Meeting Summary

A. GROUP: *Exxon Valdez* Oil Spill Trustee Council (EVOSTC) Public Advisory Committee (PAC)

B. DATE: September 22, 2016

C. LOCATION: *Exxon Valdez* Oil Spill Trustee Council Office, Grace Hall, Suite 220, 4230 University Drive, Anchorage, AK

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

Name	Principal Interest
Kurt Eilo	Sport Hunting/Fishing, PAC Chair
Gary Fandrei	Aquaculture/Mariculture
John French	Science/Technical, PAC Vice-chair
Stacy Studebaker	Recreational Users
Amanda Bauer (T)	Commercial Tourism
Kate McLaughlin (T)	Conservation/Environmental
Patience Andersen Faulkner (T)	Subsistence

E. NOT PRESENT:

Name	Principal Interest
David Totemoff, Sr.	Native Landowner
Steven Aberle	Commercial Fishing
Angela Totemoff	Public at Large

F. OTHER PARTICIPANTS:

Name	Organization
Elise Hsieh	Executive Director, Trustee Council (EVOSTC)
Philip Johnson	Designated Federal Officer, U.S. Department of the Interior
Cherri Womac	Trustee Council Staff
Catherine Boerner (T)	Trustee Council Science Coordinator
Laurie Adams	Trustee Council Administrative and Habitat Support
Linda Kilbourne	Trustee Council Staff
Helen Woods	Alaska Resource Library and Information Services
Donna Aderhold	National Oceanic and Atmospheric Administration (NOAA)
Kris Holderied (T)	NOAA, Kasitsna Bay Lab
Mandy Lindeberg (T)	NOAA
Peter Hagen (T)	NOAA
Dede Bohn (T)	U.S. Geological Survey
Veronica Varela (T)	US Fish and Wildlife Service
David Wigglesworth (T)	US Fish and Wildlife Service
Gillian O'Doherty (T)	Alaska Department of Fish and Game

Rys Miranda	Alaska Department of Natural Resources – State Parks
Scott Pegau (T)	Oil Spill Recovery Institute
Sylvia Kreel (T)	Alaska Department of Natural Resources

H. SUMMARY:

At 9:40 a.m. the Designated Federal Officer (Philip Johnson) opened the meeting and took roll call of PAC members. Seven members participated, establishing a quorum.

Public Comment: The floor was open for public comment, telephonically.

Mandy Lindeberg, National Oceanic and Atmospheric Administration (NOAA) provided comments regarding the Gulf Watch Alaska program. She noted that 11 projects were submitted and overall they received good feedback. Lindeberg expressed concern over a recommendation to not fund the Middleton Island project. She noted that they were not able to study everything, but that it was important to study predator-prey interactions and to continue a long-term seabird diet dataset at Middleton Island. Lindeberg also expressed support for continuing a study in lower Cook Inlet and Kachemak Bay that had established a five-year time series on climate change, bird die-offs, and other factors.

Executive Director's Report:

Executive Director Elise Hsieh reported that the Council would review rescinding a Sample Preservation Policy and updated versions of the EVOSTC Reporting Policy and Data Policy with some changes due to the Reopener litigation ending. The EVOSTC office had also recently received for Council review information on a parcel in Kodiak, Chief Cove, and two small parcels on the Kasilof.

Alaska Department of Natural Resources (ADNR) has recently shifted staff working with EVOSTC to Sylvia Kreel, who would work with the habitat program, including updating the Habitat Catalog. It is a large job and includes fixing errors and inputting new information. French expressed his hope that post-reopener data dissemination should be as transparent and publicly available as possible.

Hsieh discussed lingering oil and the desire to continue reasonable monitoring similar to that in past years. The NOAA lab that has worked with this dataset in the past may be able to continue their analysis work and the EVOSTC office would, over the next year, work to provide the Council with a lingering oil monitoring project.

She also reported that the TC staff are working on maps with ADEC regarding lingering oil that can be posted on the EVOSTC lingering oil website for public reference. French encouraged this.

