

Meeting Summary

A. GROUP: Exxon Valdez Oil Spill (EVOS) Public Advisory Committee (PAC)

B. DATE: October 16, 2014

C. LOCATION: Dr. Glenn A. Olds Hall, Anchorage, AK

D. MEMBERS IN ATTENDANCE: (T = via teleconference)

<u>Name</u>	<u>Principal Interest</u>
Amanda Bauer	Commercial Tourism
Kurt Eilo	Sport Hunting/Fishing, PAC Chair
Gary Fandrei	Aquaculture/Mariculture
John French	Science/Technical
Stacy Studebaker	Recreation Users
Steven Aberle	Commercial Fishing
Emile Springer	Public at Large
Patience Andersen Faulkner	Subsistence, PAC Vice-chair
Kate McLaughlin	Conservation/Environmental
David Totemoff, Sr.	Native Landowner

E. NOT PRESENT:

<u>Name</u>	<u>Principal Interest</u>
N/A	

F. OTHER PARTICIPANTS:

<u>Name</u>	<u>Organization</u>
Elise Hsieh	Executive Director, Trustee Council (EVOSTC)
Philip Johnson	Designated Federal Officer, Department of the Interior
Cherri Womac	Trustee Council Staff
Linda Kilbourne	Trustee Council Staff
Catherine Boerner	Trustee Council Science Coordinator
Carrie Holba	Alaska Resources Library and Information Services (ARLIS)
Katrina Hoffman	Prince William Sound Science Center (PWSSC)
Scott Pegau	Prince William Sound Oil Spill Recovery Institute (OSRI)
Sara Lindberg	Stantec
Jennifer Heindl (T)	Department of the Interior, Solicitor's Office
Matthew Parsons (T)	Department of the Interior, Solicitor's Office
Laurel Jennings (T)	National Oceanic and Atmospheric Administration
Molly McCammon	Alaska Ocean Observing System (GulfWatch)
Dede Bohn (T)	U.S. Geological Survey
Peter Hagen (T)	National Oceanic and Atmospheric Administration
Phil Shepard	Great Land Trust
Kristin Carpenter (T)	Copper River Water Shed Project
Tammy Neher (T)	NOAA Kasitsna Bay Laboratory

Kris Holderied (T)
Barat LaPorte

NOAA Kasitsna Bay Laboratory
Oles Morrison Rinker Baker, LLP

H. SUMMARY:

At 09:35 a.m. the Designated Federal Official (Philip Johnson) opened the meeting and took roll call of PAC members. All members were present, establishing a quorum. The meeting participants introduced themselves.

Chairman Kurt Eilo provided introductory remarks, noting that projects could be accepted “as is” or modified through resolution.

Motion: John French introduced a motion to accept the amended agenda. Seconded by Gary Fandrei. **Motion carried.**

Motion: Kate McLaughlin introduced a motion to approve the meeting notes from the last meeting. Seconded by Fandrei. **Motion carried.**

The draft meeting summary was signed by Chair Eilo.

FACA Briefing: Jennifer Heindl, with the Department of the Interior Office of the Solicitor provided a Federal Advisory Committee Act (FACA) briefing.

PAC Travel: Linda Kilbourne provided information regarding PAC travel and the reimbursement process.

Public Comment: The floor was open for public comment, either in person or telephonically. No members of the public requested the opportunity for comment.

Executive Director’s Report:

Elise Hsieh discussed the federal government shutdown in 2013, which resulted in the PAC missing a meeting last year. Hsieh also noted that the EVOSTC Trustee Council (EVOSTC) accepts public comment at any time. Members of the public can email the EVOSTC Executive Director.

Hsieh provided the Executive Director’s report, beginning with the financial report. Changes were made to the Reporting Policy and new forms were developed to enhance consistency and submission of information for review. Revised draft EVOSTC Investment and Reporting Policies have been developed and will be presented to the EVOSTC at their November 19, 2014 meeting.

Koniag sub-account funds were moved to the Habitat sub-account and the Conservation Easement with Koniag was terminated. This change will provide additional funds for the Habitat Program, which can then be used for other projects.

Habitat Program Report:

Hsieh reported that the Great Land Trust (GLT) continues their work with the EVOSTC and associated agencies, including the United States Fish and Wildlife Service (USFWS), and the

Alaska Departments of Natural Resources (ADNR) and Law (ADOL) on Habitat Program projects. GLT actively seeks significant grant funding from other sources to compliment EVOSTC funding to carry out the projects. Habitat projects require willing sellers and a government agency that will manage the lands.

