

# Exxon Valdez Oil Spill Trustee Council

441 W. 5<sup>th</sup> Ave., Suite 500 • Anchorage, Alaska 99501-2340 • 907/278-8012 • fax 907/276-7178



## MEMORANDUM

TO: Craig Tillery  
Regina Belt

FROM: *Debbie Hennigh*  
Debbie Hennigh  
Special Assistant

DATE: March 12, 2002

SUBJ: Court Notice #11

The purpose of this memorandum is to request that the Alaska Department of Law and the United States Department of Justice notify the United States District Court of our intent to expend \$16,100 in earnings that have accrued on monies disbursed from the Exxon Valdez Oil Spill Settlement Trust. This amount is for amending Project 02630 to provide funding for the Department of Environmental Conservation.

There has been one Trustee Council meeting (February 25, 2002) since the last court notice, dated December 28, 2001.

Attached are the following documents:

1. Draft meeting notes for February 25, 2002 (including labeled attachments)
2. Second copy of draft meeting notes Attachment C, request for \$16,100, without attachment label
3. Executive Director's certification of Trustee Council action
4. Updated court notification spreadsheet

# Exxon Valdez Oil Spill Trustee Council

441 W. 5<sup>th</sup> Ave., Suite 500 • Anchorage, Alaska 99501-2340 • 907/278-8012 • fax 907/276-7178



March 12, 2002

I certify that on February 25, 2002 the *Exxon Valdez* Oil Spill Trustee Council Trustee Council approved a motion to amend Project 02630 (Planning for Long-term Research & Monitoring Program) by \$16,100. This is for the Department of Environmental Conservation to develop a report summary of strategies that other state agencies have developed and approaches they use to fund their surface water quality monitoring programs.

A handwritten signature in black ink, reading "Molly McCammon". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Molly McCammon  
Executive Director

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#### Federal Trustees

U.S. Department of the Interior  
U.S. Department of Agriculture  
National Oceanic and Atmospheric Administration

#### State Trustees

Alaska Department of Fish and Game  
Alaska Department of Environmental Conservation  
Alaska Department of Law

RECEIVED  
APR 05 2002

ROBERT E. MAHER, Jr.  
Assistant Section Chief  
Environmental Enforcement Section  
Environment & Natural Resources Division  
United States Department of Justice  
Washington, D.C. 20530

Department of Law  
Office of Attorney General  
3rd Judicial District  
Anchorage, Alaska

REGINA R. BELT  
Environmental Enforcement Section  
Environment & Natural Resources Division  
United States Department of Justice  
801 B Street Suite 504  
Anchorage, Alaska 99501-3657  
Telephone: (907) 271-3456  
Facsimile: (907) 271-5827

ATTORNEYS FOR THE UNITED STATES

UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EXXON CORPORATION, EXXON SHIPPING  
COMPANY, and EXXON PIPELINE COMPANY,  
et al., in personam, and the T/V  
EXXON VALDEZ, in rem,

Defendants.

No. A91-082 Civil (HRH)

ELEVENTH JOINT NOTICE OF  
EXPENDITURES FROM  
SETTLEMENT ACCOUNT MONIES  
PREVIOUSLY DISBURSED

The United States and the State of Alaska ("the Governments") hereby jointly notify the Court of their intent to expend for purposes described below, \$16,100.00 in earnings that have accrued on monies disbursed from the EXXON VALDEZ Oil Spill

ELEVENTH JOINT NOTICE OF EXPENDITURES  
FROM SETTLEMENT ACCOUNT MONIES  
PREVIOUSLY DISBURSED

-1-

ACE 30398378

Settlement Account and monies lapsed from projects previously approved for funding from that account.

The sum of \$16,100.00 will be provided to the Governments to fund necessary natural resource damage assessment and restoration activities during federal fiscal year 2002. Of this amount \$16,100.00 will go to the State of Alaska to provide additional funding to project 02630 from the FY 02 Work Plan.<sup>1/</sup>

The total of these expenditures - \$16,100.00 - is available to the Governments from earnings that have accrued from investments on funds previously disbursed by the Court and placed in the Exxon Valdez Settlement Expendable Trust Account managed by the Alaska Department of Revenue and monies in that account lapsed from earlier approved projects. Accordingly, the Governments will not request a disbursement of monies from the Investment Fund to fund these restoration activities.

A complete summary of the Trustee Council's activities since approval of the settlement was appended to our Second Application, filed January 19, 1993, as Attachment B, and interim updates of activities appeared as Attachments to each of the Governments' Third through Sixth, Eighth through Twelfth, Fifteenth, Nineteenth, Twenty-First, Twenty-Second, Twenty-Fourth through Twenty-Ninth, Thirty-First, and Thirty-Third through Forty-

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<sup>1/</sup> The certification of the Executive Director of the Exxon Valdez Oil Spill Trustee Council ("Trustee Council") evidencing the unanimous decision of the Trustee Council to expend this sum for these purposes is attached to this Notice at Attachment A. A description of the purposes of this expenditure can be found in Attachment B at pages 9 to 13.

Fifth applications for disbursement, the Fifth through Seventh and Tenth Joint Notices of Expenditure From Settlement Account Monies Previously Disbursed and First Joint Notice of Expenditures from Investment Fund. Since the last summary provided to the Court, the Trustee Council has met one time. Appended to this application as Attachment B are the meeting notes for that meeting.

RESPECTFULLY SUBMITTED this 3<sup>rd</sup> day of April, 2002 at Anchorage, Alaska.

Regina R. Belt  
REGINA R. BELT  
ATTORNEY FOR THE UNITED STATES

DATED: 4/3/02

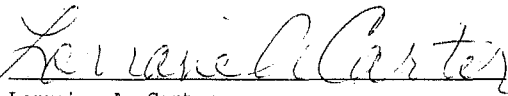
BRUCE M. BOTELHO  
Attorney General  
State of Alaska

By: Craig J. Tillery  
CRAIG J. TILLERY  
Assistant Attorney General  
1031 West Fourth Avenue Ste. 200  
Anchorage, Alaska 99501-1994  
Telephone: (907) 269-5274  
Facsimile: (907) 278-7022

ATTORNEYS FOR THE STATE OF ALASKA

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the \_\_\_\_ day of April, 2002 a copy of the foregoing Eleventh Joint Notice of Expenditures From Settlement Account Monies Previously Disbursed was served by United States mail, first class, postage paid, to the following: Craig Tillery, Maria Lisowski, James F. Neal, Esq., Craig O'Connor, Douglas J. Serdahely, Esq., Barry Roth, John F. Clough III, Esq., and Patrick Lynch, Esq.



Lorraine A. Carter

ELEVENTH JOINT NOTICE OF EXPENDITURES  
FROM SETTLEMENT ACCOUNT MONIES  
PREVIOUSLY DISBURSED

# Exxon Valdez Oil Spill Trustee Council

441 W. 5<sup>th</sup> Ave., Suite 500 • Anchorage, Alaska 99501-2340 • 907/278-8012 • fax 907/276-7178



March 12, 2002

I certify that on February 25, 2002 the *Exxon Valdez* Oil Spill Trustee Council Trustee Council approved a motion to amend Project 02630 (Planning for Long-term Research & Monitoring Program) by \$16,100. This is for the Department of Environmental Conservation to develop a report summary of strategies that other state agencies have developed and approaches they use to fund their surface water quality monitoring programs.