EVOSTC Budget:

The EVOSTC budget is stable, and smaller than last year.

Stacy Studebaker asked if greater tapering of the budget could be pursued. Hsieh is always considering how to streamline the budget. However, the budget can only reduce so far with the full program operating due to the inherent support needs. Staffing has been reduced greatly over the

years and is fairly efficient at this point

The settlement funds are currently assertively invested. When the fund balances are reduced, the asset allocation will shift to be more conservative and potential income and risk will be decreased, thus bringing on a more predictable end-stage of the trust and availability of funds. Given the current State budget situation, the TC office is contacted frequently by legislators inquiring about availability of these funds. They are briefed on the legal requirements and the required process used to disperse this funding. Studebaker asked about the investment fund balances and was informed that this information can be found on the TC website although it will not reflect encumbered funds.

Chairman Kurt Eilo asked about the longer-range plan. In the past the TC and PAC had discussed a "glide path" for the funding. Hsieh noted that the TC continues to implement the long-term planning it engaged in in 2009-2012 with the streamlined focus areas and this is going as planned for research. The habitat program is inherently less predictable, as every project or parcel will differ as they move to closing. The trust is not intended to be perpetual but has been successful thus far and provided restoration and research opportunities to support the spill-affected area.

Eilo asked if the funding was sufficient to meet the TC's mission. The Executive Director reported that it was.

Kenai Peninsula Aquatic Ecosystem Project:

Reauthorization of this proposal *(15150123)* was considered. This project, which focuses on fish passage improvements over 115 miles of important spawning, rearing and migratory fish habitats is progressing well. This project has received a lot of support and has been a very collaborative process, involving ADF&G, U.S. Fish and Wildlife Service (USFWS), NOAA and the Alaska Department of Transportation (ADOT).

State Parks Project:

Rys Miranda, P.E., ADNR provided a briefing on this proposal (17170116), requesting that this package be considered by the TC. The focus of this project is restoring fish passage and reducing erosion. One project focuses on the Kenai River Flats area, which ties in with the Kenai River Management Plan.

Studebaker asked about the impact of ATV's in these State Parks. Miranda noted that most of these are non-motorized Parks. The role of wake-induced erosion vs. visitation is being investigated, with foot traffic appearing to be most important, increasing sedimentation and loss of vegetation, which in turn affects shading of the waterbody.

Eilo, as the Sport Hunting/Fishing representative voiced support for the above Kenai Ecosystem and State Parks projects, as efforts that will benefit important sport fisheries.

Long-Term Programs:

Catherine Boerner provided an update on several projects:

Herring Project Proposal – The project Principle Investigators (PIs) were responsive to comments, and a Post-Doctoral position was added to the team. The Science Panel recommends funding the entire program.

John French has been a long-term advocate of integrating Gulf Watch Alaska data with results from Prince William Sound and Cook Inlet. He encouraged data integration, including conducting similar transects in the Gulf of Alaska and Prince William Sound.

Long-Term Monitoring Program – Monitoring long-term changes in forage fish, distribution, abundance and body condition in PWS (17120114-C) – The Science Panel raised questions that were addressed and evaluated prior to making a recommendation. The Science Panel recommended removal of approximately $40,000 in FY17 for the Middleton Island component of the forage fish project. One concern was the monitoring would not occur during the same time and is at a different location from the other proposed Program projects. The Executive Director noted that Middleton Island was outside of the EVOS area, and while such projects could be considered there is a high threshold for proposing projects for working outside of the spill area. It was noted that Science Panel members raised other questions regarding this proposal not dependent upon the spill area issue, and there had been multiple reviews during this process.

French noted that seabird foraging (by Alcids) has been investigated by satellite recently. They observed foraging more than 100 miles offshore. He stated that this area was not oiled during the EVOS, thus the seabirds are largely foraging outside of the spill area, however some are likely feeding along the southeast edge of the spill zone. French said he supported funding this project as it is hard to find data on impacts in the open ocean.

