



# United States Department of the Interior



ALASKA REGION  
NATIONAL PARK SERVICE  
240 W. 5<sup>th</sup> Avenue, Rm 114  
Anchorage, Alaska 99501

IN REPLY REFER TO:

L7619 (AKRO-EPC)

MAR 30 2010

Laurel Jennings  
Exxon Valdez Oil Spill Trustee Council  
441 West 5<sup>th</sup> Avenue, Suite 500  
Anchorage, Alaska 99501

Dear Ms. Jennings:

Thank you for the opportunity to make scoping comments on the supplemental environmental impact statement (SEIS) for Exxon Valdez Oil Spill Trustee Council's Restoration Efforts. The National Park Service (NPS) comments on the SEIS are based on area expertise in and around the Kenai Fjords National Park, Katmai National Park and Preserve, and Aniakchak National Monument and Preserve, conservation units managed by the NPS that received oil from the Exxon Valdez Oil Spill (EVOS). The NPS is a cooperating bureau through the Department of the Interior, one of the six Trustees.

The NPS offers detailed comments below on the five focus areas identified in the Notice of Intent (NOI) for the SEIS. Overall, the NPS urges the EVOS Trustee Council to focus restoration efforts on resources with a demonstrated causal connection to the EVOS. We think use of funds should be prioritized towards monitoring and restoring resources and values where there is an identified connection to EVOS impacts, such as with continued monitoring and restoration within the nearshore habitat, habitat acquisition and protection, and the establishment of critical marine protected areas. We also think the Council should explore options for establishing an endowment for long-term research and monitoring in the spill-affected region.

In 2008, the NPS developed the Pacific Ocean Parks Strategy to address coastal and marine resource issues. Among other goals, this strategy calls for the NPS to work with adjacent area resources managers to protect coastal and marine resources in a seamless manner for the nation's well-being. For this and other reasons, the NPS wishes to fully engage with the EVOS Trustee Council efforts to restore resources and values impacted by the EVOS.

The EVOS impacted the purposes and values of three parks established or expanded by the Alaska National Interest Lands Conservation Act of 1980 (ANILCA). Section 201 (5) of ANILCA established Kenai Fjords National Park to: "Maintain the scenic and environmental integrity of ... coastal fjords and islands in their natural state; and to protect seals, sea lions, and other marine mammals, and marine and other birds and to maintain their hauling and breeding areas in their natural state free of human activity which is disruptive to their natural processes."

Section 202 (2) established Katmai National Preserve and redesignated the pre-existing monument as Katmai National Park to: “Protect habitats for and populations of, fish and wildlife including, but not limited to, high concentrations of brown/grizzly bears and their denning areas; to maintain unimpaired the water habitat for significant salmon populations; and to protect scenic, geological, cultural and recreational features.” Presidential proclamations No. 1950 of 1931 and No. 2564 of 1942 added the shores and offshore islands in Shelikof Strait within 5 miles of the Katmai coast to the monument: “To care for, manage, and protect objects of scientific interest” ... and “Warning is hereby expressly given to any unauthorized persons not to appropriate, *injure*, *destroy*, or remove any feature of this monument” (emphasis added). ANILCA Section 201 (1) established Aniakchak National Monument and Preserve, among other purposes, to: “Protect habitat for, and populations of, fish and wildlife, including, but not limited to, brown/grizzly bears, moose, caribou, sea lions, seals, and other marine mammals, geese, swans, and other waterfowl. ... Subsistence uses by local residents shall be permitted in the monument where such uses are traditional.”

Below are detailed comments on the five focus areas identified in the NOI.

(1) Herring:

The Pacific herring population in Prince William Sound (PWS) crashed following the EVOS and has remained depressed for the past two decades. This has had severe economic ramifications in PWS communities and for Alaska. Unfortunately, even with the significant dedication of funds to this issue, a causal effect linkage with the spill remains elusive; and as time passes it becomes increasingly difficult, if not impossible, to discern effects of the spill from broader oceanographic effects.

While additional research will increase our knowledge and understanding of herring, it is extremely unlikely to return herring to their pre-spill population. Regrettably, we recommend that funding in this category be reduced and that work focus on monitoring and restoration of spawning habitat for herring and other forage fish species impacted by the EVOS. This will allow funds to be utilized in the other focus areas.