Molly McCammon  
Executive Director

ATTACHMENT A  
PAGE 1 OF 1

Federal Trustees  
U.S. Department of the Interior  
U.S. Department of Agriculture  
National Oceanic and Atmospheric Administration

State Trustees  
Alaska Department of Fish and Game  
Alaska Department of Environmental Conservation  
Alaska Department of Law

ACE 30398382

ATTACHMENT B

Since the last summary provided to the Court, the Exxon Valdez Oil Spill Trustee Council met once and took the actions described in the Trustee Council Meeting Notes appended to this attachment.





# Exxon Valdez Oil Spill Trust Council

441 W. 5<sup>th</sup> Ave., Suite 500 • Anchorage, Alaska 99501-2340 • 907/278-8012 • fax 907/276-7178



## TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska

February 25, 2002

By Molly McCammon  
Executive Director

### Trustee Council Members Present:

• Dave Gibbons, USFS  
Drue Pearce, DOI  
James Balsiger, NMFS

Frank Rue, ADF&G  
Michele Brown, ADEC  
\*Craig Tillery, ADOL

#### \* Chair

In Anchorage: Gibbons, Pearce, Balsiger, Rue, Kent, Brown and Tillery.

#### • Alternates:

Maria Lisowski served as an alternate for Dave Gibbons for the entire meeting.

Meeting convened at 9:48 a.m., February 25, 2002, in Anchorage.

#### 1. Approval of the Agenda

**APPROVED MOTION:** Approved the February 25, 2002 agenda  
(Attachment A).

Motion by Pearce, second by Lisowski.

#### 2. Approval of Meeting Notes

**APPROVED MOTION:** Approved December 11, 2001 meeting notes  
(Attachment B).

Motion by Brown, second by Pearce.

#### 3. Asset Allocation Policy

ATTACHMENT B  
PAGE 2 OF 34

Discussion - No changes made to the Asset Allocation Policy.

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Public comment period began at 11:05 a.m.

**No Public comments received**

Public comment period closed at 11:06 a.m.

4. Project 02360 Amendment:

**APPROVED MOTION:** Approved a motion to amend project 02630, Planning for Long-Term Research and Monitoring Program, by authorizing an additional \$16,100 be added to the budget to develop a report summary of strategies and approaches that other state agencies have developed to fund their surface water quality monitoring programs. (Attachment C)

Motion by Rue, second by Balsiger.

Public comment period re-opened 11:32 a.m.

**Public comments received by 1 individual from Anchorage.**

Public comment period closed 11:51 a.m.

**BREAK**

Off the record at (11:51 a.m.)

On the record at (12:19 p.m.)

5. STAC Process

**APPROVED MOTION:** Approved a motion to approve the Scientific and Technical Advisory Committee (STAC) process (Attachment D).

Motion by Rue, second by Pearce.

6. Support for PICES

**APPROVED MOTION:** Approved a motion to approve \$14,000 of Project 02630 (Restoration Office portion) contractual costs be give to PICES for travel and report expenses.

Motion by Brown, second by Rue.

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ATTACHMENT B  
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7. Bonus awards

APPROVED MOTION: Approved a motion to disallow the allocation of EVOS funds to be used for bonuses given out of Project 00159 (\$5000), Project 00163 (\$2500), and Project 01423 (\$2796).

Motion by Rue, second by Pearce.

8. Small Parcel KEN 309

APPROVED MOTION: Adopted resolution 02-05 (Attachment E) to provide funds for the State of Alaska to purchase all of the seller's rights and interests in small parcel KEN 309.

Motion by Rue, second by Brown.

9. Small Parcel KAP 285

Discussion regarding concerns about how the purchase of KAP 285 would impact local economic potential. No formal action taken.

Meeting adjourned 2:02 p.m.

Motion by Rue, second by Lisowski.

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ATTACHMENT B  
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# Exxon Valdez Oil Spill Trustee Council

441 W. 5<sup>th</sup> Ave., Suite 500 • Anchorage, Alaska 99501-2340 • 907/278-8012 • fax 907/276-7178



## AGENDA EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL MEETING

February 25, 2002 9:30 a.m.

441 West 5<sup>th</sup> Ave., Suite 500, ANCHORAGE

DRAFT

### Trustee Council Members:

CRAIG TILLERY  
Assistant Attorney General  
State of Alaska

MICHELE BROWN  
Commissioner  
Alaska Department of  
Environmental Conservation

DRUE PEARCE  
Senior Advisor to the Secretary  
for Alaskan Affairs  
U.S. Department of the Interior

MARIA LISOWSKI for  
DAVE GIBBONS  
Forest Supervisor  
Forest Service Alaska Region  
U.S. Department of Agriculture

JAMES W. BALSIGER  
Administrator, Alaska Region  
National Marine Fisheries Service

FRANK RUE  
Commissioner, Alaska  
Department of Fish & Game

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Teleconferenced in Anchorage, Restoration Office, 441 W 5<sup>th</sup> Ave, Suite 500  
\_\_\_\_\_ State Chair

1. Call to Order - 9:30 a.m.
  - Approval of Agenda\*
  - Approval of Meeting Notes\*December 11, 2001
2. PAG Report - Chuck Meacham
  - February 21, 2002 meeting -briefing
  - PAG charter amendments - briefing

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ATTACHMENT B  
PAGE 5 OF 34

3. Executive Director's Report
  - Injured species update - briefing
  - Upcoming TC meeting schedule
  - Research MOA
  - Oceans and Watershed Symposium
  - Quarterly project financial report
  - Quarterly project status report
4. Investments - 10:00 a.m.
  - Investment reports: December 2001 and January 2002
  - Callan's Capital Market Assumptions - Briefing by John Jenks
  - Discussion of Asset Allocation Policy\*
5. Public Comment - 11:00 a.m.
6. Scientific and Technical Advisory Committee (STAC) process \*
7. Work Plan Adjustments
  - Project 02630 - Designation of funding recipient (PICES)\*
  - Project 02630 - Additional funds for water quality planning workshop\*
  - Projects 01423, 00163, 00159: approval of bonus awards as allowable project costs\*
8. Small Parcel Habitat Protection
  - Leisnoi, Inc. - Woody Island - briefing
  - Icicle Seafoods - KEN 309 \*
  - Carlson/Hook Bay - KAP 285\*

Adjourn - 1:30 p.m.

\* Indicates tentative action items.

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ATTACHMENT B  
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# Exxon Valdez Oil Spill Trustee Council

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## TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska  
December 11, 2001

By Molly McCammon  
Executive Director

### Trustee Council Members Present:

\*Dave Gibbons, USFS  
Drue Pearce, DOI  
James Balsiger, NMFS

Frank Rue, ADF&G  
● Michele Brown, ADEC  
Craig Tillery, ADOL

### \* Chair

In Anchorage: Gibbons, Pearce, Balsiger, Rue, Kent, Brown and Tillery.

### ● Alternates:

Lynn Kent served as an alternate for Michele Brown from 10:11 a.m. until 11:45 a.m.

Meeting convened at 10:11 a.m., December 11, 2001, in Anchorage.

