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Notice of Availability of the Draft Environmental Impact Statement for the Exxon Valdez Oil Spill Restoration Plan

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AGENCY: DEPARTMENT OF THE INTERIOR (DOI); Office of the Secretary of the Interior
DOC TYPE: Notices
DATES: Comments concerning the DEIS should be received within 45 days of the publication of the Notice of Availability by the Environmental Protection Agency in the Federal Register.
ADDRESSES: Send written comments to or for copies of a Summary of the DEIS or for copies of the DEIS itself, contact the Oil Spill Public Information Office, 645 G. Street, Anchorage, Alaska, 99501. Phone number 907 278-8008 or within Alaska 800 478-7745, outside Alaska 800 283-7745. Copies also will be sent to public libraries in Anchorage, Juneau, Fairbanks, Valdez, Cordova, Kodiak, Homer, and Seward, Alaska for review.
ACTION: Notice of availability of the draft environmental impact statement for the Exxon Valdez restoration plan.
SUMMARY: On behalf of the Exxon Valdez Trustee Council, the Department of Agriculture, Forest Service announces the availability of the Draft Environmental Impact Statement (DEIS) for the Exxon Valdez Oil Spill Restoration Plan. This notice announces the locations and dates of public meetings to solicit comments on the DEIS. The responsible official for the preparation of the DEIS is the Regional Forester, Phil Janik. The Restoration Plan will establish management direction and guide all natural resource restoration activities covered by the civil settlement to the Exxon Valdez oil spill.

WORD COUNT: 1,868
TEXT:
SUPPLEMENTARY INFORMATION:

A. Introduction

On October 8, 1991, a federal court approved settlement between the State and Federal governments and Exxon under which Exxon will pay $1 billion in criminal restitution and civil damages to the governments. The State and Federal Trustees will receive $900 million in civil damages from Exxon over the 10 years. The funds are to be used to restore to their pre-spill condition the natural resources and the services they provide, that were injured by the Exxon Valdez oil spill. This includes the restoration of any natural resource injured, lost or destroyed and the services provided by that resource or which replaces or substitutes for the injured, lost or destroyed resource and affected services. Restoration includes {pg 31192} all phases of injury assessment, restoration, replacement, and enhancement of natural resources, and acquisition of equivalent resources and services.

All decisions about restoration and uses of restoration funds are determined by six natural resources Trustees, three Federal and three State. The three Federal Trustees are: The Administrator for the National Oceanic and Atmospheric Administration, U.S. Department of Commerce, and the Secretaries of the Department of Agriculture and of the Interior. The three State Trustees are: The Commissioners of Fish and Game and Environmental Conservation, and the Attorney General. A Trustee Council, located in Alaska, which is made up of the three State Trustees and designees of the three Federal Trustees, is responsible for decisions relating to the assessment of injuries, uses of the restoration funds, and all restoration activities including the preparation of a Restoration Plan.

On April 10, 1992 (57 FR 12473- 12475) on behalf of the Exxon Valdez Trustee Council, the Forest Service published a Notice of Intent to prepare an EIS on the Restoration Plan. This was later revised on January 14, 1994 (59 FR 2352-2353). Since then the Trustee Council developed a draft Restoration Plan which has become the proposed action for the analysis conducted in the DEIS.

B. Draft Restoration Plan

The proposed action (Draft Restoration Plan) consists of nine policy statements, a discussion of categories of restoration actions and broad objectives for injured resources. The policies for identifying and conducting restoration actions are:

1. The restoration program will take an ecosystem approach.

2. Restoration activities may be considered for any injured resource or service.

3. Most restoration activities will occur within the spill area. However, restoration activities outside the spill are, but within Alaska, may be considered when the most effective restoration actions for an injured migratory population are in a part of its range outside the spill area or when the information acquired from research and monitoring activities outside the spill area will be important for restoration or understanding injuries within the spill area.

4. Restoration activities will emphasize resources and services that have not recovered. Resources and services will be enhanced, as appropriate, to promote restoration. Restoration projects should not adversely affect the ecosystem.

5. Projects designed to restore or enhance an injured service must have a sufficient relationship to an injured resource; must benefit the same user group that was injured; and, should be compatible with the character and public uses of the area.

6. Competitive proposals for restoration projects will be encouraged.

7. Restoration projects will be subject to independent scientific

review before Trustee Council approval.

