. For all alternatives, manipulation of resources should emphasize management that protects wild fish stocks and natural wildlife diversity and should avoid focusing on only single species. Enhancements should not compromise wilderness and recreational values.

Specifically, we oppose general restoration projects which are experimental or for which the feasibility is unknown: cleaning oiled mussel beds, the clam mariculture program, accelerated recovery of the upper intertidal zone. We generally oppose fishery manipulation or enhancement projects which would increase the number of hatchery-raised stock into the ecosystem and therefore interfere with wild stocks or other species such as birds, including new hatchery rearing, most lake fertilization or fish ladders, or projects which increase human structures in de-facto or designated wilderness in the region. We oppose predator control except on islands where human introduced (i.e. alien) predators (foxes or cattle) have wreaked havoc on nesting seabirds.

We support these "general restoration" projects: removal of non-native predators (i.e. alien foxes) on islands that previously supported murre colonies; to preserve and salvage archeological sites and the site stewardship program; testing of subsistence foods for contamination; and cooperative programs with subsistence users and fishermen, reduction of disturbance at marine mammal haulouts and bird nesting colonies (except that these may be programs already conducted in the course of normal agency functions, and therefore should not be priorities for restoration funding).

Better criteria for unsuitable projects are needed-- The EIS does an especially poor job of clarifying what won't be included in Alternative 5. The parameters for identifying what

kinds of projects are not eligible for Exxon Valdez funds must be more clearly laid out so that the Trustee Council does not spend lots of time evaluating proposals that are not suitable. The final EIS should include a list of projects which have been deemed unsuitable, and those that are of low priority, for EVOS restoration funding.

We oppose certain projects which have been proposed by the agencies for EVOS funds in the past: wetlands restoration on Montague Island, hazardous waste cleanups, second-growth forest enhancements, "in situ" oil test burns by Alaska Clean Seas or others, and cold water dispersant development. We also oppose using EVOS funds for baseline studies that are needed prior to federal OCS and state offshore oil leasing in areas such as Cook Inlet/Shelikof Strait or Yakataga; these are the normal agency responsibility of MMS as part of its on-going OCS program.

Funds should not go for promoting increased human uses-- We are shocked that this federal Administration is promoting expansion of human uses of the spill area, and even so-called "appropriate" new uses. We agree that the spill-affected ecosystem must be restored to the pre-spill level so that the existing human uses, particularly subsistence and wilderness-type recreational uses may resume. We oppose using spill settlement funds to create new recreation opportunities (facilities, cabins, trails, docks, airports, or other new access or supply means) as these are normal agency functions that should be scrutinized and considered under normal agency operations. In rare cases where an existing facility, such as a cabin, might have been destroyed or trashed out by oil spill cleanup activities, replacement is warranted, or if a new trail got started by cleanup workers, and fixing it is necessary to prevent further degradation of the environment by future visitors. If indeed there is now increased recreational demand since the spill, and this is the rationale for proposing new facilities, then it is contradictory to then promote new uses.

The projects listed under "promoting recreation use" are pure pork. New visitor centers are not needed, and if they are deemed necessary should be funded using normal agency funds. A marine environmental institute already exists in the spill region at Cordova; another is unnecessary. The EIS should address, however, specifically that the IMS Infrastructure Improvement Project (aka "Seward Sealife Center") has already been funded, and that a separate EIS is under preparation. To provide recreation information in Portage could be done at the existing visitor center without any additional funding. The Forest Service already has a "leave no trace" education program on the Kenai Peninsula in the Chugach National Forest, and distribution of other recreation information should be done using existing agency funds at existing visitor centers and contact points, and further marketing left up to the private sector.

More restoration for wilderness values is needed-- Designated Wilderness shorelines of Katmai National Park and Becharoff National Wildlife Refuge, proposed Wilderness in Chugach National Forest and Kenai Fjords National Park, and the spectacular defacto wilderness coasts of other national parks and wildlife refuges were harmed by the oil spill. We believe that an option should be added under "Designated Wilderness Areas": priority for habitat acquisition in the Nellie-Juan/College Fjords and other Wilderness Study areas. The EIS should explain that acquisition of fee-simple title to both surface and subsurface rights would allow federal designation as wilderness, and therefore is a benefit.

As well, the intrinsic values of solitude, quiet, and scenic values of the wilderness ecosystems, and the services these provide to visitors and the American public who may never visit them must be a larger part of the restoration plan, as was discussed earlier. A higher priority to habitat acquisition would best accomplish this goal.

We oppose removing more residual oil--especially under the pretext that this will improve the enjoyment of visitors, including the "perception" about its wilderness nature-- as there is no evidence in the EIS to suggest specific locations where this could still yield more positive benefits to the environment than would natural processes, and could likely produce more harm by disturbance or transferring contamination from one media (beach sediments) to another (water, subtidal, etc).

Habitat protection should be based on widely accepted ecological concepts-- Despite stating the policy that the "restoration program will take an ecosystem approach," there is little evidence of such an approach in the EIS. It is not enough to provide a chart ranking individual parcels that may be acquired for their values to individual species, or to evaluate impacts of the various alternatives solely on a species by species. The question that still must be answered is, how well does each alternative achieve the most restoration for sustaining the whole fabric of life sustained by the entire ecosystem--not just the pieces.

A new section should be added to the Restoration Plan to explain the scientific rationale for an ecosystem approach, and more specifics about how the Trustees intend to incorporate this into the on-going work.

Habitat protection and acquisition should generally occur on a broad scale in order to achieve settlement goals. As Trustees, you have the rare opportunity to protect still intact expanses of habitat used by a diversity of species and that support a range of services which were injured by the spill. Elsewhere, resource managers are left with crumb-sized pieces of habitat for designing nature reserves and from which to decide acquisition priorities. Here, we have the opportunity to apply our finite financial resources creatively and maximize habitat protection on an ecosystem-scale instead of simply biting off a few prime chunks.

In the spill-affected region, we are blessed with the opportunity to do more than just protect isolated pieces such as nesting sites or streamside buffers. Acquisition of especially rich sites is important, but the integrity of these areas cannot be maintained in isolation from the adjacent habitats, nor is their value independent of the quality of the larger watershed or ecosystem. It is well known that habitat loss causes population declines and can facilitate extinction by transforming large populations into smaller, more isolated ones through the process of habitat fragmentation. *Consensus exists among biologists that, all else being equal, continuous suitable habitat supports more individuals of a species targeted for conservation than does fragmented (discontinuous) habitat* (Thomas et al. 1990).

Certain concepts of conservation strategy widely accepted by specialists in the fields of ecology and conservation biology (Den Boer 1981, Harris 1984, Thomas et al. 1990, Wilcove et al. 1986) that are applicable to Exxon Valdez restoration include:

- "Bigger is better." Large blocks of habitat are better than small ones.

- Blocks of contiguous habitat are better than loose aggregations of fragmented blocks due to problems associated with fragmentation and edge effects including increased predation and susceptibility to blow-down, reduced wildlife dispersal and altered movements, erosion, and others.
- Protected habitats should be distributed across a species' complete geographic distribution.

Our priorities for acquisition are broad areas, including entire watersheds, in these areas:

- ◆ Shuyak Straits - Afognak Island (Afognak Joint Venture holdings) old-growth forest habitat located along the north part of the island adjacent to and east of the Kodiak National Wildlife Refuge unit on this island.
- ◆ Kenai Fjords National Park - All English Bay and Port Graham inholdings.
- ◆ Kodiak National Wildlife Refuge inholdings on Kodiak Island.
- ◆ Port Gravina / Orca Bay - Eyak Corporation inholdings in Chugach National Forest, including Orca Narrows/Nelson Bay, Sheep Bay, Simpson Lagoon.
- ◆ Port Fidalgo - On-going logging threatens densely forested habitat along sheltered bays near Valdez and Tatitlek.
- ◆ Knight Island Passage - Chenega Corporation inholdings in Chugach National Forest, including Knight Island and Jackpot/Eshamy.
- ◆ Port Chatham - This last stretch of intact forest habitat along the tip of the outer Kenai Peninsula coast, and adjacent to Kenai Fjords National Park, is threatened by logging.

SPECIFIC COMMENTS

Summary

The titles to the alternatives are confusing because "restoration" is both the over-arching goal of the entire project described by the EIS, and used as a term to describe enhancement and manipulation activities and certain types of research and monitoring. Therefore, it would be less confusing to call #3 "Limited Enhancement", and #4 "Moderate Enhancement".

Alternative 1-- We disagree that the negative effects from no action would be low to tourism and moderate to recreation, and believe they should be listed as major. Without using the majority of the EVOS funds on habitat acquisition, clearcut logging of old-growth forests will occur in some of the most heavily visited areas, or the most pristine defacto wilderness areas. Because the trees in these forests are hundreds of years old, the effects to visual aesthetics, as well as to wildlife habitats upon which many recreational activities depend (i.e. hunting, fishing, birdwatching) will be very long-term.

The effects from no action on Wilderness would also be major because of massive clearcut logging on the private lands, in addition to the reasons listed in the EIS.

The government has provided insufficient information to state that there may not be a major negative effect on marbled murrelets in the spill affected region if no action is taken. This species is a Candidate II species for the list of Threatened and Endangered Species under the Endangered Species Act. Because of continuing negative impacts on the population from chronic oil spills, logging, and fishing conflicts, it seems that the Trustees have no evidence that the species may not recover to pre-spill conditions, and therefore, we believe the EIS downplays the effects of no action for this species, especially compared with the description for pink salmon and others. CHECK

Despite all the emphasis on peer review, that this document contains in the summary the statement "however, recent insight on population recovery of common murre populations, based on 20-years of data from the Bering Sea, suggests that the population at the Barren Islands may recover within 20 years (Rosencau, pers.comm., 1994)." The rate of recovery of murre is of great scientific controversy, and it is premature to put such a statement, especially one based not on a peer-reviewed publication, but on verbal communication, in the summary. Furthermore, these statements contradict those in the description of affected environment (Ch. 3-15-16). And even if recovery was within 20-years, this would be many generations later and therefore, there would still be major long-term negative effects from no action. Because the Rosencau information so controversial, it should be deleted from the summary, and the description given in a way consistent with those for other species. Furthermore, murre were injured in areas besides the Barren Islands-- in fact many of the smaller colonies throughout the spill zone were not even systematically studied. Furthermore, murre are still among the most vulnerable species to effects of chronic on-going and future oil spills and other factors may contribute to the decline of the population.

Alternative 2-- Because this alternative would give the most protection to habitat through acquisition and other measures, it should also have included some actions beyond the area directly affected by the oil spill. Measures to restore the populations of seabirds affected by the spill, especially common murre, may be most effective in areas of Alaska beyond the areas hit by oil and may involve habitat acquisition or protection.

Furthermore, this alternative should not have as a policy to promote increased use of the spill area to greater than pre-spill levels. This is especially important for designated wilderness areas, and Wilderness Study areas.

We believe the benefits to Recreation and Tourism and Wilderness would be major over the long-term if a major program of habitat acquisition and protection if undertaken.

Alternative 3-- We find it ironic that this alternative calls for the most limited habitat protection or acquisition, but is the only one that does not mention a policy to increase existing human use of the spill area, but only seeks to protect the existing human uses.

Alternative 4-- The first policy under this alternative is written in such a way to bias the reader. Of course, the public wants the "most effective" actions to protect and restore resources. Prevention of further damage to the ecosystem is the most effective thing that may be done for injured resources, and it is ludicrous to imply otherwise with the terminology given under this alternative.

There is a contradiction in the evaluation of impacts. If it is seen as a moderate to high benefit to have increasing recreational use levels, then there must be a corresponding negative effect on wilderness values-- i.e. level of solitude, quiet, and pristine quality of an area. There could be more increases if permanent protection through wilderness designation were part of any of the alternatives, but this is not the case.

Alternative 5-- The summary gives an extremely misleading characterization of this alternative relative to the others for marbled murrelets. By underlining "highest," the statement at quick glance implies this alternative gives highest benefits, whereas, alternative 5 probably will provide the least benefits to marbled murrelets of all alternatives, except #1, because it will give the least funds for habitat acquisition. This statement should be changed to say there would be minor benefits to marbled murrelets, depending on the amount of old-growth forest habitat that is acquired.

It is extremely misleading to characterize the proposed action as one that would provide more wilderness benefits when it at the same time calls for many more intrusive activities such as hatchery stock introductions, other habitat manipulations, and actions that will increase many kinds of human activities in the areas, while offering no proposal for additional permanent protection of land. Furthermore, it is illogical that more types of general restoration are listed for this alternative than for #4, even though half as much money would be spent on them.

Summary - Chapter 4, Environmental Consequences-- Impact levels must address habitat factors, as well as changes in populations levels. Furthermore, quality of habitats, such as contamination levels should be addressed.

Table of Contents-- Appendices should be listed. Appendix E was not included in the document.

Ch.1-13 Although we believe it is reasonable for the Trustees to focus on the impacts to selected species where there was greater initial mortality, or better evidence of on-going damages, we do not believe that the other species should be completely ignored in this EIS.

Ch.1-13 Give the full name of the sea lion species; for birds list all species, not just major groupings such as loons. Perhaps in the "affected environment" section, or in an appendix, all of the species of organisms known to have been affected by the spill should be listed.

Ch.1-16 If certain specific actions, such as developing new facilities or employing habitat manipulation techniques may be in conflict with the Kodiak or Alaska Maritime Refuge plans, then the proposed action should exclude such restoration activities for this refuge. If such proposals are currently being advanced, this EIS should address them in a site specific way.

Ch.1-16 The specific activities which could be carried out on State land under the Area Plan for Prince William Sound that would conflict with the Restoration plan should be identified. It is not in the public interest to have one hand spending money to restore resources and services, while the other hand spends money fostering activities that would impact these same resources or services.

Ch.1-19 More information about the Regional Comprehensive Salmon Enhancement Plans should be provided in this EIS, especially concerning issues of increasing hatchery stock runs vs. other rehabilitation efforts, and the specific proposals currently on the books.

