

Exxon Valdez Oil Spill Trustee Council



Invitation for General Restoration Project Proposals Fiscal Years 2022 – 2026

Issued January 29, 2021

Glossary of Terms

Council – *Exxon Valdez* Oil Spill Trustee Council or EVOSTC

EVOS – *Exxon Valdez* oil spill or Spill

EVOSTC – *Exxon Valdez* Oil Spill Trustee Council

Fiscal Year – The Council operates on a fiscal year (FY) that begins on February 1 and ends on January 31.

PAC – EVOSTC Public Advisory Committee

Project – A General Restoration or Habitat project that is led by a program manager and is attempting to address a specific project objective.

Program Manager (PM) - An individual who is the lead on a proposed project.

PWS – Prince William Sound

Spill– *Exxon Valdez* oil spill or EVOS

Spill Area – see map below (Figure 1). Restoration activities will occur primarily within the Spill Area. At the Council’s January 19, 2021 meeting, the Council approved a limited extension of the oil spill area boundary eastward to incorporate the Copper River Delta and the Bering River, including its headwaters (see [Resolution 21-03](#)).

Trustee Agency – One of the six state and federal agencies represented on the Council

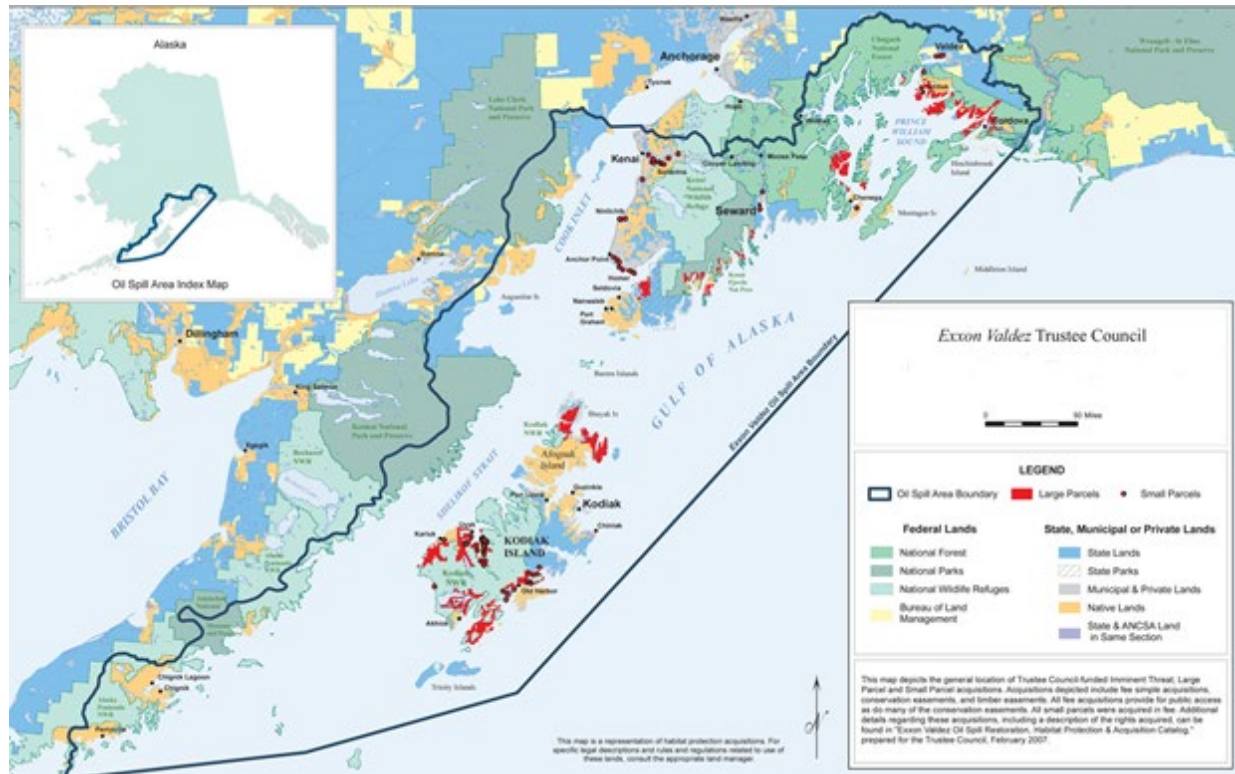


Figure 1. [Map](#) of the *Exxon Valdez* Oil Spill Area boundary. Restoration activities will occur primarily within the Spill Area. At the Council’s January 19, 2021 meeting, the Council approved a limited extension of the oil spill area boundary eastward to incorporate the Copper River Delta and the Bering River, including its headwaters (see [Resolution 21-03](#)).