### 1. Approval of the Agenda

**APPROVED MOTION:** Approved the December 11, 2001 agenda (Attachment A).  
Motion by Tillery, second by Balsiger.

### 2. Approval of Meeting Notes

**APPROVED MOTION:** Approved August 6, 2001 meeting notes (Attachment B)  
Motion by Rue, second by Kent.

### 3. NOAA budget adjustment

ACE 30398389

**APPROVED MOTION:** Approved the reprogramming of remaining FY 01 funds from EVOS project funds not obligated to cover a spending overage in Project 1543.

Motion by Rue, second by Tillery.

ATTACHMENT B  
PAGE 7 OF 34

4. Investment/Payout policy

Discussion. No action taken.

Public comment period began at 11:00 a.m.

Public comments received telephonically from 1 individual in Cordova and from 6 in Anchorage.

Public comment period closed at 11:29 a.m.

**BREAK INTO EXECUTIVE SESSION**

Off the record at (12:15 p.m.)

5. Executive Session:

**APPROVED MOTION:** Adjourn into executive session to discuss Executive Director evaluation and legal issues.

Motion by Tillery, second by Brown.

On the record at (1:25 p.m.)

6. FY 02 Work Plan - Deferred Projects

**APPROVED MOTION:** Adopted resolution 02-04 (Attachment C) to approve the FY 02 Work plan recommendations as outlined.

Motion by Tillery, second by Rue.

7. Kodiak three 10-acre parcels

**APPROVED MOTION:** Adopted resolution 02-01 (Attachment D) to provide funding for the United States Fish and Wildlife Service to offer, or purchase if an offer is accepted, all of each seller's rights and interest in the three 10-acre parcels ( KAP 2071, KAP 2072, KAP 2073).

Motion by Rue, second by Brown.

ACE 30398390

8. Protection of land in Perenosa Bay

**APPROVED MOTION:** Adopted resolution 02-02 (Attachment E) supporting and encouraging the efforts underway by the Kodiak Brown Bear Trust, American Lands Conservancy, Rocky Mountain Elk Foundation and others to seek funds for protection of the coastal habitat in Perenosa Bay.

Motion by Rue, second by Brown.

**BREAK**

Off the record at (3:05 p.m.)

On the record at (3:20 p.m.)

9. Afognak Microwave station proposal

Discussion. No objection to the proposal. No formal action taken.

10. Jack Bay small parcel PWS 1010

**APPROVED MOTION:** Adopted resolution 02-03 (Attachment F) extending authorization for funding for small parcel PWS 1010 purchase to September 15, 2002. Amended by a contingency (Section I) that the U.S.F.S. provide a mineral study indicating low probability of mineral development.

Motion by Tillery, second by Rue.

11. Habitat grant priorities

Consultation with Conservancy and Conservation Fund. No action taken.

12. Proposed Scientific and Technical Advisory Committees

Discussion. Work group to be formed. Trustee Council to follow up with workgroup committee nominations. No formal action taken.

Meeting adjourned 5:08 p.m.

Motion by Rue, second by Tillery.

ACE 30398391



# STATE OF ALASKA

## DEPT. OF ENVIRONMENTAL CONSERVATION COMMISSIONER'S OFFICE

Attachment C

TONY KNOWLES, GOVERNOR

410 Willoughby Avenue  
Juneau, AK 99801  
PHONE: (907) 465-5066  
FAX: (907) 465-5070  
<http://www.state.ak.us/dec/>

February 22, 2002

Molly McCammon, Executive Director  
Exxon Valdez Oil Spill Trustee Council  
441 W. 5<sup>th</sup> Avenue Suite 500  
Anchorage, AK 99501-2340

Dear Ms. McCammon:

Re: Project 02630 Amendment, Surface Water Quality Monitoring

The Department of Environmental Conservation (DEC), Division of Air and Water Quality is beginning development of a surface water quality monitoring strategy for the State of Alaska. Development of a strategy is essential for implementation of Alaska Clean Water Action (ACWA) objectives to:

- Assess the effectiveness and gaps in Alaska's water stewardship;
- Assess the health of Alaska's surface and ground waters; and
- Direct funding towards data collection to protect, restore, or recover the valued uses of waters that are at risk or polluted.

DEC intends to work closely with interested individuals, government, tribal, for profit, and non-profit institutions in developing a surface water quality monitoring strategy. A key element of the monitoring strategy will be to develop linkages to regional environmental monitoring programs such as the Gulf Ecosystem Monitoring Program (GEM) and Southeast Sustainable Salmon to facilitate the implementation of field projects which meet multiple monitoring objectives.

DEC is requesting a total of \$16,100 be added to the GEM planning budget (Project 02630) to enable DEC to contract for assistance in developing background information for public meetings to involve stakeholders in development of a surface water monitoring strategy. DEC will task a term contractor with developing a report that summarizes surface water quality monitoring strategies that other states have developed and the approaches they use to fund their surface water quality monitoring programs. Information will be made available to assist DEC and stakeholders in identifying strategies which may have utility for Alaska. The contract final report will be due from the contractor prior to the end of State Fiscal Year 2002.

Sincerely,



Michele Brown  
Commissioner

ACE 30398392

ATTACHMENT

B

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Received 2-2-02

FY 02 EXXON VALDEZ TRUS. - COUNCIL PROJECT BUDGET  
October 1, 2003 - September 30, 2002

Budget Category:	Authorized FY 01	Proposed FY 02				
Personnel		\$0.0				
Travel		\$0.0				
Contractual		\$15.0				
Commodities		\$0.0				
Equipment		\$0.0	LONG RANGE FUNDING REQUIREMENTS			
Subtotal	\$0.0	\$15.0	Estimated FY 03			
General Administration		\$1.1				
Project Total	\$0.0	\$16.1				
Full-time Equivalents (FTE)		0.0				
Other Resources			Dollar amounts are shown in thousands of dollars.			

The Department of Environmental Conservation, Division of Air and Water Quality (DEC) is beginning development of a surface water quality monitoring strategy for the State of Alaska. Development of a strategy is essential for implementation of Alaska Clean Water Action (ACWA) objectives to:

- ? Assess the effectiveness and gaps in Alaska's water stewardship;
- ? Assess the health of Alaska's surface and ground waters; and
- ? Direct funding towards data collection to protect, restore, or recover the valued uses of waters that are at risk or polluted.

DEC intends to work closely with interested individuals, government, tribal, for profit, and non-profit institutions in developing a surface water quality monitoring strategy. A key element of the monitoring strategy will be to develop linkages to regional environmental monitoring programs such as the Gulf Ecosystem Monitoring Program and Southeast Sustainable Salmon to facilitate the implementation of field projects which meet multiple monitoring objectives.

DEC is requesting a total of \$16,100 be added to the GEM planning budget (Project 02630) to enable DEC to contract for assistance in developing background information for public meeting.