Ch.1-19 It is unclear that if no actions are proposed for certain species, like bald eagle, river otter, rockfish, or Dolly Varden, whether restoration projects could later be done that benefit the habitats these species depend on, or their populations, and whether these species may be used in deciding ranking of projects, including habitat acquisition. We disagree that cutthroat trout or Dolly Varden should have no actions proposed to benefit these species and that the focus of restoration is on the numbers they provide. If the purpose of these species is

unknown, then why is it any more justified to do projects to address the services, than it is to help the species themselves. We believe that habitat protection best provides restoration for all of the above mentioned species, except rockfish.

Although bald eagle, black oystercatcher, and killer whale may be in the process of recovering, this is not an adequate reason that they should not be considered as components of the injured ecosystem for which recovery actions are sought, and therefore such species should be considered in project and habitat acquisition ranking criteria. Furthermore, the choice to not analyze subtidal resources--even if there is nothing humans can do to foster recovery or prevent further degradation of such habitats--unnecessarily downplays this critical part of the damaged ecosystem. And there could be other actions proposed for intertidal resources, such as giving closer scrutiny to dredge or fill activities which will cause future loss or degradation of such habitats.

Ch.2-4 This section should also include the Fish & Wildlife Service's responsibilities under the Migratory Bird Treaty Act, the Endangered Species Act (for candidate species), and the Fish & Wildlife Coordination Act.

Ch.2-9 "Predator control" should specify that this is only of introduced, alien predators on islands.

Ch.2-13,14 It doesn't make sense that alternative 5 calls for at most half the amount of funds to be spent on general restoration as alternative 4, but contains an even longer list of possible projects.

Ch.2-14 The restoration reserve needs to be better described. Where would the funds be placed. How much interest would be expected? What projects could these funds be used for? What are the fiscal and environmental advantages and disadvantages of such as reserve.

Ch.2-19 This chart should list "very high" benefits to marbled murrelet for alternative 2.

Ch.2-21 The table of definitions of impact levels should include degree of protection to critical habitats used by species--especially for birds--in addition to enhancing measurable levels of populations, productivity or sub-lethal injuries.

Ch.2-22 The definitions of impact levels for wilderness need to be modified so that they also include impacts to degree of solitude and quiet, absence of permanent human activity, and intact, natural qualities of the ecosystem. The "perception" of injury to the wilderness qualities from the oil spill was not only due to the oiling itself, but also the intrusion of massive numbers of people, vehicles, machinery. Especially because the Proposed Action calls for promotion of increased human uses of the spill area, this EIS must address all types of wilderness impacts, not just the ones which allow this EIS skew or hide the negative impacts of the Action.

Ch.3-6 Maps should be included in this EIS which show boundaries of the Chugach National Forest (including the Nellie Juan Wilderness Study area), National Wildlife Refuges, National Parks, State Parks and Refuges, and outlines of designated federal wilderness areas so that the public can better understand how the plan will address the values of the public lands.

Ch.3-6 Maps should be provided that show the distribution of various terrestrial habitats, especially old-growth forest, and the location of already logged areas. This will help the reader assess the alternatives and impacts of the proposed action.

Ch.3-8 Maps showing the locations of 60 oiled mussel beds should be provided so that a reader may consider the type of activities that may be carried out there with other values, such as designated wilderness shorelines, bird habitats, subsistence use areas, etc.

Ch.3-11 Harlequin duck section should include that this species is a Candidate II species for list of threatened and endangered species under the Endangered Species Act.

Ch.3-10 The date and nature of "written communications" should be listed in the references. It should be explained if these are initial results of Trustee funded work, who their work is conducted for if it is not the Trustee Council.

Ch.3-12 A better description of the "timbered areas" adjacent to streams used by harlequin ducks for nesting should be given, including whether it is old-growth, and the type of stands.

Ch.3-18 The section on marbled murrelets should include references to studies showing that this species is among the most closely linked for nesting to old-growth forest habitat of any in the Pacific Northwest and California, and that it is listed as threatened in the lower 48 part of its range. Furthermore, evidence of the effects of logging of its nesting habitat, oil spills, and the effects of fishing elsewhere in its range, as well as whatever information exists for the spill region, should be included in this description of its status.

Ch.3-23 The terrestrial habitats surrounding Dolly Varden and Cutthroat trout spawning streams should also be described.

Ch.3-25 The paragraph on the authorization of the Trans-Alaska Pipeline should include specifics on what provisions of NEPA were waived, and description of the lawsuits. That there were major concerns over impacts from the Valdez marine terminal, including risks of oil spills and tanker collisions due to icebergs, should be included.

Ch.3-50 The economics should also be shown for the EVOS area without Anchorage included. An economic model that is not able to account for economic activity related to subsistence activities is inappropriate for use in this EIS. As well, more specific work on the economics of recreation should be done.

Ch.4-2 The description of an ecosystem approach should also discuss that proposed actions will be taken throughout the geographical region of the oil spill.

Ch.4-4 How can 1990-- a post-spill year-- be used as an economic baseline?

Ch.4-18 Delete speculative, and controversial, information about 20-year recovery time for murrelets in the Barren Islands which is based on a personal communication.

Ch.4-19 Provide quantitative information on the acreage of forest habitat that has been logged since the oil spill, and the total in the oil spill region to date. Evidence of marbled murrelet nesting on Montague Island (available from the Fish & Wildlife Service) should be included in this section. The conclusions regarding projected logging underplay the negative effects of no action on this species.

Ch.4-27 The conclusions statement about long-term effects to wilderness should also mention the high degree of negative impacts from extractive activities that would occur without the proposed action.

Ch.4-49 A more complete description of the process "cleaning" mussel beds should be included. Would the mussels be lifted using handtools or heavy machinery? What would be done with the contaminated sediments, and how much oil might be released into the water, and therefore into the intertidal and subtidal zone? Would this be more oil than is currently entering the food chain? Could the action be taken at a time that would not disturb nesting birds or hauled out marine mammals? We are concerned about this source of continuing contamination of the food chain, but would not support proposals to clean mussel beds without more information and a better assessment that it would not result in further impact to the ecosystem.

Ch.4-55 We support acquisition of Gull Island as part of the Alaska Maritime National Wildlife Refuge.

Ch.4-56 We oppose predator control programs except in circumstances on islands where introduced (i.e. alien) predators have had major effects on nesting productivity.

Ch.4-57 Typographical mistakes refer to pigeon guillemots in the section on marbled murrelets. Greater analysis of the best opportunities to protect threatened marbled murrelet nesting habitat should be included. Data from the Congressionally-mandated studies on Afognak Island, and from the on-going studies of the characteristics of nesting habitat should be included here.

Table A-1 Does this ranking include results from the Congressionally-mandated study of Afognak Island and



Ch.4-59.60 This section on general restoration should document the substantial evidence from the lower 48 that there may be major adverse impacts from some of these activities, especially hatchery rearing. Furthermore, the possible negative effects to bird forage fish from producing more hatchery-raised fish should not just be buried in the assumptions at the beginning of this chapter, but should also be listed in the conclusions.

Ch.4-69 We do not believe there would be increased benefits to wilderness values for there to be "marketing" or more public information campaigns about how residual oils were removed. We do not support removal of residual oil in beaches if the Trustees main purpose is to increase the public's perception of the wilderness-- this is an insult. We far prefer to see funds spend on actions resulting in real evidence on the ground, for example, protecting wilderness values from future degradation by preventing clearcutting or other extractive uses.

Ch.4-107 Even though the small parcel analysis is still being developed, maps showing the locations of these small parcels, and general descriptions of their ownership and the past, present, and potential uses should be given in this EIS.

Ch.4-109 We oppose a clam mariculture program that would target new areas of the intertidal zone because on the negative effects. We do not believe the Trustees should dedicate more funds to experimental projects such as seeding/planting Fucus for which feasibility is unknown.

Ch.4-146 The proposed MMS lease sale at Yakataga should also be included in this analysis because oil spills could affect the resources and ecosystem where restoration is planned. Unless the State does not plan on offering any more offshore lease sales in Cook Inlet, these should be listed under cumulative effects because tanker shipping and oil spills could impact the resources for which restoration is being undertaken. Future oil spills from tankers calling at the Trans-Alaska Pipeline terminal at Valdez should also be included in this analysis. The IMS Infrastructure Improvement Project at Seward should also be specifically included here. The construction of new docks at villages, and log dump facilities that would occur under most alternatives should be added.

Ch.4-155 It is illogical to say that the greatly increased number of tourists, recreational users, and industrial traffic would not have a cumulative effect on wilderness. Clearly, there would be reduced opportunities for solitude and quiet, a reduction in the number of areas where the presence of humans was not a permanent mark on the landscape, and a long-term degradation of the pristine, natural qualities of the landscape. Admit it!

Appendix D- Economic Analysis-- The IMPLAN economic model fails to address critical economic values, especially the non-market values of recreation and subsistence. Studies have shown that these non-market values can be substantial and have a direct contribution to personal economic resources. Because the IMPLAN model requires a significant number of simplifying assumptions, these should be identified in the EIS. Additionally, passive use economic values derived from contingent valuation studies should be added to the analysis. The extensive information compiled for the MMS has through economic studies for the spill-affected region should be included in the EIS.

The Wilderness Society has actively participated in the restoration process, since the settlement was signed, on behalf of our members and the interests of the public throughout the nation. We are a national membership organization devoted to preserving wilderness and wildlife, protecting America's prime forests, parks, rivers, and shorelands, and fostering an American land ethic. The non-profit organization has 280,000 members nationwide, nearly 1,400 of whom live in Alaska and many who reside along or use the shorelines of areas affected by the spill. We appreciate this opportunity to comment and look forward to continued involvement in the Restoration Process.

Sincerely,

Pamela A Miller
Pamela A. Miller

~~946808~~

940801192

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EIS
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Kodiak Island Borough

710 MILL BAY ROAD
KODIAK, ALASKA 99615-6340
~~PHONE (907) 406-5204~~

August 1, 1994

VIA FAX 276-7178

Exxon Valdez Oil Spill Trustee Council
Restoration Office
645 G Street, Suite 401
Anchorage, Alaska 99501-3451

RE: EIS Comments

Dear Trustee Council and Staff:

The Kodiak Island Borough has reviewed, with interest, the Draft Environmental Impact Statement (DEIS) for the Exxon Valdez Oil Spill (EVOS) Restoration Plan. As you are aware, the Kodiak Island Borough represents one of the regions impacted by the EVOS.

We have noted that the DEIS and the draft Restoration Plan will guide all future restoration actions, and is intended to reflect a balanced approach to general restoration, monitoring and research, and habitat protection. We have also noted that comments are requested to be specific and should address the adequacy of the DEIS and the merits of the alternatives discussed.

The summary section of the DEIS identifies the players that were involved with cleanup and assessment of damages as a result of the EVOS immediately following the spill. It concerns us that no local governments or native organizations are listed, since these types of organizations were actively involved in responding to the spill. It is from this local perspective that our opinions about the best use of the settlement money flows.

While we understand that the EVOS settlement money is intended to be used for restoration, we believe that restoration is both more predictable and beneficial when provided in the form of habitat acquisition. Habitat acquisition provides for both biological recovery of species damaged by the EVOS, as well as economic recovery of the people and communities damaged by the spill. The Kodiak Island Borough does not believe that the same can



Kodiak Island Borough

Exxon Valdez Oil Spill Trustee Council
August 1, 1994
Page Two

be said of the other restoration components offered in the DEIS. The benefits to the impacted species from general restoration and monitoring and research appear, at best, to be somewhat speculative.

Based on our perspective, we believe that the DEIS alternative that best meets the goal of restoration, in the spill impacted area, is Alternative 2. We strongly believe that the long-term impacts of habitat acquisition/protection, as summarized in Table 2-3, have been undervalued, and that all of the resources listed would fare better under Alternative 2, than under any other alternative. As a result, we support limited funding for other restoration categories.

We urge the Exxon Valdez Trustee Council to consider the adoption of Alternative 2 of the DEIS, as the preferred alternative, and to use this Alternative as the basis for future decision making for the Council's annual work plans. We appreciate your hard work and that of your staff, who have labored to produce an effective and beneficial plan for the restoration of resources lost to the EVOS. We believe that can best be done by habitat acquisition in the spill impacted area.

Sincerely,

KODIAK ISLAND BOROUGH

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Linda L. Freed
Acting Mayor



Kodiak Island Borough

710 MILL BAY ROAD
KODIAK, ALASKA 99615-6340

August 1, 1994

VIA FAX 276-7178

Exxon Valdez Oil Spill Trustee Council
Restoration Office
645 G Street, Suite 401
Anchorage, Alaska 99501-3451

RE: EIS Comments

Dear Trustee Council and Staff:

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 2
To TRUSTEE COUNCIL	From KODIAK IS. BORO	
Co. RESTORATION	Co.	
Dept.	Phone # 486-9340	
Fax # 276-7178	Fax # 486-9370	

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EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL



Kodiak Island Borough

Exxon Valdez Oil Spill Trustee Council

August 1, 1994

Page Two

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Linda L. Freed
Acting Mayor

940801195 (2/2)

United States District Court



Case No. 1:03-cv-00000

Date: 1/27/04

Page 1 of 1

Plaintiff, et al. v. Defendant, et al.

Defendant's motion to dismiss is hereby denied. The Court finds that the complaint states a claim for relief and that the defendant's motion to dismiss is without merit.

IT IS ORDERED that the defendant's motion to dismiss is denied. The Court finds that the complaint states a claim for relief and that the defendant's motion to dismiss is without merit.

Respectfully,
The Court

United States District Court

Signature and name of the court official.



Kodiak Island Borough

710 MILL BAY ROAD
KODIAK, ALASKA 99615-6398



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EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

Exxon Valdez Oil Spill Trustee Council
Restoration Office
645 G Street, Suite 401
Anchorage, AK 99501-3451

99501-3451 91



Sierra Club

Alaska Field Office

241 E. Fifth Avenue, Suite 205, Anchorage, Alaska 99501
(907) 276-4048 • FAX (907) 258-6807



by Wilbur Mills

August 1, 1994

Exxon Valdez Oil Spill Trustee Council
Attn: EIS Comments
645 G Street
Anchorage AK 99501

Gentlemen:

Thank you for this opportunity to comment on the Draft Environmental Impact Statement for the Exxon Valdez Oil Spill Restoration Plan.

Faulty assumptions

Some of the DEIS conclusions about impacts of the various alternatives are, at first, surprising. On further investigation, it appears that they are faulty, because they are based on faulty assumptions.