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I. Background and Purpose of the Invitation for Proposals

In 1992, the *Exxon Valdez* Oil Spill Trustee Council (Council) was formed consisting of six natural resource trustees (composed of three State of Alaska trustees and three federal trustees) to take the actions necessary to restore the natural resources and natural resource services injured, lost, or destroyed as a result of the 1989 *Exxon Valdez* oil spill (EVOS or Spill). The Council was established to administer funds from the settlement of civil natural resource damages claims brought against Exxon Corporation and related companies by the State of Alaska and the United States. The Council initiated an extensive public process to begin the work of restoration using these joint trust funds and, in 1994, adopted a Restoration Plan (Plan) to guide the Council's restoration mission through research and monitoring, habitat protection and general restoration.

As part of this effort, the Council also adopted an official list of natural resources and natural resource services injured by the Spill. When the 1994 Plan was drafted, the distinction between the effects of the Spill, and those of other natural or human-caused stressors on injured resources or services, was not fully understood. Through the hundreds of studies conducted over the last twenty-eight years, the Council has come to recognize that ecosystem restoration is not easily addressed. The interactions between a changing environment and the injured resources and services are only beginning to be understood and the ability to distinguish the effects of the oil from other factors affecting fish and wildlife populations can be difficult. Furthermore, the recovery status of injured services is inextricably linked to the state of the resource on which it depends. Thus, full recovery of the Spill Area cannot occur until both resources and services are restored. These complexities and the difficulties in quantifying the continuing impacts from the Spill result in some inherent uncertainty in defining the status of a resource or service for an updated list of injured species and services; the most recent update was published in 2014 (See Section IX. References). Many species have recovered, and their recovery objectives have been met. However, several have yet to recover. The status of recovery for Kittlitz's murrelet is unknown. Marbled murrelet, pigeon guillemot, Pacific herring and the AT-1 population of killer whales have not recovered. Although the AB pod has been considered to be recovering ([2014 Status of Injured Resources and Services](#)), recent data show that numbers of whales in the AB pod have declined and are now similar to numbers directly after the Spill (C. Matkin pers. comm). Human services such as non-herring commercial fishing, passive use of natural resources, recreation and tourism and subsistence are recovering.

The 1994 Plan also outlined an ecosystem-based approach to restoration, a more integrated view that has become increasingly recognized as essential. Even before the Plan was finalized, the Council began efforts to better understand the coastal marine ecosystem. This approach has provided, and continues to provide, an abundance of information on marine resources.

At the October 14, 2020 Trustee Council meeting, the Trustees approved the release of a [10-year Invitation for FY22-31](#) that continues to address elements of the Council's herring research and monitoring, long-term monitoring and data management work under the umbrella of a single long-term

research and monitoring program. In addition, the 10-year Invitation includes two new Focus Areas identified by the Council: the development of mariculture (excluding finfish farming) and education and outreach. The 10-year Invitation for proposals within the described focus areas is a separate Invitation from this one.

At the January 19, 2021 Trustee Council meeting, the Trustees approved the release of a new 5-year Invitation for FY22-26 General Restoration and Habitat projects. For FY22-26 the Council anticipates funding GENERAL RESTORATION PROJECTS up to \$40,000,000 for the entire 5-year period (not including 9% GA). Projects may be proposed for five years or for less than the five-year duration. This Invitation describes the types of proposals that are invited under the 5-year Invitation.

Please note that proposals that do not address either Invitation (unsolicited proposals) will not be accepted. Proposals submitted in response to this Invitation will only be accepted during the submission window (see FY21 anticipated scheduled below). Project proposals may be submitted under only one current Invitation. A project that is submitted under both Invitations may be disqualified from consideration.

II. General Restoration, Habitat Enhancement and Protection

In the 31 years since the Spill, it has become apparent that the ecosystem can undergo profound changes, which may hinder a return to pre-Spill conditions. The 1994 Restoration Plan recognized that recovery from the Spill would likely take decades. The Restoration Plan identified two other categories for restoration activities (in addition to monitoring and research) that the Council has funded over the years: General Restoration and Habitat Protection. These two focus areas are described further below. Proposals submitted in response to this General Restoration Invitation should address one or more of these areas. Please note that natural resource damage recovery excludes reimbursement or other recovery by either State or Federal Government for oil spill prevention, response and clean-up costs, lost royalty, tax, license, or fee revenues, punitive damages, federal or state civil or criminal penalties, federal litigation costs and attorney fees (p7 of the Memorandum of Agreement and Consent Decree).