During the first year, 2013, GLT focused on the Kodiak Afognak Archipelago area using a Land Conservation Prioritization to identify high-ranking habitat for conservation. They met with Kodiak landowners, including several Native corporations, the Kodiak Borough Mayor, Manager and staff from Mental Health Trust Land Office, USFWS and other stakeholders during this process.

A number of potential projects emerged from these meetings and site visits. GLT ordered and obtained appraisals for several of these projects.

Great Land Trust has also applied for and received \$1,000,000 matching funding from USFWS for a project in Kodiak and is working with the Conservation Fund to coordinate the use of the mitigation funds available from the Kodiak airport expansion

For the second year, 2014, at the request of the Trustees, the GLT expanded their focus to include all of the spill area. Using a Land Conservation Prioritization that GLT developed specifically for the Kodiak Afognak Archipelago, GLT identified multiple high-ranking conservation projects and has begun due diligence and negotiations with landowners on six of the highest-ranking projects. GLT continued to meet with Kodiak landowners and pursued the protection of approximately 36,370 acres of land on Northern Afognak Island and the Triplet Islands, currently owned by Ouzinkie Native Corporation. This acquisition was approved by the EVOSTC in April 2014, the Alaska State Legislature, and the Governor, and is moving forward. Due diligence is nearly complete and a draft Purchase and Sale Agreement has been completed. In addition, other potential projects have been assessed and negotiations continue with landowners.

In Years 3 and 4, GLT will expand the Land Conservation Prioritization to include the entire spill area and will continue due diligence and negotiations. All potential projects need to be approved by the EVOSTC.

Also per Trustees' request at their meeting last spring, the Habitat Program is looking at subsurface rights for those parcels already funded or looking to be funded by the EVOSTC. The interest in subsurface rights is prompted by known potential subsurface commodities (e.g., granite mining for countertops) and the potential presence of other subsurface resources that may be of value in the future.

Five-Year Invitational Cycle (2017-2021):

The upcoming Science Workshop scheduled for February 4-6, 2015 will provide an opportunity for the Science Panel to meet with the long-term programs and review up to years 3-4 of the programs. After the Workshop, EVOSTC staff will draft the FY17-21 Invitation and it will be circulated to the PAC in July 2015. The PAC will consider and act on this draft at their October 2015 meeting, followed by the Science Panel and the Council review later that fall.

The PAC could have a telephonic meeting at the end of July 2015, if needed to discuss the Draft. Hsieh recognized the excellent work of Catherine Boerner, the EVOSTC Science Coordinator and

the EVOSTC staff.

Eilo recommended having a briefing for the PAC on the Draft in mid-July. If a quorum is not present, PAC members can still submit individual (public) comments to the EVOSTC Executive Director.

It should be noted that these actions will involve a new PAC, whose term will begin on or after December 1, 2014. After December 1, the DFO can call a meeting of the new PAC to ensure they are oriented and seated.

PAC Member Discussions:

David Totemoff, Sr. asked about long-term funding for EVOSTC projects and the EVOSTC. Hsieh clarified that the trust funds obtained from the EVOS settlement are not intended to be perpetual. The current vision set forth by the EVOSTC is to conduct a 20-year program for organized spend down of the funding. The EVOSTC uses long-term planning to anticipate spending and activities. However, the Council reviews the Restoration Program and approves funding on an annual basis.

With current market performance, the long-term spending scenario indicates an approximately 8% chance of not being able to complete the anticipated 20-years of long-term programs. However, this projection is highly speculative as it is based on fluctuating market performance. Totemoff expressed concerns about phasing out of the EVOSTC and the future of Prince William Sound (PWS) without the EVOSTC.

Emilie Springer asked about the present EVOSTC's vision. Hsieh thought they were pleased with the 20-year program, but the Executive Director cannot officially speak on their behalf.

The PAC Chair will attend the EVOSTC meeting and report on accomplishments from this meeting.

Steve Aberle asked what is the term of the EVOSTC members? The answer is there is no set term.

Annual Program Development and Implementation (APDI) Budget:

Hsieh noted that the APDI includes funding for projects (GLT and ARLIS document digitizing) and thus is larger than in the past when projects were separated out.

The Budget Summary Table on page 3 of the APDI shows an increase in funding for habitat protection. This can be attributed to GLT expenses for parcel acquisition and due diligence activities. It also reflects costs for ADOL and ADNR staff time associated with the Habitat Program including oversight of land acquisitions and legal oversight.