FY02

Prepared:

ACE 30398393

Page

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of

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ATTACHMENT

B

Project Number: 02630-AMENDMENT  
Project Title: Planning for GEM  
Agency: ADEC

FORM 3A  
TRUSTEE  
AGENCY  
SUMMARY

# FY 02 EXXON VALDEZ TRUS. COUNCIL PROJECT BUDGET

October 1, 2003 - September 30, 2002

Personnel Costs:		GS/Range/Step	Months Budgeted	Monthly Costs	Overtime	Proposed FY 02
Name	Position Description					
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
Subtotal			0.0	0.0	0.0	
Personnel Total						\$0.0

Travel Costs:		Ticket Price	Round Trips	Total Days	Daily Per Diem	Proposed FY 02
Description						
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
						0.0
Travel Total						\$0.0

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ATTACHMENT  
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FY02

Project Number: 02630-AMENDMENT  
Project Title: GEM Planning  
Agency: ADEC

FORM 3B  
Personnel  
& Travel  
DETAIL

Prepared:

# FY 02 EXXON VALDEZ TRUSTEE COUNCIL PROJECT BUDGET

October 1, 2003 - September 30, 2002

<b>Contractual Costs:</b>		Proposed
Description		FY 02
Contract to develop a report that summarizes surface water quality monitoring strategies that other states have developed and the approaches they use to fund their surface water quality monitoring programs		15.0
When a non-trustee organization is used, the form 4A is required.		
<b>Contractual Total</b>		\$15.0
<b>Commodities Costs:</b>		Proposed
Description		FY 02
<b>Commodities Total</b>		\$0.0

ACE 30398395

FY02

Project Number: 02630-AMENDMENT  
Project Title: GEM Planning  
Agency: ADEC

FORM 3B  
Contractual &  
Commodities  
DETAIL

Prepared:

ATTACHMENT  
PAGE 13 OF 34

October 1, 2003 - September 30, 2002

ATTACHMENT B  
PAGE 14 OF 34

Prepared:

Project Number: 02630-AMENDMENT  
Project Title: GEM Planning  
Agency: ADEC

4 of 4

## Gulf of Alaska Ecosystem Monitoring and Research Program

### Process for Providing Scientific and Technical Advice and Peer Review

*February 25, 2002 Draft*

#### Addendum to Program Management

#### (GEM Program Document, Volume I, Chapter 6)

*(References to Volume numbers and chapters refer to the August 2001 Draft of the GEM Program Document, available on <http://www.oilspill.state.ak.us/index.html>)*

### I. DESCRIPTION OF PROCESS FOR SCIENTIFIC ADVICE

The GEM Program is a long-term monitoring and research program, responsive to the needs of resource management agencies, stakeholders and the public, consistent with the program's mission and goals, and held to a high standard of scientific excellence. The process for providing scientific and technical advice includes 1) advice on the program as a whole; 2) advice at the individual project level; and 3) peer review of all proposals and reports.

The GEM scientific advice process builds upon the Trustee Council's successful record of 13 years of peer-reviewed science. This process will be implemented by staff to the *Exxon Valdez* Oil Spill Trustee Council; a committee structure consisting of a Scientific and Technical Advisory Committee (STAC) and related subcommittees and work groups; and a periodically convened independent review committee (see Figure 6.1 below). Programmatic and technical review largely will be separated. This process will be reviewed and refined over time, as experience with program implementation permits better understanding of the Trustee Council's needs for scientific advice under GEM.

In addition to scientific advice provided by the proposed STAC and subcommittees, the Trustee Council also relies on advice from the Program Advisory Committee, other members of the public, and trustee agency staff. The Executive Director is expected to take this broad spectrum of advice into account when resolving conflicting issues and developing recommendations for Trustee Council consideration.

#### A. Staff

Since the Trustee Council receives information and guidance from a number of sources, the Council relies on its Executive Director to ensure that all advice and reviews are organized and summarized to assist the Council's decision-making. The Executive Director reports directly to the Trustee Council and has the ultimate responsibility for implementing all the Trustee Council's programs, policies and procedures.

The Executive Director will be assisted by a Senior Science Advisor for Oil Spill Effects, a Science Director and other staff.

The Senior Science Advisor for Oil Spill Effects will provide advice on direct oil-spill related injury and recovery, including peer review of related project proposals and

orts. This position will chair the Oil Effects Subcommittee and report the committee's recommendations to the STAC.

The Science Director will assist the Executive Director by 1) providing scientific leadership for the GEM Program; 2) serving as GEM's primary scientific spokesperson and a non-voting permanent co-chair of the STAC; 3) coordinating the scientific committee structure; and 4) ensuring that the GEM Program is implemented with a high standard of scientific excellence. This role is expected to adapt to the changing needs of the growing GEM program.

## B. Committee Structure

*Scientific and Technical Advisory Committee (STAC).* The STAC is a standing committee that is expected to provide the primary scientific advice to the Executive Director on how well the collection of proposed monitoring and research projects (the Work Plan) and the overall GEM Program meet the mission and goals of the Trustee Council (GEM Program Document Vol. I. Chapter 1) and test the adequacy of the GEM conceptual foundation (see Figure 4.3). As needed and appropriate, the STAC may participate in and/or lead the peer review process of proposals and project reports.

*Subcommittees.* The subcommittees are standing committees organized to address the "nuts and bolts" of developing and implementing projects responsive to the Council's needs, coordinating among scientists and other interested parties, and helping to organize technical peer review of individual proposals.

*Work groups.* *Ad hoc* work groups are subcommittees temporarily formed to address specific issues. They have a specific purpose and a limited duration.

## C. External Review Committee

Periodically (every five to ten years), the Trustee Council will contract with an external entity, such as the National Research Council, to review the entire GEM Program.

# II. ESTABLISHING AND MAINTAINING COMMITTEE STRUCTURE

## A. Scientific and Technical Advisory Committee (STAC)

### Responsibilities

1. The STAC shall meet as often as needed to provide to the Executive Director broad programmatic advice and guidance on the GEM Work Plan with respect to the GEM Program's mission, goals, conceptual foundation, central hypotheses and questions.

2. The STAC shall recommend to the Executive Director projects for the GEM Work Plan best suited to the mission, goals, conceptual foundation, and central hypothesis. A written record of these recommendations shall be presented to the Program Advisory Committee (PAC) and to the Trustee Council.
3. The STAC co-chairs shall brief the PAC and the Council once a year on the state of the GEM program and on other occasions at the request of the Trustee Council, the Executive Director, or the STAC.
4. The STAC, in conjunction with the subcommittees, shall provide leadership in identifying and developing testable hypotheses relevant to the conceptual foundation and central questions of the GEM Strategic Plan, consistent with the GEM Program's mission and goals and the policies of the Trustee Council.
5. The STAC, using recommendations provided by the subcommittees and other means, shall identify and recommend syntheses, models, process studies, and other research activities for the Invitation to Submit Proposals.
6. The STAC shall meet with subcommittee chairs as needed.
7. The STAC shall select the subcommittee members, following a process approved by the Trustee Council. The STAC shall receive reports and briefings from the subcommittee chairs as needed.
8. The STAC shall assist Trustee Council staff in identifying peer reviewers, and may, upon request, conduct peer review on individual responses to the Invitation for Proposals and project reports.
9. Subject to funding restrictions and in consultation with the Executive Director, the STAC may convene special review panels or work groups to evaluate and make recommendations about aspects of the GEM program, or to meet with project investigators and others to fully explore particular projects or issues.

### Membership

1. The STAC shall have seven members: six voting members appointed by the Trustee Council with the advice of the independent nominating committee and the Trustee Council's GEM Science Director as the seventh member who serves as permanent non-voting co-chair.
2. The STAC members shall be drawn from the scientific sectors of academic, government, NGO, and private institutions. Together the members shall possess expertise in the habitats, species and environments of the Alaska Coastal Current and offshore, the intertidal and subtidal (nearshore), the watersheds, modeling, resource management, human activities and their potential ecological impacts, and community-based science programs.
3. The STAC members shall be selected for their expertise, broad perspective, long experience and leadership in areas important to the GEM Program.
4. STAC members cannot be principal investigators for presently funded or ongoing GEM projects.
5. The STAC members shall serve terms of four years, renewable once at the option of the Trustee Council, except during the first two years of the program when three members shall serve initial terms of two years, renewable for a full four year term. All renewals for a second term are at the option of the Trustee Council.