A. General Restoration

General Restoration includes projects to protect archaeological resources, improve subsistence resources, enhance fish passage, reduce marine pollution, and restore damaged resources. General Restoration activities are a principal tool used to focus on the restoration of individual injured resources and services. Under the Restoration Plan (pps. 19-21), General Restoration includes a wide variety of restoration activities. The 1994 Restoration Plan uses the term to include all activities that are not Habitat Protection and Acquisition; Monitoring and Research; Public Information, Science Management, or Administration. General Restoration activities fall into one of the following three types: manipulation of the environment, management of human use; or reduction of marine pollution. A few General Restoration activities will improve the rate of natural recovery. Most of these activities involve manipulation of the environment. Other activities protect natural recovery by managing human uses or reducing marine pollution. A few General Restoration activities may involve facilities. Facilities may direct human use away from sensitive areas, support other restoration activities, or replace facilities needed for access and damaged by the Spill.

Manipulation of the Environment

Some General Restoration techniques restore injured resources and services by directly manipulating the environment. Examples include building fish passes to restore fish populations, or replanting seaweed to restore the intertidal zone to pre-spill conditions. When evaluating projects that manipulate the environment, the potential for adverse effects on the ecosystem will be considered. Those projects that will effectively accomplish an important restoration objective without adversely affecting the ecosystem are more likely to be funded.

Management of Human Use

Some General Restoration projects involve managing human use to aid restoration. Examples include redirecting hunting and fishing harvest or reducing human disturbance around sensitive bird colonies. Many projects that manage human use do so to protect injured resources, services, or their habitat.

Reduction of Marine Pollution

Reducing marine pollution can remove a source of stress that may delay natural recovery. The public frequently recommended preventive actions to stop ongoing marine pollution. However, expenditures for most activities designed to prevent catastrophic oil spills or to plan for their cleanup are not allowed by the terms of the civil settlement. Restoration projects whose primary emphasis is to reduce marine pollution may be considered: where the marine pollution is likely to affect the recovery of a part of the injured marine ecosystem, or of injured resources or services; and where the project will not duplicate existing agency activities.

Criteria for making funding decisions on General Restoration is set forth in the Restoration Plan at pps. 20-21. Proposers should review these sections of the Restoration Plan when developing their proposals to ensure adherence to the Plan.

B. Habitat Enhancement and Protection

The Habitat Enhancement work of the habitat program protects and enhances spill area ecosystems that support EVOS-affected resources and services through active restoration activities. Together with strategic habitat purchases, these active restoration initiatives address habitat fragmentation and improve access to miles of important fish spawning, rearing and fish and waterfowl migratory habitats and thus support EVOS-affected services such as recreation, subsistence and commercial fishing. Current habitat enhancement projects include initiatives in which multiple state and federal agencies and other partners collaborate on multi-year projects with efficient leveraging of existing agency and third-party resources. These projects often add value to previous EVOSTC investments by improving habitats associated with parcels earlier purchased for their habitat value. Council funding also often stimulates additional funding from other sources.

Habitat protection through acquisitions minimizes further injury to resources and services already injured by the spill and allows their recovery to continue with the least interference or disruption. Habitat protection includes purchase from willing sellers at fair market appraised value of private land or interests in land, such as conservation easements, mineral rights or timber rights. Habitat protection through acquisition is a means of restoring not only injured resources, but also the services (human uses) dependent on those resources. Subsistence, recreation and tourism all benefit from the protection of important fish and wildlife habitats, scenic areas, such as those viewed from important recreation or tourist routes, and importance subsistence harvest areas. For example, protecting salmon spawning streams and watersheds benefits not only the salmon, but also commercial, subsistence, and recreational fishermen.

Criteria for making funding decisions on Habitat Protection and Acquisition is set forth in the Restoration Plan at pps. 22-24. Proposers should review these sections of the Restoration Plan when developing their proposals to ensure adherence to the Plan.

III. Schedule and Cycles of Review

The Council operates on a fiscal year that begins on February 1 and ends on January 31.