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EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

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The problem with these assumptions is that they lead to the faulty conclusion that a smaller amount of money (such as the \$295-325 million in the preferred alternative) will be sufficient to buy the valuable habitat. Therefore, spending more money on habitat protection (beyond the Preferred Alternative) is mistakenly viewed as allowing only the addition of low value parcels. It is, in fact, probably impossible to do an adequate analysis without appraised values for the land. However, the assumed price is almost certainly too low. Some Trustee Council members themselves have remarked that all the available funds (\$620 million) may not be sufficient to buy even the highest ranked large parcel areas, much less the medium and low ranked parcels.

Another faulty assumption is that "General Restoration" is necessarily a significant benefit to the injured resources and services. In fact, many of the General Restoration options are designed to increase raw numbers of one resource (such as salmon) without regard to possible negative impacts on other resources and services. In some cases, the impacts can even turn out to be negative on the target resource. For example, hatchery rearing of salmon often has a negative impact on wild salmon stocks. Worldwide experience with hatcheries is that short term results are often very good, but after a number of years, populations may decline precipitously. Also, a General Restoration project may increase the raw numbers of a resource, but this may be a poor measure of restoration. For example, sport hatcheries may increase the number of sport fish available, but these hatchery fish may be of much less interest than wild fish to the serious angler.

Of course, General Restoration projects are subject to further NEPA analysis. The point here is that there appears to be a faulty assumption that the listed General Restoration projects have a significant positive impact -- more significant, in fact, than Habitat Protection. This assumption is not overtly stated and not justified in the DEIS, but it nevertheless drives the conclusions.

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The impacts are summarized in Table 2-3 "The Comparison of the Impacts of the Alternatives From Chapter 4" (page 2-19).

The most appalling of the faulty conclusions is the supposed effects on wilderness. The DEIS concludes that the Habitat Protection Alternative (#2) will have only a "low to moderate" impact on wilderness, whereas the Preferred Alternative (#5) will have a "moderate to high" impact. How is this possible? Less money for Habitat Protection means more land will be logged and otherwise developed. In addition, the General Restoration options themselves all have negative impacts on wilderness.

Much of the confusion stems from the fact that between the Brochure and the Draft Restoration Plan, de facto wilderness was inexplicably replaced by "Designated Wilderness Areas" as an injured resource. This does not make sense. If "Designated Wilderness Areas" are an injured resource, then other conservation units should also be listed, including injured National Parks, National Monuments, National Wildlife Refuges, National Forests, Wilderness Study Areas, State Parks, etc. In fact, the actual injured resource should simply be "wilderness." Wilderness occurs throughout most of the oil spill area, it was severely injured by the oil spill, and it will be further injured by a failure to provide adequate habitat protection.

Even if the Trustees consider only "Designated Wilderness Areas" the conclusions are still faulty. The DEIS considers only impacts on the actual land in the Wilderness Area -- so logging on a private inholding is considered to have no impact. In fact, the human experience of a Designated Wilderness Area can be ruined by logging on adjacent land.

Here are some other examples of faulty conclusions:

Sea otters are ranked "low" under Alternative 2 and "moderate" under the others. Sea otter biologist Lisa Rotterman has testified that logging causes significant harm to sea otters because sedimentation injures the intertidal organisms upon which they feed. It seems unlikely that the "cooperative programs" with subsistence users and fishermen, listed under "General Restoration" would be more important than the lost food source.

"Harlequin ducks" are ranked "high" in every alternative. Habitat protection is clearly important to harlequin ducks, which nest in old growth forest. Cleaning mussel beds might also help them, but the rest of the "General Restoration" projects would not.

Marbled Murrelets are ranked "high" in each alternative. There is nothing under "General Restoration" that will help marbled murrelets. Only Habitat Protection will help them.

Pink salmon are ranked "high" for Alternative 5, and "moderate" for the others. No distinction is made between hatchery stocks (which may not have been injured) and wild stocks (which clearly were). Some General Restoration projects may help hatchery stocks at the expense of wild stocks. Logging can damage wild stock habitat.

Sockeye salmon are ranked "moderate" in Alternative 2, and "high" in the other alternatives. See comments for pink salmon above. Logging is even more detrimental to wild sockeye.

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Value of Each Category of Spending

Administration and Public Information: Administration has consumed far too large a portion of the Trustee Council's budget. Fortunately, the Trustees and staff have recently taken steps to reduce administrative costs. It is essential to continue this trend.

Monitoring and Research: It is useful to understand the extent of recovery and to measure the impacts of restoration projects. However, monitoring and research do not actually bring about restoration. Much of the research which has been conducted or proposed has little chance of contributing to actual restoration. The \$130-165 million budget in the Preferred Alternative is highly excessive.

General Restoration: As discussed above, General Restoration is a double edged sword. The impacts can be negative as well as positive. Few of the listed options would provide cost-effective net benefits.

Habitat Protection: The Trustees should consider the nature of threats to habitat, not only their intrinsic value. For example, a forest habitat which will otherwise be logged should be preferred over habitat which is unlikely to be developed. It is also a public benefit to acquire private lands inside conservation unit boundaries to facilitate land management. In addition, it is essential to have sufficient funds available for important small parcels, as well as for the large parcels. The small parcels are often the areas most threatened with development. They are also often the key access areas.

Restoration Reserve: It is a good idea to have some funds available for restoration after the payments from Exxon stop in 2001. The Trustees do not need to set aside a certain amount of money each year, but can instead set aside funds from the last payment or two from Exxon. It appears likely that restoration reserve funds would be used mostly for research and monitoring. It is possible, but does not seem likely, that significant areas of habitat will become available that are not available now. The determination of the size of the restoration reserve should reflect the fact that it is most likely to be used for more research and monitoring.

A note on overall costs: Not only administration, but all expenses should be rigorously questioned. Public funds should not be wasted on helicopters and large boats when small boats are sufficient. Field work should be coordinated so that field staff for different projects can travel together. Travel for meetings should be minimized. In the past, the annual workplan process was designed to support projects with an urgent need for immediate funding -- with little regard to the actual importance of the project, its contribution to restoration, or its cost. The opportunity cost of every project must be considered. The Trustees should choose the restoration projects which have the "biggest bang for the buck."

Sierra Club recommendations

The Sierra Club does not favor any of listed alternatives.

We support purchase of land or interests in land from willing sellers for all of the following areas:

Prince William Sound

- Eyak Corporation - all lands bordering Prince William Sound
- Chenega Corporation - all lands
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Port Graham and English Bay Corporation lands inside the boundaries of Kenai Fjords National Park
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Although this Draft EIS is concerned mainly with expenditure of restoration funds, other decisions also have a profound impact on oil spill restoration. While the Trustee Council considers purchasing land or interests in land from private owners, the federal government and especially the state government are pursuing plans to log vast areas on the Kenai Peninsula, inside the oil spill area. State and federal land management planning should consider the impacts of logging on injured resources and services.

Thank you again for your consideration of public comments.

Sincerely,



Pamela Brodie
Alaska Rainforest Coordinator

Sierra Club
241 East Fifth Avenue, Suite 205
Anchorage AK 99510
(907) 276-4048
fax: (907) 258-6807

August 1, 1994

Exxon Valdez Oil Spill Trustee Council
Attn: EIS Comments
645 G Street
Anchorage AK 99501

Page 276-4172

6 PAGES

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EVOS DEIS Comments
August 1, 1994, Page 2

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EVOS DEIS Comments
August 1, 1994 , Page 4

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EVOS DEIS Comments

August 1, 1994 , Page 5

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Thank you again for your consideration of public comments.

Sincerely,



Pamela Brodie
Alaska Rainforest Coordinator

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JUL 22 1994

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

Lowell H. Suring
Alaska Chapter of The Wildlife Society
3301 C Street, Suite 300
Anchorage, Alaska 99503
21 July 1994

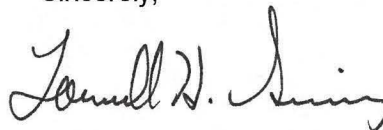
Mr. Ayers
Exxon Valdez Oil Spill Trustee Council
645 G Street
Anchorage, Alaska 99501

Mr Ayers:

We understand that the EVOS Trustees will not be considering using oil spill settlement monies to fund endowed academic positions at the University of Alaska. We are puzzled by this decision, and urge the Trustees to reconsider. At the very least, we feel this is an option that should be discussed and evaluated in the final EIS of the EVOS restoration plan.

We would appreciate receiving any supplemental information you may have related to this matter as we prepare our formal comments on the DEIS.

Sincerely,



Lowell H. Suring, President
The Alaska Chapter of The Wildlife Society

enclosures

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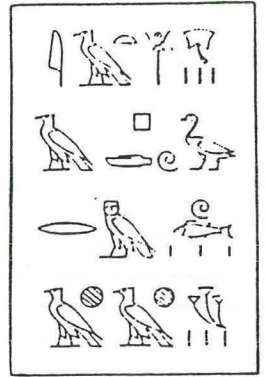
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THE WILDLIFE SOCIETY

ALASKA CHAPTER

P.O. Box 20604
Juneau, AK 99802

1 May 1993



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

Dear Dr. Gibbons:

The Wildlife Society, founded in 1937, is a nonprofit scientific and education organization of professionals active in wildlife research, management, education and administration. The Society publishes two scientific journals and a monograph series. The Alaska Chapter of The Wildlife Society has about 330 members. We recently held our annual meeting in Juneau and adopted a resolution urging the Oil Spill Trustee Council to consider the endowment of chaired positions in the biological sciences with the University of Alaska system.

Our resolution does not specify the types of positions that might best be suited to meet the restoration goals. Myself and other members the Alaska Chapter would gladly provide more detailed suggestions to the Oil Spill Trustee Council about the types of expertise that could best provide the types of biological information and education that will be needed into the future. Endowed university chairs would provide heightened research and education within the state of Alaska that will benefit all Alaskans.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kimberly Titus".

Kimberly Titus, Ph.D.
President

RESOLUTION OF THE ALASKA CHAPTER OF THE WILDLIFE SOCIETY

A RESOLUTION URGING THE EXXON VALDEZ OIL SPILL COUNCIL TO WORK WITH THE UNIVERSITY OF ALASKA ON A PLAN TO ENDOW UP TO 20 ACADEMIC CHAIRS IN THE BIOLOGICAL SCIENCES TO FULFILL THE LONG-TERM GOALS OF THE SETTLEMENT.

WHEREAS, the biological resources of the northern Gulf of Alaska were severely impacted by the Exxon Valdez oil spill,

WHEREAS, baseline scientific data were inadequate to positively assess the damage and are inadequate to realistically restore the environment, and

WHEREAS, future shipwrecks and oil spills in the area are a realistic probability, and

WHEREAS, the accumulation of scientific knowledge and advancement of scientific technology make enormous advances each year and will continue to do so into the centuries ahead, 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 companies responsible for resource management and development in perpetuity, and

WHEREAS, the Exxon Valdez Oil Spill Trustee Council is charged with restoring, rehabilitating, replacing, enhancing or acquiring equivalent resources and services in the oil spill region and could benefit from better means to accomplish these goals, and

WHEREAS, with scientific advancements in the decades or centuries ahead eventual enhancement of many of the biological resources will be possible, and

WHEREAS, concentrating a major center for advancement of the biological sciences at the University of Alaska is in the best interests of all Alaskans injured by the Exxon Oil Spill, and

WHEREAS, the University of Alaska already has an appropriate Foundation for managing endowed chairs;


94-67221-97 (3/4)

NOW IT THEREFORE BE RESOLVED BY THE MEMBERSHIP OF THE ALASKA
CHAPTER OF THE WILDLIFE SOCIETY:

1. To urge 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 up to 20 endowed chairs in the biological sciences that will fulfill the intent of the settlement.

2. That such a plan be included in the Restoration Plan and Environmental Impact Statement being prepared this year by the Restoration Team.

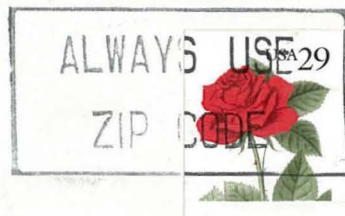
Adopted this 20th day of April 1993.



Kimberly Titus, President

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3301 C Street
Anchorage, AK 99503



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EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

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



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

EIS
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AUG 01 1994

REPLY TO
ATTN OF: WD-126

Rod Kuhn
Project Manager
Exxon Valdez Restoration Office
645 G. Street, Suite 401
Anchorage, AK 99501-3451

Re: Exxon Valdez Oil Spill Restoration Plan Draft Environmental Impact
Statement (EIS), Southcentral, Alaska

Dear Mr. Kuhn:

The Environmental Protection Agency (EPA) has reviewed the draft EIS for the Exxon Valdez Oil Spill (EVOS) Restoration Plan located in southcentral Alaska. Our review was conducted in accordance with the National Environmental Policy Act (NEPA) and our responsibilities under Section 309 of the Clean Air Act.

The draft EIS describes five management alternatives considered in development of the Restoration Plan, including the No-Action Alternative. Each of the alternatives is made up of variations of four basic categories of activities: 1) Habitat Protection and Acquisition; 2) General Restoration of resources and services; 3) Monitoring and Research; and 4) Administration and Public Information.

The draft EIS is an informative, well prepared and comprehensive document. Although the information in the draft EIS is generally sufficient, we have requested some additional information and clarification.

We have rated the draft EIS EC-2 (Environmental Concerns - Insufficient Information). Our environmental concerns are primarily based on the need to ensure that the Trustee Council and the individual agencies are evaluating opportunities to complement each others management actions/objectives. Our concerns also relate uncertainties of habitat protection tradeoffs for each alternative. Additional information is needed on the potential for incorporating agency management actions into the Restoration Plan. Also additional information is needed on the difference of actual habitat protection afforded by each alternative.

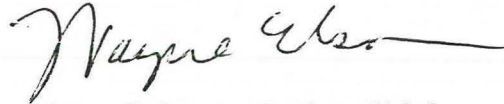

Detailed comments are enclosed as is an explanation of our rating system for draft EISs. This rating and a summary of our comments will be published in the Federal Register.

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We appreciate the opportunity to review and provide comments on this draft EIS. If you have any questions about our review comments, please contact Larry Brockman at (206) 553-1750.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne Olson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.A handwritten signature in black ink, appearing to read "Joan Cabreza". The signature is cursive and positioned to the left of the typed name.

