

DRAFT RESOLUTION

**RESOLUTION 20-D OF THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL REGARDING
AMENDMENT OF THE RESTORATION PLAN TO INCORPORATE AN ECOSYSTEM APPROACH TO
THE OIL SPILL BOUNDARY**

The *Exxon Valdez* Oil Spill Trustee Council ("Trustee Council" or "Council") approved a Restoration Plan in 1994 that sets forth a process for the Council to consider and approve proposed expenditures of the *Exxon Valdez* Oil Spill joint trust funds ("joint trust funds") to restore, replace, enhance, rehabilitate, or acquire the equivalent of natural resources and natural resource services lost or injured as a result of the oil spill.

The Restoration Plan, among other things, sets forth a list of policies to guide the Trustee Council's decisions and give direction to the restoration program, while allowing flexibility so the Council can respond to changing restoration needs.

One of the policies set forth in the Restoration Plan is that restoration activities should occur primarily within the spill area, defined as the area enclosed within the Oil Spill Area Boundary identified on the map attached to the Restoration Plan and to this Resolution as Appendix A. The Plan states that the Trustee Council may consider limited restoration activities outside the spill area, but within Alaska, only when certain conditions are met. Those conditions are: "when the most effective restoration actions for an injured population are in a part of its range outside the spill area, or when the information acquired from research and monitoring activities outside the spill area will be significant for restoration or understanding injuries within the spill area."

The basis for this policy was to ensure that restoration be focused on the initial impact boundaries identified by the Trustees as the spill area, so that funds would be spent primarily where the most serious injury occurred and the need for restoration was greatest. But the Restoration Plan also recognized the need for flexibility to restore and monitor outside the defined spill area under some circumstances, including to monitor and take action to restore injured species, such as migratory seabirds and marine mammals, whose habitat ranges extend beyond (and in some cases far beyond) the spill area.

The Council, having spent considerable effort to successfully address the direct impacts of the 1989 oil spill is now in a position to address the broader spectrum of ecological impacts, including the adverse effects to ecosystem services and mobile fish and wildlife populations whose ranges overlap or intersect with the spill area. The available science has consistently pointed to a broader ecological footprint attributable to the spill than is represented by the currently defined spill area. For example, the Alaska Department of Fish and Game has shown red salmon in Prince William Sound are derived from natal streams as far away as the Copper and Bering Rivers, and many of the 90 species of sea birds that were injured by the spill move significant distances (i.e., well outside the designated spill area) throughout the year, especially during the reproductive season.

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Accordingly, after having sought public comment on a draft of this Resolution and having considered all public comments received, the Council believes it is necessary to amend the policy set forth in the Restoration Plan that restoration activities must occur primarily within the defined spill area, except under limited conditions, by eliminating those limiting conditions and incorporating a recognition that restoration activities can be considered outside the defined spill area (within Alaska), when the Council determines the restoration actions will address the *Exxon Valdez* oil spill's adverse effects to ecosystem services and mobile fish and wildlife populations whose ranges overlap or intersect with the spill area.

THEREFORE, BE IT RESOLVED THAT the Council unanimously agrees to amend the Restoration Plan as set forth herein with the edits to the Restoration Plan indicated in Appendix B.

BE IT FURTHER RESOLVED THAT the Executive Director shall amend the Restoration Plan and any other Council documents consistent with this Resolution.

Attachments:

Appendix A – The *Exxon Valdez* Oil Spill Area General Land Status, *Exxon Valdez* Oil Spill Restoration Plan, November 1994

Appendix B – Revised language for Location of Restoration Action, paragraph 8, page 14, *Exxon Valdez* Oil Spill Restoration Plan, November 1994

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TRUSTEE COUNCIL*

Approved by the Council at its meeting of October 14, 2020, held in Anchorage, Alaska, as affirmed by our signatures affixed below:

DOUGLAS VINCENT-LANG
Commissioner
Alaska Department of Fish and Game

JAMES BALSIGER
Administrator, Alaska Region
National Marine Fisheries

STEVEN MULDER
Alternate for Attorney General
Alaska Department of Law

DAVID E. SCHMID
Regional Forester
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JASON BRUNE
Commissioner
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GREGG D. RENKES
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