Proposers must submit a proposal detailing the activities and budgets for the five-year period of FY22-26. The Council will review the FY22-26 proposals and approve funding for projects it selects at their Fall 2021 meeting. Proposers approved for funding are required to submit annual reports to the EVOSTC Executive Director to review project and program progress toward meeting their goals and objectives as well as those of the Council. These annual reports will be forwarded to the Trustees for their informal review. A final report will be required at the end of the total project cycle.

Individual projects may or may not require funding for the full five-year potential funding period. If a proposer anticipates requesting more than one fiscal year of funding, any proposal submitted shall include future years' funding and activities. Partial funding releases for multi-year projects approved by the Council may be approved subsequently by the Executive Director in sequential amounts based on progress reports submitted by the project. The following describes the schedule and cycles of proposal review and Council funding decisions for projects submitted in response to this FY22-26 Invitation.

Proposal Deadline and Anticipated Review

FY21 (Anticipated schedule).

January 29, 2021	Invitation for FY 22-26 General Restoration Project Proposals issued
March 29, 2021	FY 22-26 Proposals Due by 5:00 PM ASDT
April-May 2021	Proposal review including Council staff, Trust Agency Staff, and EVOSTC Science Panel, as applicable. Proposals will be circulated to individual Trustees.
June 1, 2021	Revisions/comments added to the Draft FY22-26 General Restoration Work Plan which will be sent to proposers for revising final proposals.
August 13, 2021	Final Proposals DUE by 5:00pm AKDT
Fall 2021	Review by TC, Council staff, Trust Agency staff, EVOSTC Science Panel (if applicable), and PAC. Funding decision made by TC.

IV. Requirements for Proposers

To be eligible for funding, proposals must be designed to restore, replace, enhance or acquire the equivalent of natural resources injured as a result of the Spill or the reduced or lost services provided by these resources. Proposals should address how this project will contribute to the support of EVOS-affected species, ecosystems and resources. In addition, proposals must be consistent with the policies contained in the 1994 Restoration Plan, as amended. Please also refer to the 2014 Injured Resources and Services List Update for detailed information. (*See References*)

A. Mandatory Requirements for All Proposals

The following are mandatory requirements for all proposals. Proposals that do not meet each of these criteria will be considered non-responsive to the Invitation and excluded from the review process.

Proposals must:

1. Be consistent with the legal requirements applicable to potential uses of EVOSTC restoration funds and the Restoration Plan. The joint trust funds are used by the governments for purposes of restoring, replacing, enhancing, rehabilitating, or acquiring the equivalent of natural resources and services lost or injured as a result of the oil spill, as required by the Consent Decree entered in 1991 resolving the governments' civil claims related to the oil spill ("Consent Decree"), the Memorandum of Agreement and Consent Decree entered in *United States v. State of Alaska*, No. A91-081 CIV (D. Alaska) on August 28, 1991 ("Memorandum of Agreement"), the Restoration Plan adopted by the Council, and governing statutes. See [Legal Requirements on use of Funds](#).
2. Be focused within the Spill Area. Restoration activities will occur primarily within the Spill Area. At the Council's January 19, 2021 meeting, the Council approved a limited extension of the oil spill area boundary eastward to incorporate the Copper River Delta and the Bering River, including its headwaters (see [Resolution 21-03](#)).
3. Respond to the call as described in this Invitation.
4. Provide a detailed plan for local and Alaska Native community involvement.
5. Provide a clear justification of the need for the proposed project and its benefits to spill affected resources.
6. Comply with the Council's founding documents and relevant policies and procedures. (See References.)
7. Describe the existing administrative structure in place to manage funds and projects; the proposer may be an existing organization or a collaboration among existing entities and individuals.

8. Describe a plan that ensures individual project compliance with progress and final reporting requirements, financial accountability requirements, data submission (if applicable) and achieving satisfactory results. With the exception of confidential information, this plan should include making all data (if applicable), annual progress and final reports available electronically to the public according to explicitly stated timelines and reporting guidelines. Confidential information must be separately identified and segregated for purposed of all public reports.

B. Preferred Requirements for All Proposals

The following are preferred requirements for potential proposers. Proposers that meet these requirements will be rated more highly during the review process. The Council prefers a project that:

1. If applicable, partner with one or both of the Centers of Excellence founded in part by historic EVOSTC investments. These two Centers of Excellence are the Alaska SeaLife Center and the Prince William Sound Science Center. If not collaborating with either of these Centers, please provide information as to the inquiries and efforts extended to ASLC and PWSSC center researchers.
2. Leverages existing Council investments, other funding sources (where applicable), and other restoration projects (whether Council-funded or not) that would help provide synergistic benefits to spill affected resources.
3. Partners with or involves relevant stakeholders (as advisors or reviewers) and other projects (included non-Council funded projects).
4. Considers newly available and environmentally superior technologies, where available.
5. If applicable, demonstrates an understanding and synthesis of existing scientific literature, research results and scientific knowledge that includes outcomes of prior Council work.
6. Demonstrates an effective and balanced use of funds, including establishing appropriate collaborations with other organizations and experts and achieving the most efficient use of funds.