Kilbourne summarized the remaining information found in the Summary Budget Table (page 3 of the APDI).

The Alaska Resource Library & Information Service (ARLIS) costs also increased. This includes contractual costs for Phase III of a project to digitize EVOS documents and provide electronic access to data. Media, public, government agency and NGO interest in EVOS information

increased post-Deepwater Horizon, and with the recent 25th Anniversary of the EVOS. Detailed information on the EVOSTC Document Digitizing Project was provided with the meeting materials.

ARLIS is the physical repository for the EVOSTC's collection of oil spill materials and, since 1992, houses some non-digital data from Natural Resource Damage Assessment Projects. A PAC member asked if ARLIS is funded in perpetuity. ARLIS is supported by the eight founding partners, currently including the EVOSTC.

French indicated that some of the digitized data are in large files that are hard to deal with and discourage access. Holba discussed long-term record retention and archiving for the state and federal governments.

Technology will continue to evolve and the EVOSTC will need to think long-term. The physical library of records will remain at ARLIS and be maintained pursuant to a partnership agreement between founding agencies. The EVOSTC website will need to be maintained by a Trust or resource agency.

Eilo recommended making the EVOSTC aware of the value of this data and increased interest in EVOS data post-Deepwater Horizon and following the 25th Anniversary of EVOS. Approximately 20% of questions at ARLIS are EVOS-related. Hsieh will send the annual ARLIS statistics to the PAC and TC in a monthly update to facilitate this awareness.

The PAC in the past has voiced a need to look at the future and data retention. The PAC Chair will highlight ARLIS statistics in the future.

French raised the issue of "relevant data" indicating that the Principal Investigator (PI) would evaluate this in the context of the original project proposal. French stated that the context and relevance of the data may change with time. Because of this he believes that the more data preserved, the better.

Fandrei noted that this is a FACA committee and thus the PAC term is two years. Eilo would like the PAC to be aware of past motions. Hsieh will work with the DFO to see if they can list past motions from the last couple years and circulate it before PAC meetings.

Hsieh asked if there were budget questions. She indicated that the draft budget, as with all TC meeting materials, continue to be reviewed up until the meeting and any substantive revisions will be forwarded to the PAC.

Ethics Briefing: Matt Parsons with the Department of the Interior's Office of the Solicitor provided the PAC with a briefing on Ethics during a working lunch.

Program Presentations:

Prince William Sound Herring Research and Monitoring Program - Pegau provided an update on this program. A primary goal of the research is to improve predictive models through observation and monitoring and to identify why the herring populations in PWS have not recovered.

Current research is testing existing assumptions to ensure they are still valid. Project categories

include monitoring, process, synthesis, and new techniques. Key aspects include Alaska Department of Fish & Game age structure analysis modeling, the Sound Ecosystem Assessment, PWS Herring Survey and a partnership with GulfWatch Alaska. Ongoing work includes disease monitoring, condition assessment, genetic analysis, population modeling, the energy content of young fish, and acoustic monitoring and tagging of herring.

Totemoff, Sr., discussed stress in herring. The herring roe he has collected in PWS since 1989 have shown broken blood vessels. Once that phenomenon ceases, he will know that the effects of the oil spill have subsided.

GulfWatch Alaska – Hoffman presented information on this integrated program, which includes 15 field monitoring projects studying environmental drivers, the pelagic ecosystem, benthic ecosystems and lingering oil.

Activities in 2013 and 2014 included establishing a data portal (with the Alaska Ocean Observing System), updating the website, public outreach events, school visits, lectures and Delta Sound Connections articles.

Increased temperatures in the Gulf of Alaska have been observed. Also observed during the same period is a ten-fold increase in the abundance of small copepods (a marine invertebrate).

GulfWatch Alaska's Pelagic Ecosystem Team has studied wintering seabirds, forage fish populations, humpback whales (including estimates of predation on herring), killer whales, and storm petrel declines.

The Nearshore Benthic Team has investigated mussel bed declines in Kenai Fjords and Katmai National Parks and in Prince William Sound. A study of sea otter populations in western PWS shows a return to population levels observed before the EVOS.

Lingering Oil studies show that physiological markers of oil exposure in Harlequin ducks (CYP1A) were not different between areas that were oiled during EVOS and unoiled areas. This suggests that this species is no longer exposed to oil, consistent with sea otter observations noted above.

A Synthesis Report is due in December 2014, which will be followed by a Science Workshop in February 2015.