6. After serving on the STAC, a person is not eligible to serve again on the STAC for two years, with the exception of a person who was appointed from the list of alternates to complete a partial term. A person appointed as an alternate is eligible to be nominated to an open membership slot to serve a full term, and may, if serving less than two years and at the discretion of the Trustee Council, also be eligible for renewal.
7. In the event of a vacancy prior to the end of a term, the Trustee Council shall appoint a replacement from among the list of alternates. Inactive members may be removed by the Trustee Council from the STAC membership.

### Rules of Procedure

1. The STAC shall elect a co-chair by majority vote at least once every two years. The Science Director shall serve as the other co-chair.
2. Matters that cannot be resolved by consensus shall be decided by four affirmative votes of the STAC membership.
3. The STAC shall develop procedures for interfacing with the subcommittees, work groups and the Program Advisory Committee.

### B. Subcommittees

#### Responsibilities

1. Subcommittees shall provide guidance within each habitat type to the STAC and to the Trustee Council staff regarding testable hypotheses and other topics for consideration in future Invitations to Submit Proposals.
2. Subcommittees shall identify implementation strategies and possible locations for measuring monitoring variables that are relevant to the key questions and testable hypotheses.
3. Subcommittees shall, upon request, help organize the peer review on proposals and project reports in their broad habitat types, including recommending appropriate peer reviewers.
4. Initially, the subcommittees shall be organized along the lines of the four primary habitat types: offshore, Alaska Coastal Current, nearshore and watersheds, with additional subcommittees for oil effects and data management. The subcommittee structure may change following further review and discussion (and pending final NRC review).
5. Subject to funding restrictions, subcommittees may convene special review panels from time to time to evaluate and make recommendations about aspects of the GEM program. At other times, special panels may meet with project investigators and others to fully explore particular topics, problems, or projects.
6. A subcommittee may notify the STAC when it encounters the need for a work group.

### Membership

ACE 30398400

1. Subcommittees are composed of at least 5 and not more than 8 individuals: scientists, resource managers, and/or other experts selected by the STAC primarily for their disciplinary expertise and familiarity with a broad habitat type (watersheds, intertidal and subtidal, ACC, or offshore). Other criteria include institutional and professional affiliations in order to promote collaboration and cooperation.
2. Subcommittee members serve three year renewable terms.
3. Subcommittee members may include principal investigators of GEM projects.
4. Nominees who agreed to serve, but were not selected by the STAC, may serve as peer reviewers and recommend peer reviewers, and are automatically considered as nominees to fill vacancies on subcommittees.

### Rules of Procedure

1. Subcommittees shall elect their own chairs, usually in a person's third year on the committee.
2. Matters that cannot be resolved by consensus shall be decided by majority vote of the membership.

### **C. Work Groups**

#### Responsibilities

1. Work Groups shall recommend to the STAC or a subcommittee courses of action on the task for which the work group has been established. Tasks may include developing strategies to implement specific monitoring and research goals.
2. Work Groups may help organize the peer review on proposals submitted to address the task for which the work group has been established.

#### Membership

1. Any number of individuals may be appointed to work groups established by the Executive Director at the request of the STAC. Expertise will depend on the issue to be addressed.
2. Members are approved by the Executive Director from nominees submitted by the STAC or subcommittee that identified the need for the work group.
3. Work groups are expected to be issue specific and of a limited duration specified by the Executive Director at its inception.

### Rules of Procedure

1. Work groups shall elect a chair by majority vote.
2. Matters that cannot be resolved by consensus shall be decided by majority vote of the membership.

ACE 30398401

### III. SELECTING COMMITTEE MEMBERS

#### A. Selection Process for STAC

1. The Executive Director shall issue a public call for nominations to serve on the STAC. The call will identify the types of expertise and the qualifications the Trustee Council desires to see for the nominees. Any person (including oneself) or organization is free to make a nomination.
2. Those nominating a person -- or the person being nominated -- will be asked to submit a one-page synopsis of the nominee's qualifications to the Executive Director.
3. At the request of the Executive Director, a Nominating Committee will convene to develop a recommended list of persons fitting STAC membership criteria. The Nominating Committee shall recommend to the Executive Director a nominee for each vacant seat on the STAC, after determining that each is willing to serve on the STAC. Remaining nominees who are willing to serve may become alternates. The list of nominees and alternates shall be forwarded to the Trustee Council by the Executive Director.
4. The Nominating Committee may suggest names of persons not nominated if there are gaps in desired expertise among the nominees provided to it by the process (i.e., nominating committee members may also make their own nominations).

#### STAC Nominating Committee

##### Responsibilities

1. The STAC Nominating Committee shall review nominations for the STAC; if necessary, it may solicit additional nominations at its discretion.
2. The nominating committee shall provide the Executive Director a list of preferred and alternate nominees for appointment to the STAC.
3. The Nominating Committee chair shall brief the Trustee Council on its recommendations.

##### Membership

1. The STAC Nominating Committee shall be composed of seven members who are familiar with the development and operation of regional monitoring programs similar to GEM.
2. Nominating Committee members may not currently be receiving funding from the Trustee Council, nor may they be closely associated with, or dependent on, those who are funded by the Trustee Council. For example, the Nominating Committee members may not be funded investigators within the EVOS/GEM program, nor may nominating committee members be the immediate supervisors or supervisees of currently funded investigators, or members of their immediate family.
3. At least five Nominating Committee members shall reside in Alaska. STAC nominees and current STAC members may not serve on the Nominating Committee.

4. Nominating Committee members shall be selected by the Executive Director in consultation with the Trustee Council. The Executive Director shall also determine the life of the Nominating Committee.

#### Rules of procedure

1. The Nominating Committee shall elect a chairperson by majority vote to conduct the meetings.
2. The Nominating Committee shall establish a schedule and a process for developing a recommended list of nominees for the STAC that is consistent with applicable state and federal statutes, particularly with regard to Equal Employment Opportunity principles and diversity considerations.
3. The Executive Director shall provide assistance as requested by the Nominating Committee chair.

#### **B. Selection Process for Subcommittee Members**

1. The Executive Director shall issue public calls for nominations to the subcommittees. The announcements shall list desirable qualifications and other nominating criteria.
2. The STAC shall review the nominees and make recommendations to the Trustee Council for approval.

#### **C. Selection Process for Work Group Members**

1. The Executive Director shall approve work group members upon the recommendation of the STAC and/or subcommittees.

### **IV. PEER REVIEW**

Each project proposal, as well as some annual and all final reports, will be peer-reviewed by appropriate experts who are not competing for funding from the GEM program in the same competition and, in general, also are not conducting projects funded by the Trustee Council. The external peer review process will provide a rigorous critique of the scientific merits of proposals and reports. The goals of the review process are to ensure that studies sponsored by the Trustee Council 1) adhere to a high standard of scientific excellence; 2) have scientific objectives that are relevant and consistent with the GEM Program's conceptual foundation, central questions, and testable hypotheses; and 3) use valid methods that will allow them to achieve these objectives. The peer review may be either paid or volunteer, or some combination, whichever is most expeditious and appropriate. Reviews and recommendations shall be documented in writing.