Joan Cabreza, Acting Chief
Environmental Review Section

940805207

**U.S. Environmental Protection Agency
Comments on the
Exxon Valdez Oil Spill Restoration Plan
Draft Environmental Impact Statement**

The following are detailed comments on subjects where we felt the draft EIS could use more detail.

Alternatives

The draft EIS describes a logical range of basic alternatives. However, we are concerned that "Agency Management Actions" are specifically discounted in any alternative (see Chapter 1, page 20: Alternative Elements Not Considered in Detail). It is true the Trustee Council (who oversees the expenditure of settlement funds on restoration) does not itself manage land or fish and wildlife resources. However, the Trustee Council is, specifically made up of the land and resource management agencies. These agencies have the ability, through their individual authorities, to take management actions that can directly assist or hinder the effectiveness of the restoration projects listed in the draft EIS. In some cases, management actions to reduce or eliminate other non-spill related stresses on populations can be the most effective means speeding the population's recovery. For example, recovery of injured fish stocks can be enhanced by management decisions about fishing limits methods, or seasons, taken specifically to complement the other restoration methods contemplated. At the same time, continued pre-spill harvest rates may keep a reduced population from ever recovering independent of any habitat enhancement work that is done.

From an ecological standpoint, it is inappropriate to ignore the relationship between recovery and ongoing management of the recovering resource. This is especially true for exploited resources and populations. From the NEPA standpoint, reasonable alternatives are to be evaluated even if they happen to be outside the authority of the lead agency. In this case, even though management actions may be outside direct authority of the Trustee Council, such actions are not outside the authorities of the agencies that make up the Trustee Council. Therefore, we request the final EIS discuss in more depth the potential for management actions to complement or be incorporated into the Restoration Plan. Given this is a programmatic EIS, we believe it is appropriate for the Trustee Council to make recommendations to agencies on management actions. This would allow the appropriate agency to consider and/or act on these management actions.

Habitat Protection

EPA is pleased the habitat protection concept has been retained as a major aspect of each alternative in the Restoration Plan draft EIS. However, discussions presented in the draft EIS make it very

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difficult to determine actual degree of habitat protection (and by extension the degree of actual restoration benefit to various resources) afforded by each of the alternatives. Habitat protection is described as being of "high" (and sometimes "highest") benefit in all of the alternatives. The discussions in the draft EIS do note varying amounts of money would be available for habitat protection in the different alternatives, and it is acknowledged, depending on the cost per acre, fewer acres may be protected as less money is made available. The draft EIS also gives a somewhat prioritized list of parcels that could be acquired, implying the parcels having the highest restoration benefits would be purchased first, independent of how much money is available. Unfortunately, the resource-by-resource discussion discloses little. For example, it is unclear how the high priority parcels listed for one resource relate to those listed for other resources. Given this, it is difficult to determine whether all injured resources will receive some minimum level of protection. And since all alternatives are said to achieve "high" benefits from their habitat protection components, it is virtually impossible to get anything but the roughest idea of what is being lost, restoration-wise, under alternatives that divert more restoration funds from habitat protection into other measures such as research.

The very names of the alternatives add to this lack of clarity. "Comprehensive Restoration" is the name given to the preferred alternative, and it is, in fact, the most comprehensive in terms of types of restoration actions that would be funded. However, it is all but impossible to determine the degree to which the overall result of funding this wider array of actions will be more rapid, more complete, or more comprehensive recovery of resources and services injured by the EVOS. "High" is generally defined throughout Table 2-4 only as meaning recovery would be faster than natural recovery. From a public disclosure standpoint, it would be helpful for the final EIS to discuss habitat protection tradeoffs more directly, perhaps by describing semi-quantitatively the degree of restoration likely to occur for each resource, rather than oversimplifying by saying many will receive "high" benefits.

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SUMMARY OF THE EPA RATING SYSTEM
FOR DRAFT ENVIRONMENTAL IMPACT STATEMENTS:
DEFINITIONS AND FOLLOW-UP ACTION *

Environmental Impact of the Action

LO--Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC--Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA intends to work with the lead agency to reduce these impacts.

EO--Environmental Objections

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU--Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1--Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2--Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3--Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment

February, 1987

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American Institute of Fishery Research Biologists

An association incorporated in 1956 to establish and maintain high professional standards of recognition of achievement and competence.

July 22, 1994

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President
V. C. Anthony
Woods Hole, MA

Past President
J. H. Helle
Auke Bay, AK

Secretary
K. W. Myers
Seattle, WA

Treasurer
J. W. Rachlin
Fairlawn, NJ

Membership Review
S. M. Ray, Chm.
Galveston, TX

Briefs Editor
O. B. Cope
Asheville, NC

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- Alaska, Southeast
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- Carolina
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- Gulf of Mexico, Northeast
- New York-New Jersey
- Oregon-Southwest Washington
- Texas
- Washington, D.C., Metro
- Washington, Northwest

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

To Mr. Bruce Botello:

I am amazed that the proposals for endowed chairs at the University of Alaska were omitted in the Draft EIS.

I will enclose copies of two letters we have sent - July 30, 1993, and April 21, 1994, that deal with the proposal for endowed chairs at the University of Alaska. The July 30, 1993, letter was a follow-up on oral testimony that I presented for the American Institute of Fishery Research Biologists (Alaska Districts) at the Trustee Council public hearing in Juneau on April 21, 1993. I was told at the hearing that the transcripts of the hearing would be summarized and included in the EIS. Did this Juneau transcript get lost?

This testimony was very favorably received by the one member of the Trustee Council that was present. He said that endowing chairs was such a logical idea he wondered why the Trustees had not thought of it early in the process. Other people as well as the Trustee Member present at the hearing in Juneau came up to me and expressed very strong support for the concept of endowed chairs and echoed the comments by the Trustee. I told the audience that there were previous proposals for using a portion of the money for endowing chairs. I did not see any reference to them in the EIS either.

An endowed chair at the University will actually bring new money into Alaska. When a professor applies for research grants, he/she have a much better chance of being funded if they do not have to take their salary out of the grant. The granting agency will know that all their money will be used for accomplishing the research and not have a percentage taken out for the professor's salary. Professors in endowed chairs have a huge advantage in attracting "outside" grant money.



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Endowing chairs at the University of Alaska will guarantee that at least some of the EXXON money will last in perpetuity and that the money will go on supporting research on the long term effects of the oil on natural resources. Future generations of Alaskans will be thankful and impressed with the far-sighted wisdom of the Trustee Council if they **invest** some of the money in endowing chairs at the University.

Sincerely,

John H. (Jack) Helle, Ph.D.
for the Alaska Districts of the
American Institute of Fishery
Research Biologists

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American Institute of Fishery Research Biologists

An association incorporated in 1956 to establish and maintain high professional standards of recognition of achievement and competence.

July 30, 1993

President

V. C. Anthony
Woods Hole, MA

Past President

J. H. Helle
Auke Bay, AK

Secretary

K. W. Myers
Seattle, WA

Treasurer

J. W. Rachlin
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Alaska, Southeast

California, Northern

California, Southern

Carolina

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Gulf of Mexico, Northeast

New York-New Jersey

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Texas

Washington, D.C., Metro

Washington, Northwest

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

To Members of the Trustee Council:

The Alaska Chapter of the American Institute of Fishery Research Biologists (AIFRB) believes that one of the most beneficial things that could be done with the restoration money would be to endow faculty positions at the University of Alaska. These positions would provide teaching, public service and research directly related to the natural resources of Prince William Sound. Because these positions would be funded off the interest of the endowment they would last in perpetuity. What a far-sighted legacy we would be leaving to Alaska!

At the Trustee Council public hearing in Juneau on April 21, 1993, we presented these ideas in oral testimony. We suggested that in addition to the endowed chairs recommended for birds, the Trustees consider funding at least 15 chairs related to aquatic resources. Each chair is estimated to cost \$2 million by the University of Alaska Foundation and only the interest would be used to fund the position.

We suggested the following positions that would be pertinent: population dynamics, salmonid biology, aquatic pathology, algology, fish physiology, toxicological genetics, intertidal ecology, invertebrate systematics, fish systematics, behavioral ecology, molecular genetics, stock identification, fish nutrition, biometrics and parasitology. There are, of course, other positions that could be very beneficial as well, e.g. embryology, histology, remote sensing, meiobenthology, fisheries oceanography, et al.

Please consider this letter as a preliminary proposal. A detailed description of each chair or position will be prepared in collaboration with the University of Alaska.

For the Alaska Districts AIFRB,

John H. (Jack) Helle, Ph.D.
11305 Glacier Hwy
Juneau, Alaska 99801



940801239

American Institute of Fishery Research Biologists

An association incorporated in 1956 to establish and maintain high professional standards of recognition of achievement and competence.

April 21, 1994

President

V. C. Anthony
Woods Hole, MA

Past President

J. H. Helle
Auke Bay, AK

Secretary

K. W. Myers
Seattle, WA

Treasurer

J. W. Rachlin
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Districts

Alaska, Northern

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California, Northern

California, Southern

Carolina

Florida

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Gulf of Mexico, Northeast

New York-New Jersey

Oregon-Southwest Washington

Texas

Washington, D.C., Metro

Washington, Northwest

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

To Members of the Trustee Council:

In a letter to you of July 30, 1993, the Alaska Chapter of the American Institute of Fishery Research Biologists detailed their belief that one of the most beneficial uses of the restoration money would be to endow faculty positions at the University of Alaska.

In addition, at the Trustee Council public hearing in Juneau on April 21, 1993, I presented these ideas about endowing faculty positions in oral testimony. These ideas were received very favorably by people in the audience. In fact, several people remarked that endowing chairs at the University of Alaska was such an obvious way to benefit all Alaskans in addition to directly benefitting the resources of Prince William Sound that they were surprised that more people had not suggested it.

Could you inform us on the agenda for the EIS? We would be pleased to expand our comments on the subject of endowed chairs for the University of Alaska if you feel it would be pertinent.

For the Alaska Districts of AIFRB,

John H. (Jack) Helle, Ph.D.



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July 26, 1994

EVOS Trustee Council
645 G Street
Anchorage, AK 99501

Attn: EIS Comments,

Prince William Sound Aquaculture Corporation (PWSAC) is the regional aquaculture association for the Prince William Sound Area, and was created under the Alaska Private Non-profit Hatchery Act (1974). Regional associations are comprised of representatives of commercial fishermen, sport fishermen, processors, commercial fishermen, subsistence fishermen, and representatives of the area communities. The charge of such associations and non-profit hatcheries is to contribute to the rehabilitation of the state's depleted and depressed salmon fishery. PWSAC's Board of 45 directors represents communities of PWS and users of the area salmon resources.

Various biological and habitat resources and associated services were injured by the *Exxon Valdez Oil Spill*, including salmon and salmon harvesting. Restoration of the oiled area resources and services can best take place following the "Proposed Action for Comprehensive Restoration" listed as Alternative 5 in the Draft Environmental Impact Statement for the EVOS Restoration Plan.

Alternative 5 targets substantial funds at research, monitoring and restoration, as well as habitat protection and creation of a restoration reserve fund. Of great importance to the restoration of resources and services in PWS are research, monitoring and restoration activities outlined under this preferred alternative. A variety of technologies and procedures are recommended which are supported by PWSAC. Chapter 3 of the Draft EIS draws a clear picture of the affected environment and the injury caused to fisheries and development (p46) which can be returned to pre-spill conditions by such restoration activities.

Chapter 4 of the Draft EIS (Environmental Consequences) provides a very good pathway for restoration of the Sound's salmon resources. General restoration activities listed for pink salmon are well identified and discussed. In addition, the need to have a good harvest-management strategy to harvest hatchery stocks is identified and supported by PWSAC.

Restoration activities are stated they may have low short term benefits within one life cycle of pink salmon, but the long term benefits are recognized as high. Although the draft EIS indicates (p126) that long term effects of some or all of the restorative actions for pink salmon may be realized in 6 to 10 years, PWSAC believes this to be inaccurate. Long term restoration can be achieved in a time span less than indicated if resources and technologies are applied with care and diligence. Following the path of activities outlined in the EIS, PWSAC intends to participate in restoration activities with EVOS Trustee Council funding. PWSAC will use its staff expertise in salmon biology and fish culture, and its facilities and technologies to help restore injured pink salmon, and aid in

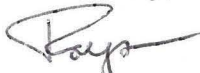
the replacement of injured or lost resources and services by rehabilitating other salmon stocks as well.

Rehabilitation and enhancement of salmon stocks in PWS are necessary steps to restore salmon to their pre-spill condition and achieve *"optimum production of wild and enhanced salmon stocks on a sustained yield basis through an integrated program of research, management, and application of salmon enhancement technology, for the benefit of all user groups"* as stated in the PWS-Copper River Phase 3 Comprehensive Salmon Plan. This is of great importance particularly in light of changing conditions outlined as "cumulative effects" in the draft EIS (p146). Recognizing that further impacts to the resources through access to PWS by the Whittier road and harbor expansion, Cordova road and Shepard Point dredging (port), increases in tourism and continued functioning of the Alyeska Terminal and development of the Port of Valdez Trans-Alaska Gas Pipeline, clearly tells us that restoration is critical to return salmon stocks to healthy condition, and enhance stocks where possible to meet the continued and growing pressures on our resources.

"Procedures for Project Planning and Permitting" (EIS, Appendix C) provides further direction on process oriented questions concerning restoration activities for fish. The program planning and permitting timeline should be considered as too lengthy and in need of stream-lining and process facilitation through permitting agencies. The Exxon Valdez oil spill occurred in 1989. Injured stocks are recognized as not recovering and it is now more than 5 years since the spill; some stocks may not be recoverable without quick action. Restoration activities must begin and not be hampered with lengthy permitting. Good project planning is crucial, but facilitation of the process is recommended so that progress can be made on restoration of injured resources and less time spent of lengthy bureaucratic processes while stocks of salmon are allowed to continue in their injured and depressed state of productivity.

I would also like to know why only fish have been targeted with an appendix for project planning and permitting procedures when so many other resources are also recognized as injured and in need of restoration.