Gary Fandrei noted that French made a good point regarding foraging range.

Catherine Boerner, Science Coordinator, noted that the Middleton Island work was very disparate from the other work proposed, which is why the Science Panel recommended not to fund.

Fandrei asked if the TC had previously encountered projects that fell outside the spill area. The Council has funded limited work outside the spill area years ago with careful reservation.

It was also noted that there is not enough funding to support everything.

LTM Program – Long-term monitoring of oceanographic conditions in Cook Inlet/Kachemak Bay (*17120114- J*) – The Science Panel raised questions regarding how this project fits in with other data sets and the overall project hypotheses. They indicated this was a disconnected project that they could not recommend funding. The cost is $800,000 for five years. While it is a solid proposal that raises important issues such as habitat and invasive species, with good PIss, there were questions about how the data could be used for Gulf Watch Alaska and EVOS. After reviewing the first five years of data, the proposer's response to their comments and a Q & A with the Program Lead, the Science Panel unanimously recommended that it not be funded.

Fandrei raised a question regarding imposing conditions on long-term funded projects. Hsieh said that while this is a 5-year project, all projects come up for annual renewal. Fandrei noted that these data were very important for assessing changes in salmon populations in lower Cook Inlet. He advocated for sending this project on to the TC for consideration, and presenting a neutral position, without a recommendation. Fandrei recommended that the TC have further discussion on

this project. The remaining members of the PAC voted to not fund the project but noted the individual Council members should consider other sources of funding as the work is valuable for non-EVOS purposes.

Pigeon Guillemot Restoration Research in Prince William Sound (17100853) – This project has been more successful than originally envisioned, with the number of individuals increasing two-fold and with breeding numbers increasing three-fold.

Data Management Program (17120113) – The Science Coordinator asked if there were any questions regarding data management. She stated that they have done a good job getting data out to the public.

Lingering Oil Monitoring and Removal Rate Estimation (17170117) – The Science Panel does not recommend funding of this project, as there is a high potential for error. They noted this is an important topic but they were concerned about the specific study design.

French supported monitoring the amount of oil and the bioavailability of the oil, but not removal.

Immunological Expressions of PAH Exposure in Fish (17170115) – This proposal received resounding support from the Science Panel. This study looks at herring genetics before and after the *Exxon Valdez* oil spill. This is an expensive but worthwhile project, as it looks at the effects of very small amounts of oil on fish. The goal of the study is to evaluate immune function as a potential factor contributing to the lack of recovery in herring.

Incorporating New Humpback Whale Data into the Herring Age-Structure Stock Assessment Model in PWS (17170118) – The Science Panel recommended not to fund this project as it did not serve the goals set out in the cross-program publication component in the invitation.

Habitat Program:

Lauri Adams briefed the PAC on Habitat Program activities. The TC will review a monetary range, but actual costs depend on the appraisal. Other expenses include due diligence, solicitor review, closing costs, etc. Thus the actual amount released from the investment funds, if approved and if the project reaches closure, may be less than initially approved.

Ouzinkie-Afognak Island Project – This project successfully closed in January, 2016.

Portage Lake –The State would fee-purchase the parcel with a conservation easement to the Bureau of Land Management (BLM). This area is unimproved, but it does have some logging roads.

Gull Island/Kachemak Bay/Barrier Islands – This parcel includes the largest seabird nesting area in Kachemak Bay. This would be a fee-purchase of the surface estate. Gull Island would be managed by the USFWS (with a State conservation easement). The other areas would be managed by the ADNR (with a BLM conservation easement). Adams noted that approximately half of China Poot was previously purchased. It was also noted that the Cook Inlet Aquaculture Association has a hatchery near this location.

