

DRAFT

Exxon Valdez Oil Spill Restoration Plan Supplement: October 2010

Introduction

This document is intended to be a supplement to the *Exxon Valdez* Oil Spill Restoration Plan (Plan), prepared by the *Exxon Valdez* Oil Spill Trustee Council (EVOSTC) in November 1994. This supplement is not intended as a comprehensive update to the original document. Instead, this document supplements the original Plan where needed to facilitate and be consistent with the Council's current focus and activities.¹

The Council, recognizing that the restoration funds remaining from the *Exxon Valdez* settlement continue to diminish, is currently proposing to narrow and refine the scope of the Council's restoration efforts. This effort enables the remaining funds to be expended in an efficient and strategic manner. In addition, this narrowing will enable a more discrete and efficient funding mechanism by which to direct these remaining funds. Specifically, the Council proposes to focus their restoration efforts to five defined restoration categories: herring; lingering oil; long-term monitoring of marine conditions; harbor protection and marine restoration; and habitat acquisition and protection.

With the exception of habitat acquisition and protection, these focus areas would be managed through a multi-year project that is administrated by a proposer which has been approved by the Council through the upcoming FY '12 Invitation process. The approved proposer would also be responsible for many of the administrative duties of each of their respective focus area (including the processes for annual invitations, scientific and peer review and management of individual projects) and would be expected to administrate the projects consistent with the Plan and other Council requirements. The Council would continue to provide oversight through an annual meeting to approve funding and review the past year's work.

The Council's current proposal is largely consistent with the 1994 Plan. However, there are several areas which require minor revisions and which are thus provided by this supplement. These comments and revisions are organized by reference to the original Plan designations and page numbers.

Chapter 1

Past and Estimated Future Uses of Civil Settlement Funds

The 1994 Plan noted the Council has "the authority and flexibility to make annual funding decisions" and that estimates or predictive use of funds is just that: estimates. Plan at pg. 5. The Council's current proposal retains this flexibility with the use of annual Council meetings to approve annual spending.

Implementing the Restoration Plan: *The Adaptive Management Cycle*

¹ The Council may change the plan if the Council determines that the plan is no longer responsive to restoration needs. Plan at pg. 10.

In addition, the Plan notes that its implementation is based upon an adaptive management cycle that includes annual or multi-year work plans. Plan at pg. 8-10. However, under the Council's current proposal, the Council may delegate the annual proposal and invitation processes. Plan at pg. 9. The Council may also review the summaries or recommendations for proposed workplans presented by entity to which the Council has delegated these functions in determining annual funding and may not review each individual project as it has in past years. *Id.* Consistent with this, Figure 1. The Trustee Council Adaptive Management Cycle may also be implemented by the delegate entity. *Id.*

The 1994 Plan notes that each year the results of that year's restoration activities are synthesized, integrated and distributed so that the public will have an up-to-date view of the condition of the injured resources and services and know what has been learned during that year. Plan at pg. 9-10. That synthesis, integration and distribution will continue under the Council's current proposal. However, in past years, these processes have not always been completed with an annual cycle. This will likely remain the practice into the future, with the goal for annual updates remaining but with some cycles extending beyond an annual time period.

Chapter 2: Missions and Policies

19. Public Participation

The Council's current proposal limiting their efforts to five focus areas and delegating some administrative functions to outside entities has met with public and EVOSTC Public Advisory Committee (PAC) approval. This streamlining of the Council's activities will allow for more efficient and targeted funding in these areas. As discussed above, the Council will retain supervision of restoration activities through annual meetings to review the past year's work and to approve funding for future workplans.

As a part of this proposed annual cycle, the PAC will also meet annually to review restoration activities and provide recommendations to the Council. With the shift in Council oversight, the PAC's oversight, which parallels the Council's decisions, also shifts. However, the final reports, final data, synthesis and information related to the annual proposed workplans and individual projects will be made available to the public and submitted to the PAC and Council for their consideration. *See*, Plan at pg. 17.