Sincerely,



Bob Roys
President

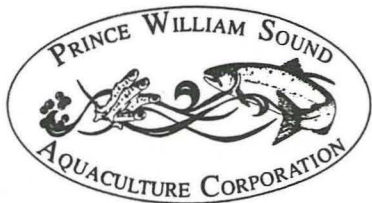
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JUL 28 1994

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL



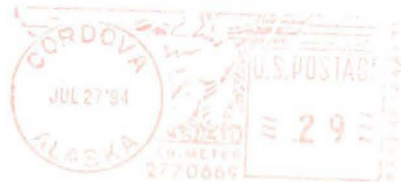
POST OFFICE BOX 1110
CORDOVA, AK 99574-1110

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JUL 28 1994

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

EVOS Trustee Council
645 G Street
Anchorage, AK 99501

ATTN: EIS Comments



EIS
D

July 29, 1994

Via Facsimile-907-276-7178

Exxon Valdez Oil Spill Trustee Council
Attn: EIS Comments
c/o Mr. Rod Kuhn
645 G Street, Suite 401
Anchorage, AK 99501-3451

Subject: World Wildlife Fund's Draft Environmental Impact Statement Comments

Dear Council Members:

On behalf of World Wildlife Fund ("WWF"), an international conservation organization with over one million members, we would like to comment on the Draft Environmental Impact Statement for the Exxon Valdez Oil Spill (EVOS) Restoration Plan (DEIS), and suggest the following improvements to the Council's Preferred Alternative (Alternative 5).

WWF is committed to a comprehensive solution to the restoration of natural resources injured within the oil spill region that is based on an appropriate allocation of the remaining balance to habitat acquisition, restoration, research, administration, and a restoration reserve. Although we recognize that the Preferred Alternative 5 exceeds the old alternative originally proposed by the Trustee Council by as much as 15% of the habitat acquisition funds, the Preferred Alternative provides only 48 - 52 % of the remaining balance to be used for habitat acquisition. This is the smallest amount of any of the 5 alternatives evaluated and is inadequate for acquiring the vast majority of the large parcels receiving high-moderate rankings from the Trustee Council's large parcel rankings. We strongly urge the Trustee Council to appropriate more of the remaining balance of EVOS funds to habitat acquisition to provide injured fish and wildlife species with high quality habitat and the greatest chance for recovery from the oil spill. Habitat acquisition is the best way to restore injured natural resources and provide renewed opportunities for subsistence and recreation use by both Alaska residents and non-residents.

World Wildlife Fund

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

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



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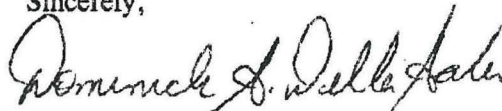
Exxon Valdez Oil Spill Trustee Council
c/o Mr. Rod Kuhn
July 29, 1994
Page 2

Based on our review of the Trustee Council's working document "Comprehensive Habitat Protection Process; Large Parcel Evaluation and Ranking Volume 1" and using Seal Bay and Kachemak Bay as comparable sales, we estimate that the Preferred Alternative will fall short of acquiring all high to moderately ranked parcels (553,100 acres identified on p. 16-17 of the Large Parcel Evaluation Working Document) by approximately \$60 million to \$90 million. Therefore, we recommend that funds be transferred from research and monitoring and/or the restoration reserve into habitat acquisition. Shifting the additional funds into habitat acquisition would increase the total funds for acquisition to \$385 million, representing 62% of the remaining balance. The higher percentage we recommend for habitat acquisition is consistent with the average allocation for habitat acquisition (66%) supported by the public, as indicated in the "Summary of Public Comments on Alternatives", and would allow the Council to acquire all high-moderately ranked large parcels from willing sellers throughout the spill region. In general, the public has shown a strong desire to create additional protected areas as a viable strategy for restoring injured resources. Additional protected areas will not only benefit injured resources, but will provide a boost for Alaska's tourism industries.

In addition, we recommend to the Trustee Council that the restoration reserve be used as a long-term investment strategy for acquiring additional sites should the results of monitoring and research reveal the need to obtain additional habitat areas for select species. The restoration reserve should also provide an investment pool that can be drawn upon to acquire small parcels, once Council completes similar parcel rankings.

In conclusion, WWF supports the Trustee Council's efforts to develop a comprehensive solution to the restoration of injured resources in the EVOS spill region. However, we recommend that the Council increase the funds for habitat acquisition to at least 62% of the remaining balance to acquire all high-moderate, large parcels. This would provide the Trustee Council with an opportunity to develop a Final EIS that is more consistent with public support for habitat acquisition. Habitat acquisition is the best way to provide high quality habitat in perpetuity for injured species that will also benefit Alaska residents now and in the future. On behalf of WWF, thank you for considering our comments on the DEIS. Please feel free to contact me at 202-822-3465, should you have any questions regarding our comments.

Sincerely,

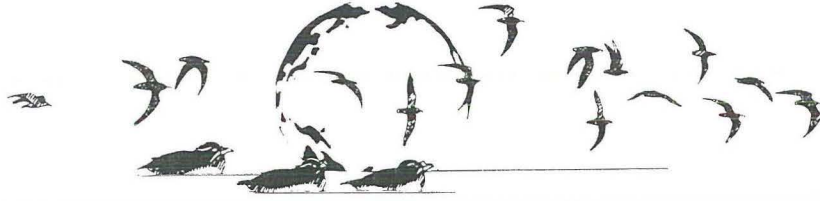


Dominick A. DellaSala, Ph.D.
Senior Program Officer

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**Pacific
Seabird
Group**



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

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

July 29, 1994

Molly McCammon
Exxon Valdez Oil Spill Trustee Council
645 G Street, Suite 401
Anchorage, Alaska 99501-3451

Re: Comments on Draft Restoration Plan and Draft EIS

Dear Ms. McCammon:

This letter contains the Pacific Seabird Group's (PSG) comments on the draft EVOS Restoration Plan (November 1993) and the draft programmatic environmental impact statement (June 1994). PSG is an international organization that was founded in 1972 to promote knowledge, study and conservation of Pacific seabirds. PSG draws its members from the entire Pacific Basin, and includes biologists who have research interests in Pacific seabirds, state and federal officials who manage seabird populations and refuges, and individuals with interests in marine conservation. PSG has hosted symposia on the biology and management of virtually every seabird species affected by the Exxon Valdez oil spill, and has sponsored symposia on the effects of the spill on seabirds.

I. Restoration Policies

PSG generally agrees with the policies set forth in the Restoration Plan^{1/} and the proposed action (alternative 5) in the DEIS. The \$65-\$100 million targeted for general

^{1/} Chapter 2.

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restoration seems reasonable.^{2/} PSG specifically endorses Policy No. 3 which allows restoration outside the spill area (but within Alaska) "when the most effective restoration actions for an injured migratory population are in part of its range outside the spill area."^{3/} As we have commented previously, virtually all the bird species killed in the spill are migratory, and many birds that breed outside the spill area were injured. For this reason, we strongly disagree with Alternative 3 of the DEIS which would limit all actions to the spill area only.^{4/}

PSG agrees that manipulation of the environment is a useful restoration activity under appropriate circumstances, and that technical feasibility is a key factor that must be considered with each restoration proposal.^{5/} In this regard, we reiterate our view that the best means to restore most of Alaska's seabird populations would be to remove rats, foxes and other alien creatures from colonies and former colonies as compensatory restoration in areas that may be far from the spill area. This would allow the islands to regain their natural biodiversity. One reason that the harm caused by the oil spill is biologically important is because the intentional introduction of foxes on other seabird colonies during the past 150 years has greatly diminished the natural population of seabirds in Alaska.

We agree with the overall goal of restoring all injured resources and services.^{6/} We agree that common murrelets, harlequin ducks, marbled murrelets and pigeon guillemots do not seem to be recovering and need restoration efforts. However, we strongly believe that the Trustee Council should also restore other bird species. The Trustee Council should add the category "other seabirds" and "other sea ducks" to the list of "recovery unknown" resources.^{7/} The Restoration Plan acknowledges that current population status is "unknown" for the following seabirds that were collected dead in 1989: yellow-billed, Pacific, red-throated loon; red-necked and horned grebe; northern fulmar; sooty and short-tailed shearwater; double-crested, pelagic and red-faced cormorant; herring and mew gull; Arctic and Aleutian tern; Kittlitz's and ancient murrelet; Cassin's, least, parakeet and rhinoceros auklet; and horned and tufted puffin.^{8/} The decline after the oil spill "varies by species" and

^{2/} DEIS, p. 2-12.

^{3/} Restoration Plan, p. 9.

^{4/} DEIS, p. 2-12.

^{5/} Restoration Plan, chapter 3.

^{6/} Restoration Plan, p. 25.

^{7/} Restoration Plan, p. 30.

^{8/} Appendix B, p. B-41.

cormorant, Arctic tern and tufted puffin clearly declined.^{9/} The Restoration Plan also acknowledges that the current population status is "unknown" for the following species of sea ducks that were collected dead in 1989: Steller's, king and common eider; white-winged, surf and black scoter; oldsquaw; bufflehead; common and Barrow's goldeneye; and common and red-breasted merganser.^{10/}

We raised this issue in our earlier comments^{11/} and the DEIS concedes these injuries.^{12/} Nevertheless, the DEIS does not seem to propose spending funds on restoring these populations. According to the federal estimates published in 56 Federal Register 14687 (April 11, 1991), these "other" seabirds and "other sea ducks" totalled 14,000 dead birds. The Trustee Council estimates that "in general, the number of dead birds recovered probably represents only 10-15% of the total numbers of individuals killed."^{13/} Simple mathematics indicates these losses were 90,000 to 140,000 birds, which the DEIS would have us ignore.

As a reference point for this magnitude of injury to seabirds, the federal government recently settled the Apex Houston case in central California concerning a spill that may have damaged about 4,200 seabirds (the actual number being an unknown multiple of 4,200). The insurance company paid about \$6 million to settle this claim. If Alaska seabirds are worth as much as California seabirds, the Trustee Council should spend at least \$18 million of the trust funds to restore "other seabirds" and "other sea ducks." Predator removal is a cost effective technique that would benefit all seabirds and all sea ducks.

II. Habitat and Acquisition Policies

PSG generally agrees with the Trustee Council's habitat and acquisition protection policies,^{14/} and recognizes that protecting uplands may greatly benefit harlequin ducks and marbled murrelets. We agree that those lands that provide the greatest benefit to injured resources should be ranked highest. We have previously provided the trustees with a list of seabird colonies that should be considered for purchase. While we believe that less than fee simple ownership may be appropriate in certain circumstances, the Trustee Council should insure that the ownership rights it purchases will be sufficient to protect the injured resources

^{9/} Appendix B, p. B-41.

^{10/} Appendix B, p. B-42.

^{11/} Letter to EVOS Trustee Council from PSG (August 6, 1993).

^{12/} DEIS, Table 1-1, p. 1-13.

^{13/} Restoration Plan, p. B-16.

^{14/} Restoration Plan, chapter 3.

in perpetuity. For example, the government should not spend any of the \$295-\$325 million in trust funds targeted to land purchase for the purchase of logging rights unless those rights are permanent. We understand that historically the government has bought the same land rights more than once.

III. Monitoring and Research

We agree that monitoring and research provide important information to help guide government restoration activities.^{15/} We believe that this is an area where the Trustee Council must make special efforts to guard against violating Policy No. 9 ("Government agencies will be funded only for restoration work that they do not normally conduct.")

Alternative No. 5 in the DEIS establishes a \$100-\$130 million restoration reserve for "long-term restoration and research activities."^{16/} We interpret this reserve to allow the Trustee Council to adopt one of PSG's proposals, namely, the endowment of chairs in marine ornithology at the University of Alaska.^{17/} If our understanding is correct, we enthusiastically endorse the establishment of a reserve account, and suggest that the Trustee Council proceed with establishing chairs in marine ornithology. The use of funds for this purpose would begin to make up for the fact that, for example, the Trustee Council directed only 3.4% of its expenditures to marine birds in the 1994 work plan. On a comparative basis, seabirds suffered far more than 3.4% of the damage caused by the spill, and we doubt that the public will accept such a result over the course of the restoration period.

We question the basis for the conclusion that "predator control outside the EVOS area . . . would provide a low overall benefit to murre populations."^{18/} FWS has identified 18 islands that are suitable for predator removal.^{19/} Kaligagan Island's seabird population increased by 125,000 burrowing birds after foxes died out.^{20/} We suggest that the Trustee Council estimate for each of the 18 islands the increase in murre population that might result after foxes have been removed, and allow PSG to review that study. Without such information and analysis, this conclusion seems to be arbitrary and capricious.

^{15/} Restoration Plan, p. 21.

^{16/} DEIS, p. 2-12.

^{17/} See letter from PSG to EVOS Trustee Council (April 14, 1993).

^{18/} DEIS, p. 4-84.

^{19/} DEIS, p. 4-84.

^{20/} D.R. Nysewander et al. 1982. Marine bird and mammal survey of the eastern Aleutian Islands, summers of 1980-81. Unpublished FWS report.

Finally, we understand alternative 5 to be identical to alternative 4 except for the addition of a restoration fund. We believe that fox control, which is included in alternative 4 for murrees and pigeon guillemots^{21/} should also be expressly included in alternative 5 for these species.^{22/}

IV. Use of Regulatory Authorities to Assist Restoration

Neither the draft Restoration Plan nor the DEIS address questions that the Trustee Council raised in the scoping process during 1992. Are federal and state agencies using their regulatory powers to modify human uses of resources or habitats that the spill injured? We noted in June 1992 that such efforts would not exhaust a single dollar of the trust fund, but would merely require that the state and federal natural resource agencies enforce the laws or redirect their programs.

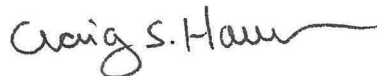
Have agencies curtailed the hunting seasons for sea ducks or harlequin ducks? What has been done to manage commercial fisheries to reduce the incidental mortality of marbled murrelets in drift gillnets (a violation of the Migratory Bird Treaty Act)? Has logging (both on government and private lands) been curtailed under federal or state law in uplands that are prime habitat for marbled murrelets or harlequin ducks?

V. Competitive Proposals for Restoration Projects

PSG welcomes Policy No. 6 in the Restoration Plan, whereby the Trustee Council will encourage competitive proposals for restoration projects. We believe that this policy should be broadly implemented, because it will maximize the benefits that can be obtained from the remaining \$600 million in trust funds.

