

Supplemental Information relating to Draft Resolution D:
“Out of the Spill Area” Restoration Activities

The Existing Exxon Valdez Oil Spill Area Boundaries

The [1994 Exxon Valdez Oil Spill Restoration Plan](#) adopted by the Trustee Council established the boundaries of the Exxon Valdez oil spill (Oil Spill Zone). The boundaries were set to include “the maximum extent of oiled shorelines, the severely affected communities and their immediate human-use areas, and the adjacent uplands to the watershed divide.” A map showing the current spill zone boundaries may be viewed at this link: [Spill Zone Map](#). The Oil Spill Zone includes approximately 31.5 million acres of uplands and ocean along the coast of southern Alaska.

The Current Test for Determining whether the EVOS Trust May Be Used for Restoration Projects Outside of the Oil Spill Zone

The 1994 Restoration Plan states that the vast majority of the Trust Funds are to be used to restore resources and services within the Oil Spill Zone, where the injury and need for restoration was most severe. Restoration activities emphasize injured resources and services that have not yet recovered from the oil spill.

Under the 1994 Plan, restoration or monitoring outside of the Oil Spill Zone, but within Alaska, may be undertaken only if additional specifically limiting criteria are met. Restoration actions within the Oil Spill Zone boundaries are subject to more relaxed standards.

No Habitat Protection or Enhancement Outside of the Exxon Valdez Oil Spill Zone Has Occurred Under the 1994 Restoration Plan

The criteria for undertaking restoration activities outside of the Oil Spill Zone are discussed on page 14 of the 1994 Plan, and restated below. There are two alternative tests:

- 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.

Since the promulgation of the 1994 Restoration Plan, these strict criteria have confined virtually all Council-funded restoration activities to the area within the Oil Spill Zone. In fact, there has never been a finding that “the most effective restoration actions for an injured population are in a part of its range outside of the spill area.” As a result, no habitat protection purchases or enhancement projects have been undertaken outside of the Oil Spill Zone.

Two Instances of Restoration Funding for Scientific Research Outside of the Oil Spill Zone Have Been Approved

Over the 30-year history of the EVOS Trust, two research and restoration projects have been expanded to include actions and data undertaken outside of the spill area boundaries. They

each met the second prong of the test in the 1994 Plan for 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 two projects are described briefly here:

- In the early 1990s, removal of introduced foxes from two Shumigan Islands, Simeonof and Chernabura, was undertaken to assist in the recovery of black oystercatchers and pigeon guillemots, two then unrecovered injured species from the spill. The response of the populations of oystercatchers and pigeon guillemots to the removal was also monitored by the researchers. Follow-up research in 1995 was undertaken to determine whether any foxes had survived on the islands and to record changes in recovering bird counts.
- Starting in FY2017, the Middleton Island seabird diet study was added to the ongoing Gulf Watch Alaska (GWA) forage fish monitoring project. Although Middleton Island is outside of the spill area boundary, this complementary study was funded because of its cost-effective approach for using predators (birds) as indicators of trends in forage fish in Prince William Sound and the Gulf of Alaska. Funding the Middleton Island study ensured that it would be integrated with the GWA program, published and made available for use by other researchers. The additional sampling effort at Middleton Island was determined by the Council to be necessary to ensure the continuity of long-term datasets that will collectively provide an important contribution to knowledge of ecosystem function.

Draft Resolution “D” Would Revise the Criteria for Projects Outside the Oil Spill Zone

Draft Resolution “D” proposes an amendment to the 1994 Restoration Plan that would eliminate the strict criteria for out-of-the-spill-zone restoration actions. Instead of relying on a limiting boundary for the Oil Spill Zone, within which almost all spill restoration work has taken place, the amendment would adopt an ecosystem approach for funding restoration projects. If adopted, draft Resolution “D” would allow Council-approved projects to be undertaken outside of the Oil Spill Zone 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.” The focus on recovering populations and sustaining recovered populations would continue. For some species and ecosystems, such as migratory birds or salmon that range widely, the area of overlap or intersection in the ecosystem approach could be quite large, extending the geographical area where EVOS restoration activities could be undertaken, with Council approval.