The STAC or subcommittees may convene work groups from time to time to evaluate and make recommendations about aspects of the GEM program. These may include special peer review panels that would meet with project investigators and others to fully explore particular topics, problems, or projects.

Draft GEM Process for Scientific Peer Review and Advice 02/25/02

A framework for peer review shall be developed by Trustee Council staff and include the following:

- A clear statement of the purposes of the peer review
- The role of the peer reviewer
- Guidelines for achieving and maintaining impartiality

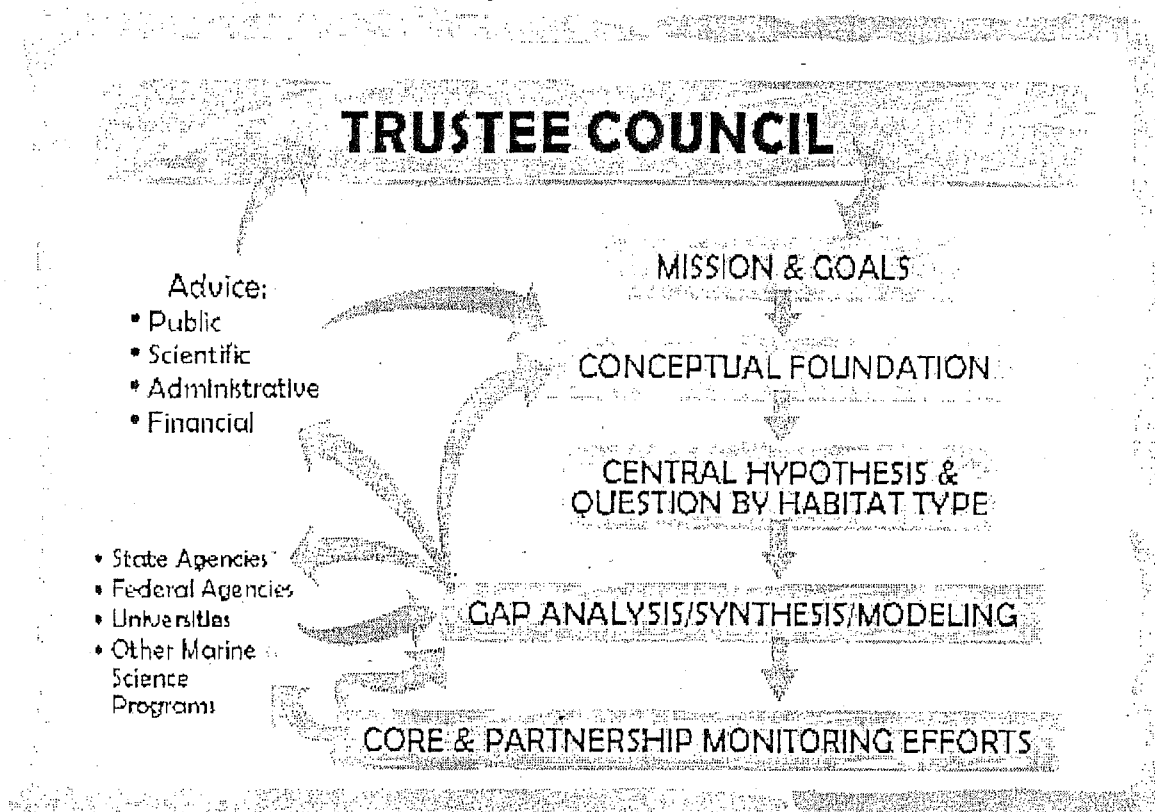
The Science Director is responsible to the Executive Director and the Trustee Council for maintaining independence and the appropriate level of expertise for each peer review activity, training of peer reviewers in established procedures, and establishing an honorarium (payment) process for peer reviewers when necessary to accomplish the needed peer review.

Figures follow on two pages

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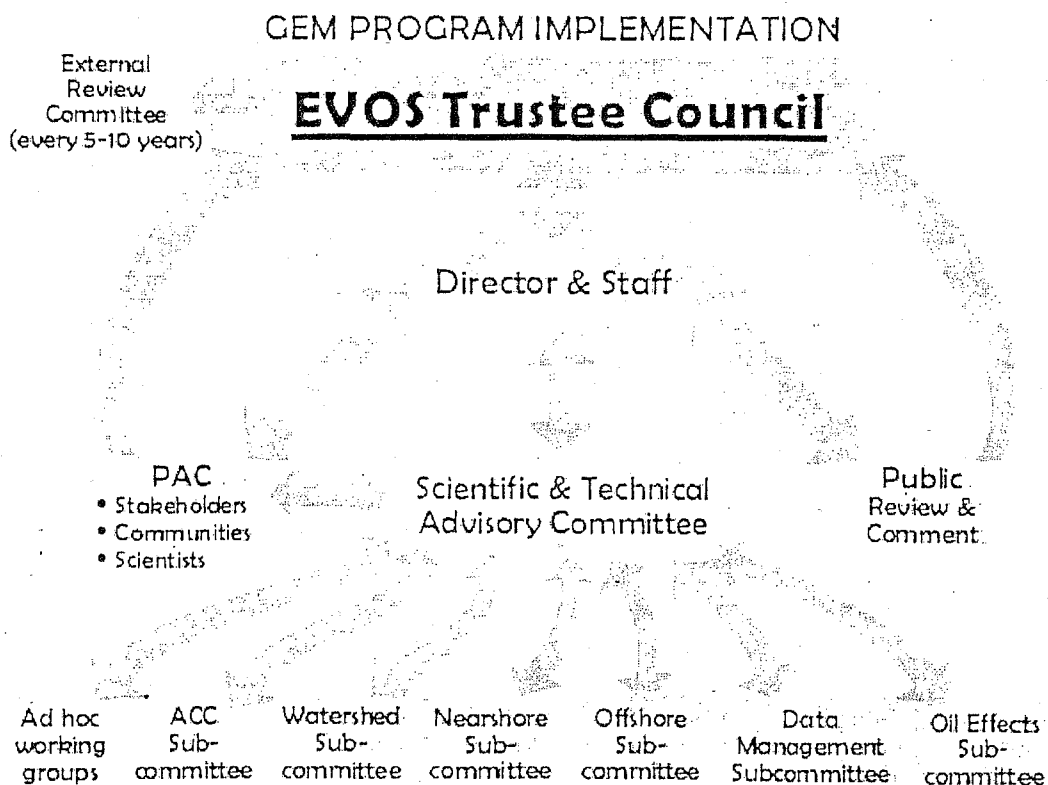
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Figure 4.3 Selecting monitoring elements starts with the mission and goals established by the Trustee Council, as expressed in the conceptual foundation, which is regularly updated by new information from a variety of sources. GEM Program Document, Vol. I, Chapter 4, page 38.



ACE 30398405

Figure 6.1. The organizational elements involved in GEM implementation. Modified in response to comments from the NRC, after GEM Program Document, Vol. I, Chapter 6, page 66.