PSG thanks the Trustee Council for this opportunity to lend our expertise and views on these important issues. We also acknowledge and appreciate the careful consideration the Trustee Council has given our previous comments during the past several years.

Sincerely,



^{21/} DEIS, pp. 4-84 to 4-85.

^{22/} For example, fox removal should be included in pp. 4-118 to 4-120.

940729159

AKHIOK-KAGUYAK, INC.
5028 Mills Drive
Anchorage, AK 99508

OLD HARBOR NATIVE CORPORATION
P.O. Box 71
Old Harbor, AK 99643

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July 29, 1994

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

Re: Draft Environmental Impact Statement Comments

On behalf of Akhiok-Kaguyak, Inc. and Old Harbor Native Corporation we would like to thank the Exxon Valdez Oil Spill Trustee Council for the opportunity to comment on the Draft Environmental Impact Statement for the Exxon Valdez Oil Spill Restoration Plan.

As you know, we have been working with the Trustee Council and its representatives and recognize the enormity of your task in balancing the restoration goals of various interests and regions impacted by the Exxon Valdez oil spill. We also appreciate the open lines of communication you have established and the degree of care you have given to this complex process.

How a person views the Draft EIS for the Exxon Valdez Restoration Plan depends upon where you sit.

The villages of Akhiok and Old Harbor sit amidst the abundant natural resources of the Kodiak National Wildlife Refuge and the Alaska Maritime National Wildlife Refuge. Our livelihood, our culture and our way of life benefit when the natural resources of our area are nurtured and sustained.

The oil spill had a major impact on us because it degraded fish and wildlife habitat and populations and threatened the natural resources of our area. The spill diminished our subsistence base, and disrupted the lives of our people through commercial fish closures and the loss of fishing and cannery jobs for our people.

Given our location and reliance on healthy natural resources, we have been very supportive of the habitat protection aspect of the Restoration Plan. We continue to feel that protection of our habitat will give nature the best opportunity to replenish herself.

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EVOS TRUSTEE COUNCIL

July 29, 1994

Page 2

Further, given our proximity to the lands, islands and waters of the National Wildlife Refuge System, our working relationship with the U.S. Fish & Wildlife Service and our mutual goals of carefully managed human use of the refuge areas adjacent to our villages, it is clear that we would have a low degree of involvement with General Restoration projects and Research and Monitoring (See Draft EIS, Chapter 1, pages 15-16 discussion of National Wildlife Refuge System Comprehensive Conservation Plans). Therefore, we continue to favor an Alternative 2 approach to restoration which maximizes habitat protection.

In reviewing the restoration benefit analysis in the Draft EIS for the final Restoration Plan, we believe the restoration benefit for nearly all injured species, resources and human services provided by Alternative 2 exceeds the estimate which the Draft EIS gives to the respective injured species and resources (see Summary page xiv-xvii). For example, concerning commercial fishing (Summary page xvii), which is the backbone of our villages' income opportunities, the Draft EIS states that the long term effects of Alternative 2 would have moderate benefits for commercial fishing.

To quote the Draft EIS, "Habitat protection and acquisition actions may have a long-term benefit to salmon and Pacific herring stocks in the EVOS area by helping to ensure maintenance of wild-stock production to support the commercial fishing industry."

Again - from where we sit in complete dependence on the fishing industry and the health of fish stocks - the importance of protecting the anadromous streams and their associated wetland complexes and uplands from incompatible developments in perpetuity cannot be overstated. The long term health of fish resources is not a "moderate" issue for us. It is the highest priority. Therefore, any restoration action which helps sustain highly productive fisheries is by definition a restoration aspect with high benefit in our opinion.

If our region experiences the habitat degradation and diminished productivity common in the Pacific Northwest (an issue of growing concern in Alaska), it won't be a case of an economic downturn and diversification, it will be the end of our villages as viable places to live.

We believe that without habitat protection, degradation of habitat is a certainty over time. Therefore, from where we view the Restoration Plan, a dollar spent on habitat protection is a dollar invested in the survival of our villages. There simply is no higher restoration priority for us. It is our shared opinion that Alternative 2 should be rated as having a HIGH degree of benefit, as opposed to a moderate benefit, for commercial fishing.

We note that the Restoration Plan proposed for adoption endorses a redesigned Alternative 5, which has the least amount of funding for Habitat Protection. Given our perspective, Alternatives 4 and 5 are our least favorite restoration approaches, although we note the new Alternative 5 has more funding for habitat protection than last year's version.

EVOS TRUSTEE COUNCIL

July 29, 1994

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Finally, we recognize that our villages are not the only areas of concern within the oil spill region, and our goals are not the only ones you as Trustees have to weigh in the restoration efforts. We support the comprehensive approach being pursued by the Trustees.

Thank you for the opportunity to present these comments and good luck on the important job ahead of you.



Ralph Eluska, President
Akhiok-Kaguyak, Inc.



Emil Christiansen, President
Old Harbor Native Corporation

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Cordova District Fishermen United

P.O. Box 939

Cordova, Alaska 99574

(907) 424-3447 FAX (907) 424-3430

July 30, 1994

Exxon Valdez Oil Spill Trustee Council
Attention: EIS Comments
645 G Street, Suite 401
Anchorage, AK 99501-3451

Dear Council Members:

Thank you for the opportunity to comment on the adequacy of statements and merits of alternatives presented in the *Exxon Valdez* Oil Spill Restoration Plan Draft Environmental Impact Statement (DEIS). Our comments are summarized below for your review.

- ∞ **CDFU is disappointed that it took 3 years to produce a draft restoration plan.** The settlement consisted of \$900 million, of which only \$620 million remains. This effectively means that one third of all settlement monies were spent before any effective planning process was undertaken.
- ∞ **CDFU believes that the DEIS should include a methodology whereby funding is based, at least in part, on a project's proximity to the epicenter of the oil spill.** No one can argue that some areas within the oil spill boundary were more affected than others (in the short- and long-term) and it would not be difficult to draw lines around specific geographic regions in accordance with the degree of oil spill damage. Despite all political intentions to avoid *regionalization*, CDFU sits amidst the most damaged area with the worst long-term prognosis.
- ∞ **CDFU questions the adequacy of statements about independent scientific review on page 3 of Chapter 2.** The DEIS says, "...restoration projects will be subject to open, **independent** scientific review before Trustee Council approval. This policy continues an already existing practice. It also assures the public that scientific judgements are without bias." On the contrary, CDFU has struggled for years with the lack of independence in the scientific review process. We have written letter after letter expressing disgust and frustration with the Council's scientific review process which is characterized by inter-agency rivalries and political agendas. Basically, the public has been stuck with a heavily politicized decision-making process bias in favor of funding projects sponsored by state and federal agencies.

A good example of this problem concerns Prince William Sound herring research projects in 1993. In the EVOS Restoration Framework document, the authors stated that a resource is damaged if "significant sublethal and chronic effects to adults or any other life history stage" has been demonstrated. Only a few species have documentation of this kind of damage and herring is most certainly one of them. Despite that, the Council's "independent scientific review" axed the most important herring research, leaving our hands tied and our data sets discontinuous.

CDFU considers the current review process to be more of an *internal political review* than an *independent scientific review*. Some semblance of an internal review may be necessary to address issues of quality control and consistency but it is not enough to achieve independence in the scientific sense of the word. We strongly urge the Trustee Council to arrange for review of project proposals by scientists who are neither politically appointed nor financially remunerated for their services. Without these elements of true independence, we cannot be assured that the process will come unstuck.

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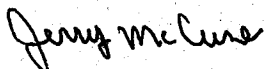
EXXON VALDEZ OIL SPILL
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- ∞ Overall, we believe the DEIS suffers from a lack of definition. The meaning behind important and often used terminology (i.e., *enhancement, restoration, reserve, and monitoring*) cannot be located in the document. We recommend that the authors augment the glossary to include these most basic terms.
- ∞ CDFU questions the logic behind the assertion described with the proposed alternative that, the greater the number of projects and programs, the smaller the percentage of funds allocated to administration and public information. It would seem to us that, the greater the number of projects, the greater the administrative expense.
- ∞ CDFU is concerned by any alternative restoration plan that allows for actions to be taken outside of the spill area. Allowing actions outside the spill area will only stretch already scarce resources more thinly. In short, there is not enough money left to effectively address other than the most injured resources.
- ∞ CDFU requests clarification on how certain activities in the restoration program may be simultaneously within and outside the scope of analysis in the DEIS. On page vii of the summary, the authors state that: "In addition to the resources and services analyzed in this DEIS, the restoration program may include other resources with injuries related to the spill," such as killer whales, black oystercatchers. The authors go on to say that, "these types of actions are outside the scope of analysis in this DEIS."
- ∞ CDFU is concerned that the endowment option appears only in Alternative 5 and is ill defined. On page viii of the summary, the authors say that, "Alternative 5 contains an element not present in the other alternatives. In response to public comments that a fund should be set aside for long-term restoration and research activities, the proposed action includes the establishment of a Restoration Reserve." CDFU feels that if this request is really being driven by public demand, it should be offered in all alternatives plans, not just the proposed fifth alternative. CDFU also asks for better definition of what types of projects might be funded through this endowment mechanism and what procedure will be used to access it.

CDFU's most fervent wish is that Prince William Sound may be restored with the help of the Trustee Council. We are in favor of protecting strategic lands and habitats important to the long-term recovery of the most injured resources and the services they provide *per se* but, above all, we want our Sound restored.

If you have any questions or need any clarification on the items above, please do not hesitate to contact our office any time. On behalf of the hundreds of commercial fishers who comprise CDFU, thank you for your consideration.

Sincerely,
CORDOVA DISTRICT FISHERMEN UNITED


Jerry McCune, President

940730162



The National Outdoor Leadership School

P.O. Box 981, Palmer, Alaska 99645
(907) 745-4047

Don Ford
Alaska Branch Director

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Exxon Valdez Oil Spill Trustee Council
645 G Street, Suite 401
Anchorage, Alaska 99501-3451

Re: EVOS Restoration Plan Draft Environmental Impact Statement

July 31, 1994

Thank you for the opportunity to comment on the Draft Environmental Impact Statement for the Exxon Valdez Oil Spill Restoration Plan. I am commenting on the draft plan from the perspective of the National Outdoor Leadership School (NOLS) which has been operating kayaking courses in western Prince William Sound since 1971. NOLS is a non-profit educational institution that operates in the state of Alaska with certification from the Commission on Post Secondary Education. Our specific concerns relate to the potential impact of the proposed action, Alternative 5, on the experience of our courses and students. NOLS has a particular interest in maintaining the wilderness character of Prince William Sound's Nellie Juan-College Fjord Wilderness Study Area.

Habitat Protection and Acquisition is the Best Restoration Tool.

The DEIS consistently recognizes habitat protection and acquisition as the primary component of the overall restoration plan. The amount of money allocated to the habitat program in Alternative 5 is inadequate. \$295-\$325 million is not nearly enough funds to protect the hundreds of thousands of acres threatened and consequently not enough funds to ensure long term ecosystem recovery.

Increasing the protection of habitat throughout the spill affected area will be beneficial to the entire ecosystem by reducing further habitat degradation that may compound the effects of the oil spill. DEIS 4-31.

The budget for general restoration activities should be slashed to accommodate the necessary increase. Given habitat acquisition and baseline population monitoring nature can heal itself best.

Specific Habitat Recommendations: NOLS is concerned that the area in the Southwest part of Prince William Sound not be overlooked when making acquisitions. The area was the hardest hit of all the impact area, and has tremendous value for wilderness based tourism and damaged resources. We would specifically encourage the Trustees to acquire either title and surface/subsurface rights, or surface/subsurface rights with stipulations protecting from further development, of private lands in the following areas:

Dangerous Passage	South end of Knight Island
East side of Knight Island	Chenega Island
Bainbridge/Evans/LaTouche Islands	

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We see a paradox with this area when looking at "restoration." By concentrating their acquisition efforts to "imminently threatened" areas, the Trustees did not take into account areas which have already been seriously threatened by the spill itself. Thus the paradox: protect areas which are threatened in the near future, or areas which were most heavily hit during the spill. Though we support acquiring areas that are imminently threatened and have restoration value, we would like to see some acquisitions based on past damage. By acquiring the above mentioned lands the Trustees would not only be preserving an area synonymous with the worst of the spill, they would be allowing the resources and services damaged by the spill in that area the best chance of recovery.

Creating New Recreation Opportunities Threatens the Recovery of Both the Injured Resources and Existing Services Dependent on Those Resources.

Alaska does not have an unending supply of wild and undeveloped land. Prince William Sound's combination of protected waters and exceptional wilderness quality are a rare combination in the world today. It is our view that these values already damaged by the oil spill would be significantly compromised by an increase in human use. The DEIS acknowledges the importance of wilderness values to recreators citing the necessary protection of scenic, wildlife and undeveloped characteristics within the spill area; yet, Alternative 5 promotes new facilities, trails and recreational sites as a means to improve services. *DEIS 4-137.*

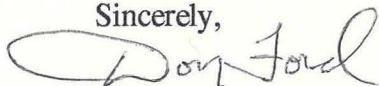
The level of acceptable change needs to be addressed, in particular, the cumulative impacts of increased traffic volumes on wilderness based tourism. Even with the current level of use, the Chugach National Forest and the Alaska Department of Natural Resources are facing the challenge of maintaining a level of use and development on Prince William Sound (PWS) that is sustainable ecologically, socially, and culturally.

The assumption that increased recreation use levels, types and opportunities is a *high benefit* contradicts the ultimate restoration goal. An influx of people into the spill area would impose adverse pressures on the ecosystem. Furthermore, existing wilderness based tourism operators view remote areas with no human development as high value.

Conclusion: Preservation of wilderness characteristics without increased access for humans offers the oil spill affected area the best chance of fully recovering. The Habitat Protection and Acquisition program is the appropriate restoration tool to accomplish this end. Education of existing users through a program such as Leave No Trace would also contribute to the long term recovery of the ecosystem. Based on the potential adverse impact of Alternative 5 on wilderness values and recreational users, NOLS opposes the proposed action.

Thank you for your time and reconsideration of the Habitat Protection and Acquisition program's vital role in the recovery of the greater EVOS ecosystem.