Thorsheim Drainage Project: This purchase would be a fee purchase of the surface estate and also include the rights to a timber lease currently on the property. It would protect very highly ranked anadromous fish habitat, as well as important coastal and wetland habitats for other species injured by the oil spill. ADNR would hold the fee title, with USDOI/BLM holding a conservation easement. Adams also noted that the EVOSTC has expressed support for the purchase of this parcel previously because of its high habitat values.

Small Parcels
In addition, two small parcels located on the Kasilof River adjacent to the Kenai National Wildlife Refuge, and a third parcel, at Chief Cove within the Kodiak National Wildlife Refuge, will also be considered for purchase. The land manager for these three small parcels would be the USFWS.

PAC discussion – Habitat Program:

Port Gravina – McLaughlin asked whether the TC can look at threats to parcels and protect subsurface rights use. Hsieh replied that the subsurface value was often low which may not encourage sellers to engage in transferring the interests. If a parcel has a known or suspected mineral or mining interest, this would be discussed with the TC and would factor into whether to pursue the parcel. She noted that EVOSTC is always interested in purchasing subsurface rights under previously-protected EVOSTC surface estates when there is a willing seller. She also said that if there are known threats to the subsurface, EVOSTC will generally not pursue a project.

Lingering Oil:

The TC, at the end of the reopener process, was interested in updating the status of lingering oil. There was a lot of great work by the trustee agencies to prepare and finalize reports over the holidays.

One example is a 400 page Subsistence Report prepared by Jim Fall.

Alaska Department of Environmental Conversation (ADEC) also produced a paper regarding remedial options for lingering oil and an evaluation of the impacts associated with removing lingering oil.

French mentioned recent work using genetic changes following exposure of early life stages of fish vs. continued exposure to very low concentrations in the Water Accommodated Fraction. They are discovering toxicity in the high parts per trillion and low parts per billion, an order of magnitude lower than first expected.

Hsieh noted they are waiting for the current lingering oil monitoring project with Mark Carls to conclude and provide a report later next spring. EVOSTC would then be working to provide a reasonable monitoring project to bring before the Council next year. Jeep Rice, retired NOAA and long-involved in EVOSTC lingering oil, would be consulted in the process as well.

PAC discussion – Lingering Oil:

Hsieh asked if there were questions about these documents.

French stated they did a good job, but they do not include some of the latest data from the Gulf of Mexico spill.

McLaughlin supported French's input. She wanted to know about studies of lingering oil movement, such as using tracers in oil and water. She was referred to Carl's work on pg. 12 of the Studies on *Exxon Valdez* Lingering Oil Review and Update on Recent Findings – February 2016. Boerner noted this lingering oil review is focused on EVOS and potential applicability for EVOS.

Other PAC discussion:

Studebaker asked about the injured species recovery list. It was last updated in 2014. Hsieh responded it is updated as needed versus a set schedule and that they are not seeing data that would change the existing assessments.

There are no workshops or invitations planned this year, however work will continue on the various projects.

Studebaker asked about progress on the Termination Point parcel and Hsieh noted progress was continuing.

PAC Motions:

Motion: Fandrei introduced a motion to approve the September 22, 2015 meeting summary. Seconded by French. **Motion carried unanimously**.

Motion: Fandrei introduced a motion to approve the FY17 Annual EVOSTC Budget. Seconded by Studebaker. **Motion carried unanimously**.

Motion: Studebaker moved that the PAC recognizes the recent pressure on the TC to provide access to funds by outside interests, including some projects or interests of state legislators. The PAC encourages the TC to stay the course, ensuring that the remaining settlement funding be used to address injuries associated with the spill, as is legally required. Seconded by Fandrei. **Motion carried unaminously.**

Motion: French moved to reauthorize the spending of the remaining funds for the Kenai Peninsula Aquatic Ecosystem project. Seconded by Fandei. **Motion carried unanimously.**

Motion: Fandrei moved to support moving the State Parks funding package *(17170116)* forward to the TC for approval. Seconded by French. **Motion carried unanimously.**

Motion: Studebaker proposed a motion to support the Science Panel's recommendation to not fund the $40,000 seabird diet study *(17120114-C)*. Seconded by Andersen-Faulkner. **Motion carried (1 no, 6 yes).**

Motion: Studebaker moved to support the recommendation of the Science Panel to not fund the Cook Inlet project (*17120114- J)*. Seconded by French. **Motion carried** (**1 no, 6 yes**).