8. Meaningful public participation in restoration decisions will be actively solicited.

9. Government agencies will be funded only for restoration work that they do not normally conduct.

Four types of restoration actions are identified and discussed in the Draft Restoration Plan: General restoration, habitat protection and acquisition, monitoring and research, and public information and administration. Alternatives to the proposed action place different emphases on each of these categories of restoration actions.

General Restoration consists of activities that fall within manipulation of the environment, management of human use for reduction of marine pollution. Decisions about conducting general restoration projects would look at the following factors: Extent of natural recovery, the value of an injured resource to the ecosystem and to the public, the duration of benefits, the technical feasibility of the project, the likelihood of success, the relationship of costs to expected benefits, potential for harmful side effects, benefits to more than one resource, effects on health and human safety, consistency with applicable laws, and policies, and duplication with other actions.

Habitat Protection and Acquisition is a category that includes purchase of private land or interests in land such as conservation easements, mineral rights, or timber rights. It also includes recommendations for changing public agency management practices. Specific policies that relate to habitat protection and acquisition are proposed. These policies deal with ranking potential lands to determine potential benefits, the need for a willing seller, purchasing at fair market value, post acquisition management of the acquired lands and involving the public in the prioritization process.

Monitoring and Research consists of recovery monitoring, restoration monitoring and ecological monitoring and research. Specific policies governing the selecting and performance of monitoring activities are discussed in the Draft Restoration Plan.

Public Information and Administration is the last category of restoration actions. It consists of all necessary administrative actions that are not attributable to a particular project. The Draft Restoration Plan goal for this category is for administrative costs to average no more than 5% of overall restoration expenditures for the remainder of the settlement period.

General restoration objectives have been developed for resources that are recovering, resources not recovering, resources where the recovery is unknown, resources such as archaeological resources and wilderness, and services. These broad objectives will guide in the development of annual work plans.

Further information regarding the proposed action and possible restoration alternatives is included in the Draft Exxon Valdez Oil Spill Restoration Plan, Summary of Alternatives for Public Comment, April 1993; the Supplement to Draft Exxon Valdez Oil spill Restoration Plan, Summary of Alternatives for Public Comment, June 1993; the Summary of Public Comment on Alternatives of the Draft Exxon Valdez Oil Spill Restoration Plan, September 1993; and the Draft Exxon Valdez Oil Spill Restoration Plan, November 1993. Copies of these documents may be requested from the Oil Spill Public Information Office, 645 G. Street, Anchorage, Alaska, 99501. Phone number 907 278-8008 or within Alaska 800 478-7745, outside Alaska 800 283-7745. {pg 31193}

C. Public Meetings

During the comment period for the DEIS public meetings will be held on the following dates at the locations shown:

June 27, 1994-EVOS Trustee Council Restoration Office, 645 G. Street, suite 100, Anchorage, AK
June 29, 1994-Kenai Fjords National Park Visitor's Center, 1212 4th Avenue, Small Boat Harbor, Seward, AK

July 1, 1994-City Council Chambers, 491 E Pioneer Avenue, Homer, AK

July 5, 1994-Alaska Dept. of Fish and Game Conference Room, 211 Mission Road, Kodiak, AK

July 7, 1994-U.S. Forest Service Third Floor Conference Room, 612 Second Street, Cordova, AK

July 19, 1994-City Council Chambers, 212 Chenega Avenue, Valdez, AK

D. Comments

The comment period on the DEIS will be 45 days from the date the Environmental Protection Agency's notice of availability appears in the Federal Register. It is very important that those interested in this proposed action participate at this time. To be most helpful, comments on the DEIS statement should be as specific as possible, and may address the adequacy of the statement or the merits of the alternatives discussed. (See the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3).

In addition, Federal court decisions have established that reviewers of DEIS statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and concerns. Vermont Yankee Nuclear Power Corp. v. NRDC. 435 U.S. 519, 553 (1978). Environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final EIS. Wisconsin Heritage, Inc. v. Harris, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that

substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final.

Dated: June 9, 1994.

Phil Janik,

Regional Forester, Alaska Region Forest Service, Department of Agriculture.

Dated: June 13, 1994.

Robert P. Davison,

Deputy Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior.

INTERNAL DATA: FR Doc. 94-14716; Filed 6-16-94; 8:45 am; BILLING CODE 3410-11-M