Sincerely,



Don Ford
Director, NOLS Alaska

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The National Outdoor
Leadership School

P.O. Box 981
Palmer, Alaska 99645

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TRUSTEE COUNCIL

Exxon Valdez Oil Spill Trustee Council
645 G Street
Anchorage

attn: EIS comments
4th Floor

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EVOS Trustee Council
DEIS Comments
645 G Street
Anchorage, AK 99501

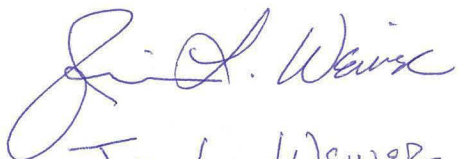
July 26, 1994

Dear Trustees,

I find that the amount you have suggested spending for habitat protection in your DEIS is not sufficient to purchase all the important areas impacted in the oil spill. I would like to see a larger amount allocated for that purpose. The largest impact from the oil spill was destruction of habitat, therefore the most appropriate way to respond is by protecting habitat that is currently threatened.

Thank you for your consideration.

Sincerely,


JIM L. WEINER
1850 ORCHARD PL.
ANCH., AK 99502

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EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

WEINER
1850 ORCHARD PL
ANCH., AK 99502



EXXON Valdez Oil Spill Trustee Council
ATTN: DEBS COMMENTS
645 G St.
ANCHORAGE, AK 99501

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EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

DEIS PHONE COMMENT LOG

Name	Affiliation	Phone	Address
PAUL SWARTZBART	Commercial Fisherman and tour guide		P.O. Box 233 Cordova, AK 99574

Date of initial contact with EVOS: 7 July '94 Talked to: KAREN KLINGE

Comments:

- Comments were related to Eyak Land Acquisitions.
- Cordova's social and economic future is at stake. The economy has always been based on a sustainable source - Fish, which is now diminishing. Cordova's future is bright if the tourism industry is developed.
 - The Eyak parcels are Cordova's Marketability. They are too steep to log without damaging watersheds and Eyak isn't following Forestry practices Act guidelines.
 - The Acquisition ranking process is flawed. It ignores the importance of areas that join high ranked parcels, and does not adequately value parcels that are very important to just a few resources/services.
 - EYAI & EYAS are points between extremely high value areas yet they are ranked low. Wildlife use these areas as corridors and buffers.
 - Rude River is a pristine wilderness used by many species and people, but because it floods, wildlife doesn't reside there for long periods.
 - EYAI is the center of the town and the source of one of Cordova's key salmon runs.
 - Eyak Lake cannot be ranked as low. It is the town water supply when the reservoir is low. It is the main spawning area for red salmon up Eyak river. These fish are one of biggest tourist attractions for fishing.

DEIS PHONE COMMENT LOG

Name

Affiliation

Phone

Address

PAUL SWARTZBART - CONTINUED

Date of initial

contact with EVOS: _____ Talked to: _____

Comments:

- EYALB is crucial for tourism because it is seen from town and from Shephard Point which is the site for the deep water port and it is directly across the bay.
- The DEIS does not adequately address the impact of logging on Cordova's economy. Logging will prevent tourism^{development} which is Cordova's best hope for the future.
- Need to do something for the Eyak people and the people of Cordova. Save the area for the future.
- His Friends in the Eyak Corp. do not want to be in the logging business but they have to make a profit under ANESA. The loggers are not residents - they are from out-of-state.
- These areas are much more important than studies or a Seward Research Area.

EIS
D

Jeff Parker
c/o Jameson & Associates
500 L Street, Suite 502
Anchorage, Alaska 99501
(907) 272-9377

July 11, 1994

Exxon Valdez Oil Spill Trustee Council
Attn: EIS Comments
645 G Street, Suite 401
Anchorage, Alaska 99501

Dear Trustees:

These comments are submitted in behalf of the Alaska Sportfishing Association and Trout Unlimited.

The draft EIS ("DEIS") for the Exxon Valdez Oil Spill Restoration Plan suffers from two major deficiencies.

The first is that DEIS appears not to meet the requirement that a draft EIS must examine all reasonable alternatives. You have designed your alternatives so that it is impossible for any interested person to choose to spend the most money on habitat acquisition and spend it either state-wide or substantially out of the spill area. That is clearly a reasonable alternative, given that the alternative of spending it overwhelmingly on acquisitions, but solely within the spill area, is itself an admission that it is reasonable to pick an alternative based on reasoning that little can be done in actual restoration, other than acquisition.

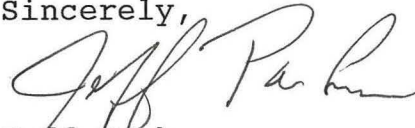
The DEIS seems to limit out-of-spill-area acquisitions to those that bear a link to injured resources. With all due respect, that is not the standard for acquisitions. The better guidance -- that of the conference committee on the Clean Water Act of 1977 -- is more liberal. It is that where the damaged or destroyed resource is irreplaceable, you simply acquire a "resource to offset the loss." See Conf. Rept. No. 95-830, 95th Cong., 1st Sess. (1977) reprinted in U.S. Code Congressional & Admin. News 1977, 4326, 4424, 4467. The regulatory definitions of acquisition similarly are not as restrictive as you have designed your alternatives.

Essentially, you have distributed the two, key variables of (1) locale of acquisitions and (2) the amount of money for acquisitions so as to eliminate this choice being presented for public review. As I recall the cases on reasonable alternatives, I suspect you are not in compliance.

Second, you persist in doing nothing to comply with the NRDA regulations as they relate to passive use, which I need not remind you is the value lost by the American public at large. All you say is what you have said for five years -- that when resources are back to baseline, so will be passive use.

The practical result is that for most resource injury in relation to passive use value, you have in effect selected a "no action" alternative. The NRDA regulations, in the quantification phase, in the restoration methodology and in the restoration plan phase, all contemplate data-based measures of how restoration planning actions will return service, including passive use services, to baseline. In my view, the DEIS does not meet that requirement for making the necessary choices among restoration alternatives. In my view that insufficiency arises from a parochial lack of concern for the American public at large and an overly parochial concern for local Alaskans. You might do well to remind set an example to all, that in the role of trustees, state and federal officials alike have duties to the greater public at large, and not just to Alaskans.

Sincerely,



Jeff Parker
Attorney for the Alaska
Sportfishing Association
and
Vice President, Alaska State
Council of Trout Unlimited

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JUL 13 1994

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

Harber

RICHARD A. JAMESON & ASSOCIATES

ATTORNEYS AT LAW

500 L STREET, SUITE 502

ANCHORAGE, ALASKA 99501



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JUL 13 1994

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

*EVOIS Trustee Council
ATTN: EIS Comments
645 G Street, Suite 401
Anchorage, Alaska
99501*

COMMENTS

Comments on the Draft Exxon Valdez Oil Spill Restoration Plan: 21-1

Figure S-1 does injustice to the extent of oiling that occurred in the Kodiak & Chignik Management Area. For example ADF&G ~~the~~ document oiled in every Kodiak bay w/ exception of Olga Bay on the south end of Kodiak Is (Barnett & Markowitz 1989). Further, Chignik was oil to the entrance of Chignik Lagoon.

Comments on the Draft Environmental Impact Statement:

Name: Bruce Barrett Date: 5 July 94
Address: ADF&G - Kodiak

James G King
1700 Branta Road
Juneau, Alaska 99801

EIS
D

EVOS Trustee Council
Attn. EIS Comments
645 G. Street, Ste. 401
Anchorage, Alaska 99501-3451

7/15/94

Dear Sir,

These are comments that need to be addressed in the EVOS Restoration Plan and EIS. My primary concerns are: 1) these documents do not present an "ecosystem approach" to "restoring, replacing, enhancing, rehabilitating or acquiring the equivalent of natural resources injured as a result of EVOS," as required by policy of the Trustee Council, 2) There is an assumption about what was damaged, what is recovering and what is not but hundreds of species that use the oil spill area are not even mentioned probably because there was no pre spill data and few carcasses were recovered as is the case with 31 of 32 species of shorebird that depend for part of the year on the intertidal area that was heavily oiled, and 3) the matter of endowments is not covered, in fact not even mentioned, despite the fact that two thirds of people responding to the April 1993 Draft favored use of some of the funds for endowment. These documents therefore lack credibility as planning documents by failing to address all the alternative actions proposed.

More specifically, It is clear that no one understood the oil spill area ecosystem before the spill, no one understands it now and it will not be understood in 2001 therefore no one will be able to determine when the ecosystem is restored as is called for in the Draft EIS. An ecosystem is such a highly complex structure that the only hope of understanding it would be to assign a well coordinated, multi discipline team to the task for an extended period. The US Weather Service does not endorse weather means until they have 30 years of records which suggests one parameter for determining how long understanding the ecosystem might take. As the work progresses new questions will emerge and new technology will be developed adding to the eventual chance of reasonable understanding. This realization is no doubt what prompted so many respondents to recommend a research program endowed in perpetuity. When the ecosystem is better understood the work of restoring, replacing, enhancing and rehabilitating can be properly addressed.

The suggested permanent research endowment programs took at least three approaches; 1) A grant making organization with it's own directors and management staff, 2) A coastal marine laboratory under either the University of Alaska or other organization and, 3) endowed academic chairs at U of A for teaching and research on the ecology of the various resources injured in the spill. These are valid alternatives for spending the Settlement funds and need to be evaluated

as to their potential impact on the resources, the economy, the people of the spill area and so forth.

Additional points that need to be addressed:

5) It has been suggested that use of Settlement funds for endowments may not be legal at present. Who determines what is legal? What is the appeal process if it is determined not legal? What could be done to make it legal?

6) The Summary of Public Comment (Sept. 1993) reports 50 written comments were received regarding endowments. It also states that four dozen letters dealt with university endowments. These comments should be evaluated.

7) Senator Arlis Sturgulewski sent in a very detailed proposal for a Marine Science Endowment that had 30 letters of support including most of the Trustee Council members. All this needs evaluation.

8) The American Bald Eagle Foundation, American Ornithologists Union, Pacific Seabird Group, Wildlife Society, American Institute of Fisheries Research Biologists, The Juneau Assembly and the Fairbanks Chamber of Commerce all wrote with various proposals related to endowments. These need evaluation.

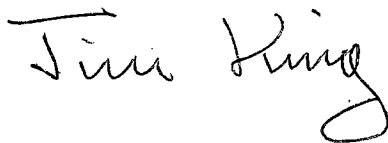
9) The attached proposal for U of A chairs growing out of my participation in PAG deliberations needs evaluation.

The letter of the law might allow exclusion of some public proposals but the spirit of NEPA, the EVOS Settlement, and the Trustee Council policy all encourage public participation. Now it is there it needs to be evaluated or the whole process loses credibility. The various facets of the endowment proposals should be addressed as a 6th alternative with appropriate portions included in the preferred alternative. With the cards properly organized on the table a well informed public can provide meaningful evaluation of alternative leading to the most appropriate solution to restoration problems.

Thank you for the opportunity to participate.

Sincerely,

James G. King



A PROPOSAL TO USE EXXON VALDEZ SETTLEMENT FUNDS FOR
A WORLD CENTER FOR MARINE RESEARCH AT UNIVERSITY OF ALASKA

James G. King, member, EVOS Public Advisory Group
7/07/94

No one denies the 1989 Exxon Valdez oil spill (EVOS) severely damaged a number of marine resources and adversely effected the quality of human life along the shore of the Gulf of Alaska and beyond. It is now clear that knowledge is inadequate to fully assess the damage, and technology is not available for complete restoration. Life, including human life, is adjusting to the post EVOS environment. The major question now is how to most effectively use the damage settlement funds from Exxon. An endowment fund is proposed using some of the settlement money for continuing, baseline, research to fill the so obvious knowledge gaps. A versatile program is needed that can adapt, grow and develop as time passes. It would be most effective to use the existing prestige and infrastructure of the University of Alaska (U of A) to build a world center of marine research and education in the EVOS area. The rapidly developing "electronic information highway" will preclude the need to have all personnel and facilities in one town. A major university center will not conflict with, but will complement, the lawfully mandated research and management by state and federal agencies.

GOAL

To use the existing University of Alaska Foundation for establishing endowed chairs, endowed professorships and endowed funds for contracts or grants to fulfill obligations under the EVOS Settlement.

OBJECTIVES

- 1) To develop an ecosystem based program for the required scientific and social research that will enable the various responsible agencies to fulfill requirements of the EVOS Settlement.
- 2) To continue such research in perpetuity so that new knowledge and technology can continue to be applied to old problems, or new ones, particularly under the enhancement clause of the EVOS Settlement.
- 3) To create a world center for marine oriented science and education in coastal Alaska as an aid to resource management and as partial compensation for services and income lost as a result of EVOS.

- 4) To develop a world class faculty of experts to study basic life history, monitor population dynamics and improve our understanding of the ecology of marine species of coastal Alaska thus minimizing the need to import expertise during future oil related or other crisis.
- 5) To use the U of A to train the scientists and technicians in marine resource management, oil technology and coastal sociology that will be needed by agencies, industry and local communities as they adjust to post EVOS conditions.
- 6) To produce a flow of peer reviewed, scientific publications and technical theses.
- 7) To create educational and training opportunities for the youth and residents of the EVOS region in fields related to the resources of their area.
- 8) To benefit the Native communities by learning to understand their past and helping to chart a satisfying course for their future.
- 9) To enhance personal and commercial recreation while protecting other values and resources.
- 10) To benefit Alaskan businesses in marine resources, recreation, tourism, and oil related fields by providing pertinent research and locally trained workers.
- 11) To enhance the environment, the economy, the quality of life and the image of Alaskan communities where these elements were damaged by EVOS.

METHODS

- A) In 1994 the EVOS Trustee Council will deposit 30 million dollars in the U of A Foundation to permanently endow academic chairs in marine science and sociology to be assigned at existing University facilities, as follows:

- Oceanography
- Marine invertebrates
- Fisheries
- Ornithology
- Mammalogy
- Forestry in coastal ecosystems
- Anthropology
- Subsistence, Past-Present-future
- Recreation, Planning and Management
- Socio-economics of coastal communities

- B) In 1994 the EVOS Trustees Council will invite the U of A President, the three Chancellors and the University

Foundation Director to join them in a UA/EVOS Committee that will:

- Write position descriptions for the 10 EVOS chairs.
- Advertise for and hire applicants.
- Provide oversight of the work of the chairs.