During a discussion of pigeon guillemot spatial distribution, French asked if we knew where alcid seabirds overwinter in the Gulf of Alaska area. One of his concerns was the impact of Navy training activities along the productive shelf area.

Draft Work Plan for Fiscal Year 2015:

Boerner led this discussion, as EVOSTC Science Coordinator (SC). Revised proposal and reporting formats are being used this year that provide a more streamlined submission. The intent is to get at "real" information needs.

The EVOSTC Science Panel (SP) provided an overall recommendation to fund all projects in the Draft Work Plan for FY2015 (Work Plan) with the exception of two projects. They also had

comments regarding the Hollmen Project (15120114-I, page 53 of the Work Plan) and the specifics of its model. They will get more information from the PI at the February Workshop.

None of the projects in the Draft Work Plan are intended to go beyond FY 2016.

Some projects have altered their design to help improve the overall Synthesis.

Supplemental Data Management Project (15120114-T, page 88 of the Work Plan) was discussed. The goal is to put information into the “DataOne” system, to rapidly make the data accessible to other researchers and the public. The SP recommended funding this project at \$121,803 which is less than the original request but fund the first and second tasks in the proposal (Herring Data Coordinator and work to become a DataOne node).

The PWS Herring Program – The SP recommended funding all the Herring projects, as the data are being used by management agencies. The PAC had no questions regarding the Herring proposals.

The SP recommended that Project 15120112 (**NOAA Harbor Protection – Project Management**, page 145) be funded at a reduced level of \$6,104, which does not include funding for NOAA personnel flying from D.C. to Alaska.

The group discussed the **Pigeon Guillemot Restoration Project** (15100853, page 7). This is a project designed to cull and control (but not eradicate) mink populations in the Naked Island group in PWS. The SP had questions about the design, as mink can swim and concerns were raised about recolonization from nearby islands. This is an “active restoration” project, however, and it will be an interesting experiment that should add new scientific information. McLaughlin asked whether locals could help the trappers who are implementing this project. Hsieh noted local trappers were solicited and McLaughlin noted the low price of mink and thus lack of incentive. There was also discussion of the merits of exclusion techniques. While some concerns were noted, the PAC took no specific action regarding this project.

The PAC also discussed the **Marine Debris Project** (15120116, page 12). Discussion included the presence of debris related to the 2011 tsunami in Japan, questions about the merits of this work relative to how much debris is present in the ecosystem and financial justification for the project. While one PAC member suggested the project needed more funding, others mentioned large marine debris-related grants from NOAA and other funders. Given that this is a large and pervasive problem, the use of limited EVOSTC funds was questioned. The link to the EVOSTC’s overall plan and mission was also questioned. The Executive Director indicated that the project was nearing the end of its funding cycle. One PAC member (McLaughlin) wanted to see more science on this issue, including a look at the biological impacts of marine debris and water sampling.

The PAC discussed Project 15150121 (**Lingering Oil in PWS**, page 17). This is a one-year project to conduct spatial modeling of lingering oil relative to sea otter abundance (using 2013 data). Another aspect of the project involves evaluation of treatment and remediation methods including aeration techniques to accelerate removal of lingering oil. This project was viewed as an efficient and useful evaluation of existing data.

The PAC also discussed Project 15150122 (**Subsistence Survey Update**, page 19). This is an

update to previous studies conducted in 1998 and 2008. The same researcher (James Fall) who conducted the first two surveys will also conduct this project. The SP raised concerns regarding the limited information on survey design, high cost per household, and availability of alternative foods that could influence the project. The SP did however express a high degree of confidence in the PI.

The PAC discussion of the Subsistence Survey Update included concerns over survey design and the reluctance of some community members to discuss their subsistence activities. Pre-survey education/outreach efforts to the local communities were suggested to help impress upon the communities the importance of the survey. The SC pointed out that the proposal does include pre-survey outreach activities.

French stated that this type of data is important and the researchers need to use the same methods used in the previous two surveys. Maintaining consistency with the previous work is needed for analyzing trends.

Patience Andersen Faulkner, the Subsistence member of the PAC, stated it is important to do a survey.

The SP did not make a funding recommendation on this project as they had an earlier, less complete proposal draft.

Motion: The PAC recommends that the Subsistence Survey Update Project (15150122) be funded with the condition that the local communities are well informed before surveys are conducted.

Motion passed.

