



United States Department of the Interior
NATIONAL PARK SERVICE

Alaska Region
240 West 5th Avenue, Room 114
Anchorage, Alaska 99501

IN REPLY REFER TO:
L7619 (AKRO-EPC)

Laurel Jennings
Exxon Valdez Oil Spill Trustee Council
Restoration Office
441 West 5th Avenue, Suite 500
Anchorage, Alaska 99501

JUL 19 2010

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JUL 23 2010

**EXXON VALDEZ OIL SPILL
TRUSTEE Council**

Dear Ms. Jennings:

Thank you for the opportunity to make comments on the supplemental draft environmental impact statement (SDEIS) for the Exxon Valdez Oil Spill (EVOS) Trustee Council Restoration Program. We understand the Trustee Council seeks a plan to wisely expend a projected \$81 million (M) over the next 20 years, depending on markets, to end the program. The National Park Service (NPS) made scoping comments on the Notice of Intent (NOI) to issue an EIS to update the Council's 1994 restoration program to focus on five themes: herring, lingering oil, long-term monitoring of marine conditions, harbor protection and marine restoration, and habitat acquisition and protection. We see that the draft EIS took our comments into consideration, and although all of our suggestions were not adopted in full, we see evidence that they were considered. We will not repeat all of those comments here, but we will emphasize parts of the proposed restoration plan we think merit reconsideration.

We reiterate here that the NPS is a cooperating bureau through the Department of the Interior, one of the six Trustees. Three NPS units were directly oiled from the Exxon Valdez Oil Spill: Kenai Fjords National Park, Katmai National Park and Preserve, and Aniakchak National Monument and Preserve. Two of these NPS areas (Kenai Fjords and Katmai) have sequestered oil in armored rock shores and on adjacent state-owned tidelands and waters. We have an interest in what happens both within the NPS units and adjoining tidelands and waters.

Although we recognize the level of impacts from the EVOS to resources and services in park areas may be less than those to areas in Prince William Sound, the impacts remain and recovery is not complete. Resources and services in NPS areas that have not fully recovered or recovery is unknown are: Barrow's goldeneyes, black oystercatchers, harlequin ducks, mussels, sediments, intertidal communities, designated wilderness, pigeon guillemots, Kittlitz's murrelets, marbled murrelets, passive use, and recreation and tourism.

We understand research shows sequestered EVOS oil to be decreasing at a rate of zero to four percent a year and likely less than four percent. For this reason, we think the proposed action to withhold funding to monitor and address lingering oil until the Reopener Case with Exxon is

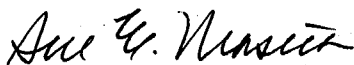
resolved, could be a grave mistake. Because this oil may persist for decades more, is the primary cause for retarding the full recovery of injured resources, and is of high scientific interest (especially given the recent Gulf of Mexico deepwater spill disaster), we think a portion of the remaining funds should be held aside for monitoring of lingering oil. This could be accomplished by committing to not funding at the high end of the estimates for the other primary restoration focus areas until the Reopener Case is resolved. For example, if the Council decides to fund: herring research at 21% of remaining funds (\$17 M); long-term monitoring of marine conditions and injured resources at 25% (\$20 M); harbor projects at 13% (\$10.5 M); marine debris removal at 7% (\$5.7 M); outreach at 5% (\$4 M); and habitat acquisition and protection at \$25 M – this totals over \$82 million and leaves nothing for monitoring of lingering oil. We therefore recommend restraint on all the levels of funding for these other focus areas until the Reopener Case is resolved and the Trustees know whether it has additional funds to address lingering oil and its ongoing impacts on injured resources and services in the spill-affected area. Restraint in funding should be equitable across the focus areas.

Lastly, we are disappointed the Trustees are not giving full consideration to marine spatial planning in the spill-affected area. Marine spatial planning is a prerequisite for cumulative effects analyses in any future NEPA decision documents within the EVOS affected area and resources. Other ways marine spatial planning could be applied is in helping direct consumptive and non-consumptive resource uses; during times or to areas where resource impacts can be minimized and harvest activities managed by appropriate authorities and therein mitigating post-EVOS recovery concerns.

The National Ocean Policy signed today July 19, 2010, identifies coastal and marine spatial planning as a priority. Marine spatial planning offers a comprehensive, integrated approach to planning and managing uses and activities over the long term. Under the National Policy, coastal and marine spatial planning would be regional in scope, developed cooperatively among Federal, state, tribal, and local authorities, and include substantial stakeholder, scientific, and public input.

The NPS recognizes much excellent work has been accomplished by the Trustee Council's Restoration program over nearly the past two decades. We wish you success in continuing this trend over the next two decades.

Sincerely,



Sue E. Masica
Regional Director

cc:

Kim Elton, USDI EVOS Trustee
Superintendent, Kenai Fjords NP
Superintendent, Katmai NP & Pres & Aniakchak NM & Pres
Lands Program Manager, Alaska Regional Office

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