Motion: Fandrei moved that the PAC recognize the importance of the Doroff Kachemak project and issues it was investigating including invasive species and habitat. He also moved to encourage

the Trustees support this type of work in their individual capacities. Seconded by Studebaker. **Motion carried unanimously.**

Motion: Studebaker introduced a motion to recommend continued funding for the Pigeon Guillemot Restoration project *(17100853)*. Seconded by Andersen-Faulkner. **Motion carried unanimously.**

Motion: Fandrei moved to recommend funding for the Data Management Program *(17120113)*. Seconded by Studebaker. **Motion carried unanimously.**

Motion: French moved to recommend funding for all Herring Management projects. Seconded by Fandrie. **Motion carried unanimously.**

Motion: Fandrei moved that the PAC support LTM project funding with the exception of the two previous projects that the PAC recommended reduced or no funding *(17120114-C and 17120114-J)*. Seconded by Studebaker. **Motion carried unanimously.**

Motion: French moved to recommend not funding the Lingering Oil project *(17170117)*. Seconded by Fandrei. **Motion carried unanimously.**

Motion: Fandrei moved to support the Science Panel recommendation to fund the study of Immunological Expressions of PAH Exposure in Fish *(17170115)*. Seconded by French. **Motion carried unanimously.**

Motion: Studebaker moved to support the Science Panel recommendation to not fund the *Incorporating New Humpback Whale Data into the Herring Age-Structure Stock Assessment Model in PWS (17170118)*. Seconded by French. **Motion carried unanimously.**

Motion: Studebaker recommended funding all three of the proposed habitat parcel acquisitions. Seconded by French. **Motion carried unanimously.**

Motion: Studebaker motioned to wait for the reports to come in, and then based on that information, to have the TC focus on the monitoring and bioavailability of lingering oil. Seconded by French. **Motion carried unanimously.**

Motion: Studebaker moved to adjourn the meeting. Seconded by French. **Motion carried unanimously.**

<u>Closing Remarks</u>:

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

The meeting was adjourned at 12:55 p.m.

I. FOLLOW-UP:

1. The PAC meeting notes and recommendations will be distributed to the EVOS Trustee Council prior to their next meeting, which will be held on November 3, 2016 in Anchorage. The DFO and the PAC Chair will plan on attending this meeting. The DFO will update the TC on status

of filling vacancies on the PAC. The Chair will summarize the outcomes of this PAC meeting. The PAC members are welcome to attend in person or telephonically.

J. NEXT MEETINGS:

Trustee Council Meeting (Anchorage on November 3, 2016)

K. ATTACHMENTS (provided to PAC members prior to the meeting):

1. September 22, 2016 *Exxon Valdez* Oil Spill Trustee Council (EVOSTC) Public Advisory Committee (PAC) draft meeting agenda.

2. June 29, 2015 *Exxon Valdez* Oil Spill Trustee Council (EVOSTC) Public Advisory Committee (PAC) meeting summary.

3. Draft September 22, 2015 *Exxon Valdez* Oil Spill Trustee Council (EVOSTC) Public Advisory Committee (PAC) meeting summary.

4. Sample Destruction Policy

5. Reporting Policy

6. Data Policy

7. FY17 Annual EVOSTC Budget (17120100)

8. Kenai Peninsula Aquatic Ecosystem Proposal (15150123)

9. State Parks Proposal (17170116)

10. FY17 Draft Work Plan

11. Habitat Parcels

12. Lingering Oil

13. Various emails on the meeting materials and on some of the science panel recommendations.

L. CERTIFICATION:

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PAC Chairperson **Date**