C) The 10 EVOS chairs will be guided by the goals and objectives as above and provisions of the EVOS Settlement. They will immediately begin to develop:

- An ecosystem based research plan.
- Optimum electronic communication.
- Local advisory contacts.
- Baseline research programs.
- Education programs.
- Graduate student research programs
- Proposals for additional funds.
- Proposals for additional positions.

D) The 10 EVOS chairs will form an EVOS Task Force that will work with the EVOS Restoration Team to develop a master plan for accomplishing provisions of the EVOS Settlement. Additional endowed chairs will probably be needed.

E) 1995 and beyond:

The EVOS Trustee Council will reserve 30 million dollars each of the next 8 years to build up endowed programs under the U of A Foundation.

The University of Alaska Foundation will manage funds received from the Trustee Council as a separate EVOS fund, protected from inflation with the remaining income used to fund positions, programs, facilities, contracts and so forth under the guidance of the EVOS Trustee/UA Committee (Trustee Council members and U of A officers). It would not be necessary for all the income to be spent every year thus the principle could be allowed to grow or money be saved for large projects.

The Evos Task Force (10 chairs and the Restoration Team) will continue to perfect master planning and proposals for funding.

The Trustee/UA Committee will monitor the whole program, select applicants and evaluate funding proposals.

DISCUSSION

Are the coastal resources of Alaska sufficient to warrant a world center of marine research and education? The answer, of course, is yes and we better be about it before they go the way of the resources of the North Atlantic.

Is it appropriate to use EVOS Settlement money as startup funds for a world research center in Alaska? No other proposal for use of this money could benefit so wide a spectrum of oil spill affected people and resources.

Is it legal to use EVOS money in this way? Maybe, if not and the people want it, the Legislature and/or the Congress can easily make it legal.

Is there enough Settlement money to create an adequately endowed, world research center? Probably not, but there is sufficient to plant the seed and nourish the sprout until it begins to grow and branch on it's own, becoming the mighty oak it should be.

Will Alaska Native communities benefit appropriately from such a center? No other proposal offers so wide an array of possible benefits for future generations of Alaska Natives.

RESULTS

Under this plan a major portion of the issues and responsibilities of the EVOS Settlement will be addressed and fulfilled by U of A research. Nearly 60 percent of the money will still be available to cover responsibilities for finishing cleanup, supporting agencies, purchasing habitat and so forth.

Because of the size and financial attractiveness of the University program a series of beneficial events can be expected. 1) Top quality research professors attract grants and contracts producing jobs for the professionals they train. 2) Private sector businesses catering to the special needs of the research/education community prosper. 3) Industrial and non profit laboratories are attracted because of the available talent and support services. 4) The region can become an exporter of talent and technology. 5) The economy of our coastal communities will be enhanced by a stable payroll and the application of applied research.

CONCLUSION

Using EVOS Settlement funds to help make Alaska the world center of marine research, that it should be, is a most appropriate use of that money.

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JUL 18 1994

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

James G King
1700 Branta Road
Juneau, Alaska 99801



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JUL 18 1994

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

EVOS Trustee Council

Attn. EIS Coordinator

645 G. Street, Ste. 401

Anchorage, Alaska 99501-3451

DEIS. COMMENTS
EVOS TRUSTEE Council
645 G ST
ANCH - AK. 99501

7/17/94

DEAR SIRs:

I AM WRITING IN REFERENCE TO THE HABITAT PROTECTION ACQUISITION PARCELS IN EASTERN PRINCE WILLIAM SOUND. I AM VERY CONCERNED ABOUT THE LOW RANKING RECEIVED BY EYAK PARCELS EYA 5, EYA 12, AND EYA 13.

I HAVE DISCUSSED THE SITUATION WITH WILDLIFE PROFESSIONALS WORKING IN CORDOVA, AND LEARNED THAT CLEARCUTTING THESE AREAS WOULD HAVE A DEVASTATING AFFECT ON THE SPECIES THAT GIVE PARCELS EYA 1, 2, & 3 THEIR HIGH RATING. BASICALLY THIS IS BECAUSE THOSE SPECIES CANNOT LIVE ON SMALL ISLANDS OF HABITAT SURROUNDED BY CLEARCUTS.

I URGE YOU TO TAKE AN ECOSYSTEM

APPROACH AND COMPLETE A
COMPREHENSIVE DEAL FOR ALL
EYAK LANDS.

PRINCE WILLIAM SOUND DESPERATELY
NEEDS YOUR HELP. THE EYAK
CORPORATION DOES NOT WANT TO
GET BACK INTO THE LOGGING
BUSINESS.

COMMERCIAL FISHING AND TOURISM
ARE LONG TERM, SUSTAINABLE
INDUSTRIES FOR THE PEOPLE OF
PRINCE WILLIAM SOUND. CLEAR CUT
LOGGING THREATENS BOTH THESE
INDUSTRIES.

THANK YOU FOR YOUR EFFORTS
AND I APPRECIATE THE DIFFICULT
JOB YOU ARE DOING.

SINCERELY

Paul Swartzbart

Paul Swartzburg
Box 433
Corvallis, Alaska 99574

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JUL 20 1994

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

PROPOSAL FOR A
DIPLOMA FOR THE

EXXON VALDEZ

PHILIP WILLIAMSON FOUNDATION
NEEDS YOUR HELP. THE EXXON
CORPORATION DOES NOT WANT TO
GET BACK INTO THE BUSINESS
OF OIL.

COMMERCIAL FISHING AND TOURISM
AND BOAT TRIM, RESTAURANTS
AND OTHERS FOR THE PEOPLE OF
ALASKA WILL BE SPUN. GREAT
LOGGING THREATS TO THE
INDUSTRY.

THANK YOU FOR YOUR EFFORTS
AND I APPRECIATE THE INTEREST
YOU ARE SHOWING.

SWARTZBURG

Paul Swartzburg

Paul Swartzbart
Box 233
Cordova, Alaska 99574



RECEIVED
JUL 20 1994

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

EVO S TRUSTEE COUNCIL
D. E. I. S. COMMENTS
645 G. ST
ANCHORAGE AK
99501



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ALASKA MINERS ASSOCIATION, INC.

501 W. Northern Lights Blvd., Suite 203, Anchorage, Alaska 99503 FAX: (907) 278-7997 Telephone: (907) 276-0347

July 21, 1994

Mr. Rod Kuhn
EIS Project Manager
Exxon Valdez Restoration Office
645 G Street, Suite 401
Anchorage, AK 99501-3451

RE: Draft EIS for Exxon Valdez Oil Spill Restoration Plan

Dear Mr. Kuhn,

Thank you for the opportunity to comment on this important document. The future of this area of the State will be determined by this EIS and we are concerned that unnecessary restrictions are being proposed. Mining and logging have been a part of this area since the turn of the century and significant opportunities remain for the future.

We are concerned that the DEIS has been written with no recognition of current mining practice and of the laws and regulations now in place. In various locations the DEIS shows a bias against mining without describing exactly why mining would be a problem. Negative, unsupported comments are made about mining but the positive benefits are not identified, discussed and analyzed.

Mining is a short term use of the land, after which the land will remain available for other uses. This should be recognized in the EIS under each of the alternatives.

When mining is discussed in this document it must include the positive benefits that result from mining. Many millions of U.S. citizens want to work and need jobs to support their families. These citizens have a right to have their need for jobs recognized in this EIS. Mining provides the highest paid blue collar jobs in the country. These jobs are challenging, skilled and year-around. The EIS must address the benefits that would result when valuable mineral deposits are identified in this area, as most certainly will be the case at some time in the future. Historic mining occurred and was economically viable at that time. Now with new technologies, deposits that were previously not economic will become viable.

The DEIS contains a strong undercurrent that "natural" is best. This is not correct and this view must be removed from the

document. Management of the land, wildlife and fisheries can result in a higher value than in the natural state. The land, wildlife and fisheries must be managed for the benefit of mankind. "Natural" areas are one of the needs of mankind but not the only need.

Mining can result in improved wildlife and fisheries habitat and this should be recognized in the EIS. For example, mining can provide improved moose browse over the natural habitat. If mining is in the vicinity of riparian areas these can be reclaimed to a more productive condition than the natural setting. Gravel can be sized and placed to provide for improved spawning areas as compared to the natural setting. Deep holes can be provided for wintering where none exist at the present, etc. These benefits to the wildlife and fisheries must be recognized and included in the EIS.

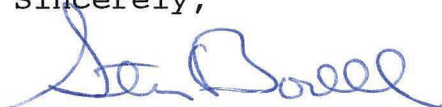
We do not agree that purchase of the land or mineral rights or logging rights, etc. by the government is appropriate. Such purchase will eliminate the possibility that these lands will ever be added to the tax rolls. The projected losses of property taxes must be included in the EIS.

Purchase of the land or mineral rights or logging rights will also result in restrictions to use by the public, even if the EIS allows some measure of development. Once the government controls the land and resources, groups opposing development of any kind will insure that any potential project is tied up in litigation so it cannot proceed.

We do not agree that if lands are purchased they should be closed to exploration and mining. Mining can be managed and the disturbed lands reclaimed to insure that permanent adverse impacts do not occur. If the option is included that lands may be closed to mining, it must be specified in the EIS that this has to be on a case by case basis and would have to be limited to the smallest possible area.

Thank you for your consideration of our comments.

Sincerely,



Steven C. Borell, P.E.
Executive Director

cc: Senator Ted Stevens
Senator Frank Murkowski
Congressman Don Young
Governor Walter J. Hickel



ALASKA MINERS ASSOCIATION, INC.

501 West Northern Lights Blvd., Suite 203
Anchorage, Alaska 99503



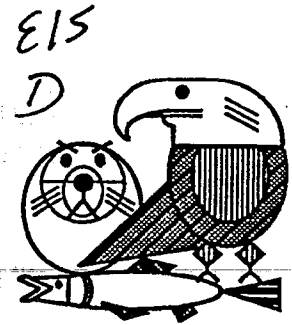
ROD KUHN
EIS PROJECT MANAGER
EXXON VALDEZ RESTORATION OFFICE
645 G STREET STE 401
ANCHORAGE, AK 99501-3451

Exxon Valdez Oil Spill Trustee Council

Public Advisory Group

645 G Street, Suite 401, Anchorage, Alaska 99501-3451

Phone 907-278-8012 Fax 907-276-7178



July 27, 1994

Rod Kuhn
Restoration Plan EIS Project Director
EVOS Restoration Office
645 G Street
Anchorage, Alaska 99501

Dear Mr. Kuhn:

At a recent meeting of the EVOS Trustee Council Public Advisory Group, the Draft Environmental Impact Statement on the Draft Restoration Plan was discussed.

On behalf of the Public Advisory Group I would like to submit the following comments on the Draft EIS.

1. Implementation Management Structure -- We have been briefed by Executive Director Jim Ayers on the results of the planning workshops he has been holding since January, 1994. Participants have included PAG members, other representatives of the public and spill area communities, EVOS researchers, and agency representatives. This group has reviewed the Draft Restoration Plan and further refined and updated the recovery status and objectives of the injured resources and services, the draft policies, and other elements of the Draft Restoration Plan.

We believe this "management by objective" implementation approach is an appropriate clarification of the Draft Restoration and would like to see it incorporated into the Final Restoration Plan.

2. In July, 1993, the Public Advisory Group unanimously adopted a set of restoration priorities (attached). We would like to see these elements reflected within the Final Restoration Plan.
3. Establishment of a reserve account is included as a restoration activity in alternative #5 in the DEIS, the "proposed action". The Public Advisory Group would like to see the restoration reserve account action clarified in alternative #5 and in the other alternatives. We would like to see specific criteria attached to the reserve for its expenditure.

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

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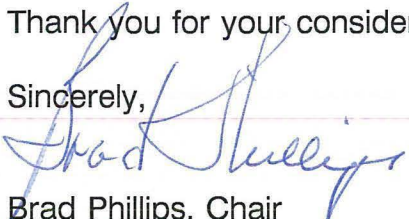
JUL 27 1994

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

940727115

Thank you for your consideration of these comments.

Sincerely,



Brad Phillips, Chair
Public Advisory Group

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.

EIS
D

Facsimile Transmittal Header Sheet

From: WD BURTOWS USABRDL Fort Detrick, MD 21702-5010	Office Symbol	Phone (301) 619-2446/2024 FAX (301) 619-7606	Point of Contact
To: (Organization) Exxon Valdez Oil Spill Trustee Council 645 G St, Suite 401 Anchorage AK 99501	Office Symbol	Phone 907-283-7745 FAX (907) 276-7178	Point of Contact

Number of Pages + this Page =

Remarks

Request acknowledgement of receipt - Yes Phone

No

Exon Valdez Oil Spill Trustee Council
ATTN: EIS Comments
645 G. Street, Suite 401
Anchorage, AK 99501-3451

RE: EVOS Restoration Plan

DEIS

This is generally an excellent document for which I would recommend only minor changes in presentation.

1. Concerning habitat protection and acquisition, it would be helpful if a table could be provided in Chapter 4 that for each resource (sea otter, harlequin duck, pink salmon, subsistence uses, etc.) listed the number of parcels proposed to be acquired or protected under each alternative (except No Action) according to the rank (high, moderate, low) for that resource. This would give the reader a clearer comparison of how the various resources would fare under each alternative; e.g., would harlequin ducks or marbled murrelets suffer more loss of habitat under Alternative 5 relative to Alternative 2?
2. There appears to be little or no mention of the halibut or silver (coho) salmon, both significant fishes in the spill region. Is there a reason for this?
3. The glossary should be expanded to include, e.g., CCP, GMP and LPP (1-14) as well as all the government agencies listed in Chapter 6.

Concerning the Restoration Plan itself, I believe that there should be more emphasis on restoration and less on enhancement. Thus, habitat protection and acquisition should be favored over artificial enhancement of commercial and sport fisheries and Recreation & Tourism. I would suggest that the budget should approximate an average of the budgets for Limited and Comprehensive Restoration (Alternatives 3 and 5).



W.D. Burrows
USABRDL
Bldg 568, Fort Detrick
Frederick, MD 21702-5010

940728128