(2) Lingering Oil:

The presence of significant volumes of lingering oil in intertidal sediments more than two decades after the EVOS is strong justification for sustained attention to nearshore habitats and species. The fate and persistence of lingering oil should continue to be monitored, including at known oiled locations along the coasts of the Kenai and Alaska Peninsulas. This focus area should concentrate on species relying on intertidal zones for vital life functions such as foraging, resting, and reproducing. Good evidence links adverse impacts from lingering oil to nearshore communities and populations resulting from diminished growth and survival. We urge the Council to give special consideration to nearshore water quality, biological communities, and species such as mussels, clams, sea stars, sea otters, and sea ducks that have been foraging in these oil-impacted habitats. These species live in, forage, and excavate in oiled habitats and have borne the burden of compromised habitat for the past two decades. As a direct consequence of their behaviors and activities, these species have paid a disproportionately high price in terms of

reduced survival and protracted recovery from the 1989 spill. The National Park Service supports the Trustee Council's ongoing concern and interest in this arena.

### (3) Long-term Monitoring of Marine Conditions:

Monitoring marine conditions is an important component of marine ecosystem science and management. The NPS believes the focus should be in the areas most affected by the spill, specifically the nearshore environment. Not only are the nearshore areas most affected by the EVOS, but these nearshore areas support important habitats essential to the survival of a vast array of species the public values (sea otters, sea ducks, seabirds, shorebirds, seals, sea lions, clams, mussels, bears, bald eagles, and various species of fish). The nearshore zone supports human activities from subsistence to recreation, and these areas are the key transition zone between the terrestrial and offshore ecosystems.

Within the spill area, the Parks are primarily land-based; however, due to the importance the NPS places on the nearshore environment, the NPS approved and implemented the original EVOS Trustee Council-supported long-term nearshore monitoring program. This nearshore monitoring program has been put into practice in Kenai Fjords, Lake Clark, and Katmai National Parks. In its current state, the NPS Southwest Alaska Network (SWAN), in partnership with USGS Alaska Science Center, monitors nearshore ecosystems along these parks. The NPS SWAN monitoring program design samples well-known processes and ecological interactions within nearshore areas, from primary production (kelps and sea grasses) to primary consumers (many invertebrates) to apex predators (sea otters, black oystercatchers, and other coastal and marine birds). Many of these resources were adversely impacted and continue to be affected by EVOS.

The NPS perceives a need for stable organizational commitment, data management, and reporting practices to make scientifically rigorous monitoring worthwhile. NPS reporting practices strive to educate the public and resource managers about changes in these resources of interest to facilitate informed resource management decisions. NPS has demonstrated the ability and willingness to continue these efforts with its SWAN nearshore monitoring program. This program, initially conceived and funded by the Trustee Council (GEM, N-REM), has now been in place at the NPS SWAN for four years. We hope to be able to continue and potentially expand this monitoring; however, without commitment from EVOS funding or other sources this may not be possible. We believe this program and other park-based monitoring should be strengthened and expanded utilizing EVOS funding with NPS as a main partner who can "maintain collections and demonstrate an ability to leverage this support." Expanding monitoring efforts through current programs will increase our collective ability to detect trends and recovery in nearshore areas and provide opportunities for effective partnering with other agencies and organizations such as the U.S. Geological Survey, the Alaska Department of Fish and Game, the National Oceanic and Atmospheric Administration, the Alaska Ocean Observing System, and the U.S. Fish and Wildlife Service.

Additionally, these nearshore habitats and species may exhibit varying rates of recovery due to differing geomorphological features (e.g., exposure and sediment type) and differing biological factors (e.g., extent and use of oiled areas for a variety of activities). Species of concern may

also exhibit decreased resilience to environmental stressors, such as ocean acidification and climate change, which may impede recovery of the ecosystems. This further emphasizes the need for long-term monitoring within EVOS-affected nearshore marine habitats.

(4) Harbor Protection and Marine Restoration:

a. Storm water, wastewater, and harbor projects:

Although this is primarily an issue for local communities and the state, the NPS agrees that reducing the stressors on fish and wildlife resources by assisting these communities with innovative and long-term solutions to their collection and disposal of waste will contribute to the recovery of injured natural resources. The NPS can assist the EVOS Trustee Council with public education and outreach at strategically located visitor centers on the best management practices and restoration benefits to the environment. We think the proposed large sum of money (up to \$10 million) to rebuild community infrastructures should be cost-shared projects with the involved communities to promote accountability and transparency. It should be made clear the involved communities carry the responsibility to maintain new facilities into the future; this cannot be the long-term responsibility of the EVOS Trustee Council restoration funds.

b. Marine debris removal:

The NPS agrees with the statement in the NOI, “Marine debris removal reduces marine pollution affecting injured resources and services.” We think the Council needs to carefully consider the locations, logistics, and intervals of marine debris removal within the spill-affected zone. A plan calling for repeated clean-up efforts at various “keeper beaches” may be more appropriate than a one-time cleanup. Additional efforts should include monitoring of beaches to quantify the volume and spatial extent of the accumulated debris. Shifts in ocean currents or an overall increase/decrease in marine debris may warrant new beaches to be added to the roster and others removed to ensure the most appropriate allocation of funds. This focus fits well with the NPS mission to preserve natural and scenic ecosystems for public enjoyment and interagency Coastal America efforts in Alaska. The NPS Coastal Grant program in Alaska has provided funding for small coastal marine debris removal projects at less than \$10,000. The Council should seek various partners to carry out this goal. The proposed funding amount at \$3 million seems appropriate.

c. Response, damage assessment, and restoration implications:

This work has already been mostly completed, and past studies conducted during and after clean-up efforts have documented which response methods restored or further damaged impacted resources. Improved public outreach may be necessary to share the results of lessons learned from the EVOS, but information is already available to deal with large-scale spills and modified techniques can be implemented by agencies responsible for coordinating and conducting spill response. The existing Alaska Unified Plan and ten Subarea spill response plans are already updated periodically, which now include geographic response strategies for areas with significant resources that can be reasonably protected from spills. See below web link for a compilation of

papers regarding the issues of damage assessment, shoreline cleanup, shoreline treatment and operations and shoreline monitoring:

[http://www.evostc.state.ak.us/pdf/biblio\\_damage.pdf](http://www.evostc.state.ak.us/pdf/biblio_damage.pdf)

We think \$1 million to conduct a conference and publish a series of papers may be excessive.

#### (5) Habitat Acquisition and Protection:

This focus area represents one of the greatest contributions the EVOS Trustee Council has made, and can continue to make, toward the long-term restoration of resources and values impacted by the EVOS. It is also worth noting that this element of EVOS Trustee Council activity was prioritized by Congress to the extent that it is mandated by federal law.

Significant opportunities exist for habitat acquisition and protection within Kenai Fjords National Park. The Port Graham Corporation (PGC) owns approximately 47,500 acres within the Park and has expressed interest in selling some of these lands. A current EVOS habitat acquisition project addresses the potential sale of 2,665 acres of PGC lands in Aialik Bay, the most northerly fjord in the Park and the closest to Seward. These lands offer excellent opportunities for habitat protection related to restoration. Appraisals have been completed and negotiations are ongoing. In addition to the lands currently in the EVOS program, other PGC lands in the Park offer equally promising opportunities. Having EVOS funds available for purchase of these lands will make it possible to accomplish additional restoration objectives.

We are aware of other potential small and large parcel habitat protection acquisitions that could easily use the remaining \$24 million allocated for this effort. We recommend that the remaining \$24 million and more if possible, be allocated to habitat acquisition and protection so that future significant acquisitions are attainable.

Habitat protection in the marine environment has received relatively little attention. We recommend that the Trustee Council seek proposals to fund research and collaboration for coastal and marine spatial planning and for evaluation of potential Marine Protected Areas (MPAs) in the spill-affected area. The NPS would support coastal and marine spatial planning and the consideration of MPAs adjacent to parks, if supported by the state and appropriate federal agencies.

Funding for coastal and marine spatial planning and consideration of MPAs in the spill-affected area should be above and beyond the \$24 million allocated for habitat acquisition because that component is legislatively limited.

Lastly, the NPS believes the Council should consider establishing an endowment for long-term coastal and marine resources research and education grants. For nearly a decade, the Alaska Region of the NPS, in collaboration with the National Park Foundation, a private nonprofit organization, has administered a small but highly successful Alaska-wide grant program designed to provide opportunities for Alaskans to propose and accomplish natural, cultural, and historic research and education projects focusing on Alaska's coastal and marine resources. This

program was initially conceived and funded as a result of pollution settlement funding. The NPS perceives a need for sustainable funding commitment to endow in perpetuity the Alaska Coastal Marine Resources Grant program. EVOS funding could be used to strengthen and expand the existing grant program or to establish a new grant program focused on the EVOS spill-affected area pursuant to the focus areas and purposes of the Consent Decree. Likewise, the NPS supports the EVOS Trustee Council efforts to help promote basic ocean literacy via groups such as the Centers for Ocean Science Education Excellence. This program would assist all Alaska to better understand ocean issues both within the spill area and much more broadly.

If you have questions about these comments, please contact Bud Rice of my staff at 907-644-3530 or [bud\\_rice@nps.gov](mailto:bud_rice@nps.gov).

Sincerely,



Sue E. Masica  
Regional Director

cc:

Kim Elton, USDI EVOS Trustee  
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