C. Reporting Requirements for Funded Proposals

The following are mandatory requirements for all projects. The submitted budget shall include the staffing and funds necessary to meet these requirements. (See the Council's Reporting Procedures and Budget Forms for details.)

1. An annual report is required to be submitted to the EVOSTC Executive Director on March 1 of each fiscal year (except FY22 and last year of the project) and would include the following:
 - a. A completed Project Reporting Form and Budget Form (Attachments C and E of Reporting Procedures).
2. A final Project report to be submitted on March 1 in the year following the fiscal year in which project work was completed.

V. Additional Evaluation of Proposals

A. Policy and Legal Review

To be eligible for funding, proposals must be designed to restore, replace, enhance or acquire the equivalent of natural resources injured as a result of the Spill or the reduced or lost services provided by these resources. In addition, proposals must be consistent with the policies contained in the 1994 Restoration Plan, as amended. Council staff will review each proposal for responsiveness to this Invitation, completeness and for adherence to the format and instructions contained in this document. A legal and policy review of each proposal submitted pursuant to this Invitation may also be conducted by federal and State attorneys.

- Proposers should also note that the following activities, in general, will not be considered for use of Council funding: (1) activities that constitute legally required mitigation for the adverse effects of an activity regulated or otherwise governed by local, state or federal law; (2) activities that are required by a separate consent decree, court order, statute or regulation; and (3) activities that constitute “normal agency activities” that the government would have conducted had the Spill not occurred. (See Memorandum of Agreement and Consent Decree between the United States & the State of Alaska, Aug. 29, 1991).
- Proposers that have received funding previously from the Council must include a description of the prior project(s) and results and will be evaluated on their past performance. Proposers that are delinquent in submitting any required interim and final reports to the Council or that have otherwise performed unsatisfactorily will not be considered for continued or future funding. Submitting all overdue deliverables to the Council by September 1, 2021 requalifies the proposer for funding.

B. Proposal Review

Council staff, Trust Agency staff and the EVOSTC Science Panel (if applicable) and additional reviewers, such as trust agency staff or third-party experts, may review the proposals and, as appropriate and as schedules may allow, may provide written comments for project refinement to the proposers. These reviewers will also provide recommendations to the Executive Director.

C. Public Advisory Committee Review

The Council’s PAC, representing a cross-section of interest groups affected by the Spill, reviews the proposals and provides the Council with funding recommendations. Evaluation factors to be considered by the PAC include, among other criteria that may be identified by the PAC, whether and how the proposal achieves the requirement of restoring, replacing, enhancing or acquiring the equivalent of natural resources injured as a result of the Spill or the reduced or lost services provided by these resources.

D. Annual Work Plan

The Annual Work Plan will provide any available recommendations and comments of the Council's Public Advisory Committee, EVOSTC Science Panel, other Council advisors and Council staff for the Council's review. This Annual Work Plan compiles all of the items comprising the Council's Restoration Program budget for the current fiscal year including Program and project proposals, as well as Council administration costs.

E. Trustee Council Decision

To assist in their decision as to which proposals will be selected for funding, the Council may take into consideration the recommendations of the Executive Director, Science and Habitat Directors, public comment, Public Advisory Committee, Trust Agency staff and EVOSTC Science Panel. These recommendations are purely advisory in nature and the final decisions are at the sole discretion of the Council members. Unanimous agreement of all six Council members is required to fund a proposal. It is anticipated that funding decisions for this Invitation's FY 22-26 term (i.e., approval of the Work Plan) will be made at a Council meeting in Fall 2021 and funding will be released Feb. 1, 2022.

VI. Instructions for Submitting a Proposal

A. What to Submit

The EVOSTC website has a webpage for information, updates about this Invitation and submittal forms for each Focus Area at: <https://evostc.state.ak.us/publications/invitations-for-proposals/fy22-26-invitation-for-general-restoration-project-proposals/>

Proposals should be transmitted by the project PI. Please submit an electronic copy of the proposal package by **March 29, 2021, 5:00 PM AKDT** to:

Shiway Wang, Science Director at shiway.wang@alaska.gov and

Linda, Kilbourne, Administrative Manager at linda.kilbourne@alaska.gov

Proposal forms must be composed using Microsoft Word with figures and tables embedded. Budget forms must be composed using Microsoft Excel. The proposal and budget forms should not be modified to include additional information not specifically requested. PDF files will not be accepted.