Motion: The PAC supports all funding recommendations made by the Science Panel and the Science Coordinator, including reduced funding amounts for two projects (15150114-T and 15120112). **Motion passed.**

Injured Resources and Services:

In 2010, the EVOSTC and PAC engaged in lengthy discussion and deliberation of the status of injured resources, language used in categorizing injured resources and other factors (such as regime shifts) which may complicate assessment of the extent of recovery.

Table 1 of the Draft 2014 Update of Injured Resources and Services was presented by the EVOSTC SC, highlighting species that have changed status.

Concern was raised regarding the proposed status of Kittlitz's murrelets because they are dependent on glacial ice presence in PWS and populations within the Sound appear to be declining.

There was discussion of adding an "asterisk" (*) to populations thought to be affected by other factors that are independent of oil exposure. Kittlitz's murrelets would be an example.

French raised concerns about pigeon guillemots and the predation model, as their populations are low throughout PWS, not just at Naked Island. He had questions regarding an increase in markers of oil exposure (P450), changes in forage fish populations, and the fact that this species feeds on

benthic invertebrates that may be exposed to lingering oil. The SC noted that the mink removal study would utilize a control island to account for other factors, and the reason for the project studying Naked Island is due to its previously large population of pigeon guillemots.

The PAC expressed interest in other factors that could be affecting resource recovery such as paralytic shellfish poisoning (PSP) which can be found in clams and other invertebrates.

Motion: The PAC requests that the FY 2017-2021 Invitation [for Proposals] include paralytic shellfish poisoning (PSP) as a factor potentially affecting declining (including *recovering* or *not recovered*) seabird populations. **Motion passed.**

The SC asked for comments on the draft designations, and no concerns were expressed by the PAC. Eilo noted that with these new designations, none of the resources would be designated with an *Unknown* status which they felt was a positive shift.

Closing Remarks:

The PAC Chair will attend the November 19 EVOSTC meeting and report on this PAC meeting. It was noted that there will be new PAC membership (starting on or after December 1, 2014) and a new Chair. The date of the last appointment letters was November 30, 2012. The term of PAC membership is two years. Two years from the above date will be December 1, 2014.

While not explicitly discussed at the meeting, it should be noted that the 2-year term of each new PAC member will be effective on the date the appointment letter is signed by the Secretary of the Interior, which is expected to be on December 1, 2014. The terms of all 2014-2016 PAC members will expire on November 30, 2016

Eilo requested a list of past motions and resolutions passed by the PAC. To do this the EVOSTC staff or DFO would need to search the records of past meetings to develop such a list.

Stacy Studebaker has been on the PAC for almost 20 years. Her view is that the process has gone well, and this meeting was less contentious than some past meetings. She thanked the Executive Director and EVOSTC Staff. She is thrilled with the emphasis on habitat restoration, which will leave a great legacy and long-term benefit.

Springer stated that she wished that the PAC term was longer than two years, as it takes time to come up to speed. It was noted during the PAC discussion that the two-year term is outlined in the PAC Charter and is due to FACA requirements.

The fact that there are few young people on the PAC was also discussed. Womac stated that the EVOSTC staff cast a wide net in recruiting new members and Hsieh noted that this is a voluntary process.

Andersen Faulkner also noted the graying of Boards and Commissions. She complimented the EVOSTC staff on providing excellent summaries that are distributed frequently. She also expressed regret that a meeting was not held last year.

Hsieh noted that following the government shutdown, there was not time to schedule a PAC meeting before the last EVOSTC meeting of 2013. She also noted that the “monthly” updates

depend on having “substance” to disseminate so may be later in the month or combined with another month if the timing and availability of the information warrants it.

French also remarked on the age of the group and expressed the need to engage younger generations. He noted that not only PSP could be a non-oil factor of concern, but other issues like domoic acid could also be a concern. French highlighted the need for information on wintering seabird distributions and behavior, and that telemetry studies are needed to interpret recovery of these species.

The Chair (Eilo) and the DFO (Johnson) thanked the PAC for their work.

The meeting was adjourned at 4:00 p.m.

I. FOLLOW-UP:

1. Eilo will provide an oral PAC report to the Trustee Council at their next meeting.
2. New PAC to be oriented and seated subsequent to December 1, 2014.
3. The PAC established on or after December 1, 2014 will attend a one-day Long-Term Programs Workshop in February 2015.

J. NEXT MEETINGS:

Trustee Council (Anchorage on November 19, 2014)
Science Workshop (Anchorage on February 4, 2015)

K. ATTACHMENTS (handed out at the meeting):

1. None

L. CERTIFICATION:

PAC Chairperson

Date