ACE 30398406

RESOLUTION OF THE  
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL  
REGARDING KEN 309

We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council ("Council"), after extensive review and after consideration of the views of the public, find as follows:

1. The Conservation Fund has purchased the Ninilchik small parcel, KEN 309, in anticipation that it will sell the parcel to the State of Alaska for \$113,000;
2. An appraisal of the parcel approved by the federal review appraiser determined that the fair market value of the parcel is \$113,000;
3. As set forth in Attachment A, Restoration Benefits Report for KEN 309, if acquired, this small parcel has attributes which will restore, replace, enhance and rehabilitate injured natural resources and the services provided by those natural resources, including important habitat for several species of fish and wildlife for which significant injury resulting from the spill has been documented. Acquisition of this small parcel will assure protection of approximately 4.2 acres including approximately 800 feet of linear shoreline along each bank of the Ninilchik River. The parcel supports a popular king salmon fishery each spring and Dolly Varden, silver salmon and steelhead fisheries later in the season. In addition, harlequin ducks, mergansers, mink, otter, black and brown bears, and moose utilize this area as well. The parcel is important to the sport fishing and tourism industries, both of which were impacted by the *Exxon Valdez* Oil Spill ("EVOS").
4. Existing laws and regulations, including but not limited to the Alaska Forest Practices Act, the Alaska Anadromous Fish Protection Act, the Clean Water Act, the Alaska Coastal

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Resolution 02-05

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Management Act, the Bald Eagle Protection Act and the Marine Mammal Protection Act, are intended, under normal circumstances, to protect resources from serious adverse effects from activities on the lands. However, restoration, replacement and enhancement of resources injured by the EVOS present a unique situation. Without passing judgment on the adequacy or inadequacy of existing law and regulations to protect resources, scientists and other resource specialists agree that, in their best professional judgment, protection of habitat in the spill area to levels above and beyond that provided by existing laws and regulations will have a beneficial effect on recovery of injured resources and lost or diminished services provided by these resources;

5. There has been widespread public support for the acquisition of lands within Alaska as well as on a national basis;

6. The purchase of this parcel is an appropriate means to restore a portion of the injured resources and services in the oil spill area. Acquisition of this parcel is consistent with the Final Restoration Plan.

THEREFORE, we resolve to provide funds for the State of Alaska to purchase all the seller's rights and interests in the small parcel KEN 309 and to provide funds necessary for closing costs recommended by the Executive Director of the Trustee Council ("Executive Director") and approved by the Trustee Council and pursuant to the following conditions:

(a) the amount of funds (hereinafter referred to as the "Purchase Price") to be provided by the Trustee Council to the State of Alaska shall be one hundred thirteen thousand dollars (\$113,000) for small parcel KEN 309;

(b) authorization for funding for any acquisition described in the foregoing paragraph shall terminate if a purchase agreement is not executed by September 30, 2002;

(c) filing by the United States Department of Justice and the Alaska Department of Law of a notice, as required by the Third Amended Order for Deposit and Transfer of Settlement Proceeds, of the proposed expenditure with the United States District Court for the District of Alaska and, if necessary, with the Investment Fund established by the Trustee Council within the Alaska Department of Revenue, Division of the Treasury ("Investment Fund") and transfer of the necessary monies from the appropriate account designated by the Executive Director;

(d) a title search satisfactory to the State of Alaska and the United States is completed, and the seller is willing and able to convey fee simple title by warranty deed;

(e) no timber harvesting, road development or any alteration of the land will be initiated on the land without the express agreement of the State of Alaska and the United States prior to purchase;

(f) a hazardous materials survey satisfactory to the State of Alaska and United States is completed;

(g) compliance with the National Environmental Policy Act; and

(h) a conservation easement on parcel KEN 309 shall be conveyed to the United States which must be satisfactory in form and substance to the United States and the State of Alaska Department of Law.

It is the intent of the Trustee Council that the above referenced conservation easement will provide that any facilities or other development on the foregoing small parcel shall be of limited impact and in keeping with the goals of restoration, that there shall be no commercial use except as may be consistent with applicable state or federal law and the goals of restoration to prepill conditions of any natural resource injured, lost, or destroyed as a result of the EVOS, and the

services provided by that resource or replacement or substitution for the injured, lost or destroyed resources and affected services, as described in the Memorandum of Agreement and Consent Decree between the United States and the State of Alaska entered August 28, 1991 and the Restoration Plan as approved by the Trustee Council.

By unanimous consent, following execution of the purchase agreement between the seller and the State of Alaska and written notice from the Executive Director that the terms and conditions set forth herein and in the purchase agreement have been satisfied, we request the Alaska Department of Law and the Assistant Attorney General of the Environment and Natural Resources Division of the United States Department of Justice to take such steps as may be necessary for withdrawal of the Purchase Price for the above-referenced parcel from the appropriate account designated by the Executive Director.

Such amount represents the only amount due under this resolution to the sellers by the State of Alaska to be funded from the joint settlement funds, and no additional amounts or interest are herein authorized to be paid to the sellers from such joint funds.

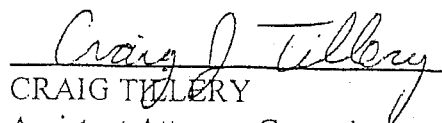
ACE 30398410

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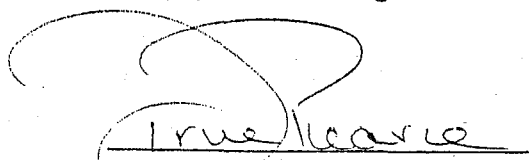
Approved by the Council at its meeting of February 25, 2002 held in Anchorage, Alaska, as affirmed by our signatures affixed below:



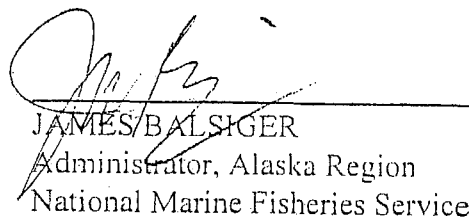
DAVE GIBBONS  
Forest Supervisor  
Forest Service Alaska Region  
US Department of Agriculture



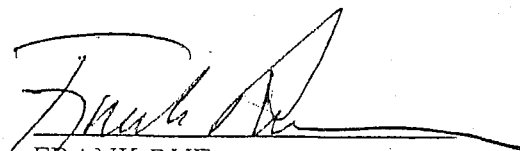
CRAIG TILLEY  
Assistant Attorney General  
State of Alaska



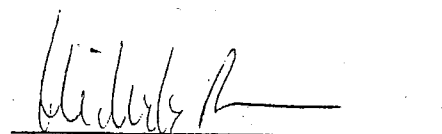
DRUE PEARCE  
Senior Advisor to the Secretary  
for Alaskan Affairs  
U.S. Department of the Interior



JAMES BALSIGER  
Administrator, Alaska Region  
National Marine Fisheries Service



FRANK RUE  
Commissioner  
Alaska Department of  
Fish and Game



MICHELE BROWN  
Commissioner  
Alaska Department of  
Environmental Conservation

Attachment A - Restoration Benefits Report

ACE 30398411

Resolution 02-05

# Attachment A

## Resolution 02-05 Small parcel – KEN 309

ACE 30398412

ATTACHMENT B

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## KEN 309: Icicle Seafoods

Acreage: 4.17 acres, 18 lots

Sponsor: ADNR & ADF&G

Appraised Value: \$113,000

Owner: The Conservation Fund (former owner Icicle Seafoods, Inc.)

Location: Mission Avenue, near intersection with Sterling Highway, Ninilchik, AK.