Please provide the following information in addition to the Project Proposal forms for the organization(s) submitting the proposal:

1. Information on Organization Proposers

- a. Description of Organizational Proposer(s) and years in existence.
- b. Past, current and future sources of funding.
- c. Current staff size and by area of expertise (e.g. project management, administration, IT, etc.).
- d. Audited financial statements covering the past three years, if available, or other audit information regarding the organization.
- e. Information about capacity, including facilities, administrative and financial management experience, IT support, and resources available.
- f. Institutional statement confirming that the proposal and related activities are consistent with the founding and authorizing documentation of the Proposer's organization.
- g. Name and resume of the lead individual proposal and any other key staff. This should include a summary of the experience of key staff in managing large and complex projects of programs.
- h. If applicable, capabilities of existing IT infrastructure to make data and reports publicly available.

2. Prior experience with EVOSTC

- a. Amount of funding received by the organization or individual PI's from EVOSTC currently or in the past and listing of projects funded. Prior experience with EVOSTC is not a requirement to be eligible to receive funding.
- b. A statement that the proposer has read and clearly understands the Council's founding documents and the policies and procedures that are relevant to the proposal. Any conflicts between the Council's policies and procedures and the proposers should be addressed in this section.

3. Current Funding Sources

- a. Amounts and major funding sources supporting the organization's current activities. Is the organization self-sustaining into the future?
- b. Any matching or other leveraged funds that would be available in support of the proposed project.

4. Collaboration/Coordination

- a. Experience working with state, federal, municipal and private entities to complete projects.
- b. Experience working with Native corporations, local and tribal communities in the Spill Area.
- c. Outreach plan that details the types of outreach envisioned and the audience for each type.

VII. References

EVOSTC Founding and other Documents are available at the Council's website (evostc.state.ak.us), including the items listed below.

Information, proposal forms and updates for this Invitation can be found at:

<https://evostc.state.ak.us/publications/invitations-for-proposals/fy22-26-invitation-for-general-restoration-project-proposals/>

The following can be found at: <http://evostc.state.ak.us/index.cfm?FA=pubs.listKeyDocs>

- Memorandum of Agreement and Consent Decree between the United States & the State of Alaska (Aug. 29, 1991)
- Agreement and Consent Decree between the United States, the State of Alaska and Exxon Corporation (Sep. 20, 1991)
- Governments' Memorandum in Support of Agreement and Consent Decree (Oct. 8, 1991)
- *Exxon Valdez* Oil Spill Restoration Plan (Nov. 1994)

2014 Status of Injured Resources & Services:

<http://evostc.state.ak.us/index.cfm?FA=status.injured>

EVOSTC Policies and Procedures:

<http://evostc.state.ak.us/index.cfm?FA=policies.home>

Examples of previously funded Habitat Enhancement and Protection projects:

<https://evostc.state.ak.us/habitat-program/habitat-enhancement-projects/>

<https://evostc.state.ak.us/habitat-program/habitat-protection/>

VIII. Non-Discrimination Statement

The *Exxon Valdez* Oil Spill Trustee Council administers its programs free from unlawful discrimination against any persons based on race, religion, color, national origin, age, sex, physical or mental disability, marital status, pregnancy, or parenthood. Each state and federal agency that implements programs funded by the Council also has legally mandated anti-discrimination policies that apply to any contracts entered into as a result of this FY22-31 Invitation. To obtain more information about the anti-discrimination policies of individual agencies, see the links provided below for that agency.

USDA: http://www.usda.gov/wps/portal/usda/usdahome?navid=NON_DISCRIMINATION

NOAA: <http://www.eeo.noaa.gov/>

USDOI: <http://www.doi.gov//pmb/eeo/index.cfm>

ADF&G: <http://www.adfg.alaska.gov/index.cfm?adfg=home.oestatement>

ADOL: <http://doa.alaska.gov/dop/eeo/>

ADEC: <http://doa.alaska.gov/dop/eeo/>

IX. Proposal Forms

Electronic forms are available for download [HERE](#).

General Restoration and Habitat Project Proposal Form

Project Budget Form