Legal Description: Lots 1 - 11, 15 - 19, 21 & 22, Block 8, Ninilchik Townsite.

**Parcel Description.** This collection of small parcels, including 18 platted lots, is downstream and immediately adjacent to a large parcel owned by the Alaska Department of Fish and Game. The ADF&G parcel is located mostly on the downstream side of the Sterling Highway bridge. These lots border, or are near the Ninilchik River, one of south central Alaska's most important sportfishing rivers. These lots are part of the original Ninilchik Townsite subdivision, with roads and lots platted with no logical relationship to the terrain. Some small lots within this batch of parcels straddle the Ninilchik River, or may be nearly entirely occupied by the river, while the platted roads do not have any logical possibility for reasonable construction without extensive fill and bridge construction. The parcel is subject to periodic flooding during high water events such as fall rainstorms, and is generally wet and brushy. The parcel contains approximately 1,600 linear feet of shoreline.

The lands are characterized by their river valley riparian habitat, with willows, scattered spruce and small cottonwoods and other floodplain vegetation. Wildlife species that commonly use this area include harlequin ducks, mergansers, mink, otter, black and brown bears, and moose. This is an important winter feeding area for moose and often 8-12 moose can be counted in or near the subject property on a winter day. During the early summer, harlequin ducks are commonly viewed in the downstream portion of this property, and the other wildlife species can be seen occasionally throughout the year.

**Restoration Benefits.** The public has used this area of the Ninilchik River for decades, while pursuing the popular king salmon fishery each spring, and later in the season for Dolly Varden, silver salmon and steelhead angling. Although private land, the landowners have never posted this land and most anglers are not aware that the land is not publicly owned. Anglers primarily access this parcel on foot, following traditional fishing access trails along the river banks. There is no development on the land at this time.

The Ninilchik River supports an enhanced hatchery-supported and native run of king salmon, providing outstanding sport fishing opportunities for anglers. It is one of the finest bank-accessible sport fisheries for king salmon on the Kenai Peninsula, and is extremely popular and productive. The area owned by Icicle Seafoods supports a great deal of the angler activity on this river as the fishing is particularly productive here.

Support of the sportfishing industry is the most important basis of the Ninilchik community's economy. A large number of businesses cater to anglers, and include B &

B's, lodges, restaurants and cafes, taxidermy shops and other retail businesses. These businesses depend upon having predictable fishing destinations available for prospective clients and customers. The Icicle Seafood parcel provides one of the important destinations that support the area's tourism economy.

Should the parcels be sold as individual lots or as a bulk sale to another private property owner, the public could lose forever one of Alaska's premier king salmon sportfishing locations. The loss of access to the public would be significant enough, but a sale would also mean that a sensitive riparian section of the Ninilchik River would be subject to development pressures. This could result in the deterioration of important riparian fish habitat, loss of important winter moose feeding habitat, loss of harlequin duck nesting and rearing habitat. Social conflicts with the new owners and anglers wishing to continue to fish traditional fishing holes would emerge and tax local and state government. Acquisition of this parcel would protect approximately 1,600 linear feet of shoreline, important riparian habitat.

**Appraised Value.** \$113,000, sold as a single cash transaction.

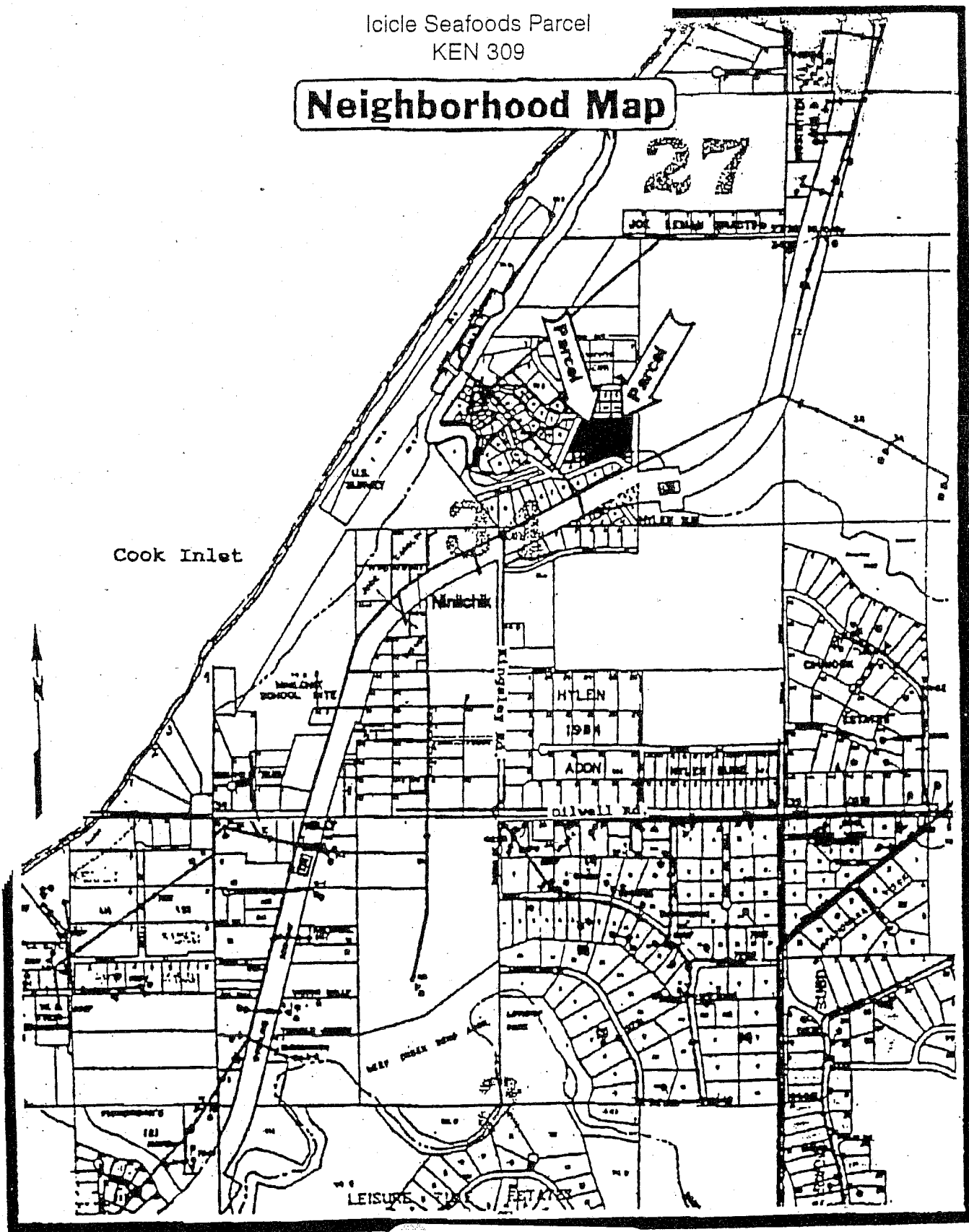
**Proposed Management.** ADF&G will manage the parcel in a manner consistent with its management of the adjacent parcel and will maintain public access to the river and protect riparian habitat.

ACE 30398414

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Ice Seafoods Parcel  
KEN 309

## Neighborhood Map



ACE 30398415

ATTACHMENT B

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## KEN 309

Lots 1-11, 15-19, 21 & 22, Block 8  
Ninilchik Townsite

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ATTACHMENT D  
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