

Oasis Earth

As the Trustee Council states in its August 22 proposal to the PAC to end the habitat program (now Draft Resolution 20-0X), that this will bring "a strong and efficient end to the long era of the EVOS Trustee Council," I am obliged to make a few important points for the record:

1. The Trustee Council still lists 12 of the 32 monitored injured resources and services as not recovered ("recovering" or "not recovering").
2. Thus, the 30-year EVOS Restoration program has clearly failed to achieve its stated goal: "the recovery of all injured resources and services."
3. The Trustee Council continues to ignore the need to protect habitat on public lands and waters as stipulated in the Restoration Plan ♦ over 90% of the injured ecosystem.
4. The Trustee Council continues to ignore establishment of a process to review other industrial activities/proposals in the oil spill region for their consistency with the Restoration Plan.
5. The Trustee Council continues to oppose an independent scientific review of the entire NRDA&R program by the National Academies of Sciences (NAS), thus exposing a profound lack of confidence in the efficacy of the program. It is apparent that you are simply attempting to hide the program's failures from public exposure.
6. The EVOS restoration effort with greatest actual conservation/restoration outcome has inarguably been the habitat protection program (particularly during the Knowles/Clinton Trustee Council in the 1990s). Yet you are now proposing to end this successful program altogether, in order to put more \$ into facilities such as the Alaska Sea Life Center. The ASLC has already received over \$70 million in public funds, while providing little actual conservation/restoration outcome! Southcentral Alaska already has a world class marine aquarium, it's called PWS and the Gulf of Alaska. But instead of focusing on protecting the actual environment that was injured by the spill, you have become distracted into creating a fictitious replica as a tourist attraction in Seward that seemingly cannot be sustained absent the continuous input of government funds. And that perfectly epitomizes the failure of the Restoration program.
7. Instead of acting in the highest and best interest of ecological recovery, the Trustee Council has instead lost its way over the past 20 years, and devolved into the very same self-interest politics of greed that caused the 1989 oil spill in the first place.

This is a disgraceful end to this historic environmental Restoration program, and is a shameful betrayal of the trust responsibilities of both the State of Alaska and U.S. government in their responsibility to remedy environmental disasters such as EVOS.

Please see attachments:

1. NAS NRDA&R Study
2. Steiner-Trustee Council letter 01-11-16

3. Origins of EVOS Habitat deals

4. ADN 09-06-22

Proposed National Academy of Sciences (NAS) Assessment of *Natural Resource Damage Assessment and Restoration* (NRDA&R) Programs

Proposed intermittently since 1993.

Rick Steiner

U.S. *Natural Resource Damage Assessment and Restoration* (NRDA&R) programs are a critical aspect of the nation's overall response to major oil spills. The two largest NRDA&R programs in our nation's history were in response to the 1989 *Exxon Valdez Oil Spill* (EVOS) in Alaska, and the 2010 Deepwater Horizon (DWH) in the Gulf of Mexico. While several specific reviews of expenditures of these programs have been conducted by the U.S. Government Accountability Office (GAO), no scientific assessment has been conducted by the nation's premier science body, the National Academies of Sciences/National Research Council. It is in the national interest to remedy this.

The EVOS programs have been conducted now by 6 different federal and 8 different state administrations, each with varying, often radically different perspectives on the environmental assessment and restoration process. But there has yet to be an independent scientific review of this program, e.g. by NAS. The same is true of the much larger Deepwater Horizon programs. And while the EVOS program has been essentially ended by the Trustees, the Deepwater Horizon process is still active.

The previous GAO reviews have clearly been useful, but GAO is not a science institution, and thus it is not competent to review the broad science and policy questions that remain unanswered with these programs, e.g. NRDA science, or the effectiveness of the environmental Restoration efforts. As the nation transitions away from oil dependence, we will continue to use oil. The very real risk remains that other catastrophic marine oil spills will occur in U.S. waters – it's not "if," but "when and where" such a spill will occur. It is thus in the national interest to independently and scientifically review previous NRDA&R programs (EVOS and DWH), summarize "Lessons Learned," and recommend enhancements (legislative and/or regulatory) that will improve future such programs. This seems essential if we are to learn and apply the lessons of these environmental disasters.

As envisioned, the NAS review would not focus on oil spill prevention/response issues, as those lessons have been discussed thoroughly and applied in various other venues. But we clearly need a credible scientific review of the entire EVOS and DWH science and restoration program, and recommendations to enhance environmental recovery in future such programs.

The most important policy question is:

Given the extensive damage caused by major marine oil spills, what is the universe of options available for assisting the recovery of the injured environment and/or offsetting such environmental injuries (Restoration); how well have the two largest government-sponsored science and Restoration programs (EVOS and DWH) met this challenge; and how can such programs be improved in future spills?

Within this overarching policy question, there are many specific questions that we simply haven't asked or answered as yet, including the following:

- Was there more that could have been done to aid in the recovery of the injured environment? If so, then what?
- What did the NRDA science tell us, what did it miss, why the difference between the results of government and oil industry science?
- What other direct or indirect restoration efforts could have been supported?
- How were restoration and protective management decisions based upon the results of the science program – that is, how has the science been applied to assist recovery?
- What other human activities in the oil spill regions should have been evaluated and managed in a cumulative context with the EVOS/DWH Restoration programs?
- Was the balance of spending between science and direct/indirect Restoration activities adequate and in the optimal interest of ecological recovery?
- What was the relationship between science/restoration focus on socioeconomic injury vs. environmental injury, and is there need for separate programs?
- What was the quality of the science, and how well was the scientific program distributed among various ecosystem components?
- Were scientific ethics properly adhered to in the proposal, award, review, and publication process?
- How did the pre-settlement NRDA science program relate to the post-settlement science and monitoring program?
- Is there a more appropriate way to assert government claims for environmental injuries not yet known at the time of settlement (e.g. the EVOS *Reopener for Unknown Injury*, that the governments made, but later abandoned)?
- What was the relationship between normal agency duties and restoration expenditures?
- Would there be a better way to organize and manage a restoration program such as this in the future, such as full-time commissioners, court-appointed masters, etc., rather than politically appointed state and federal agency heads?
- What legislative and administrative changes to federal and state law would enhance future NRDA&R programs?

Such questions can only be answered by a credible, comprehensive, impartial review, and that can best be done by the NAS/NRC. Essentially, society deserves to know what was done right, what was done wrong, and how the process can be improved for the next spill.

Thus, it is respectfully proposed that the National Academy of Sciences/National Research Council be commissioned to initiate a comprehensive review of these historic NRDA&R efforts, compiling “Lessons Learned,” and recommending adjustments in future programs, as outlined above. The results of this review will better inform policy makers with regard to such environmental restoration processes in the future.

It is proposed that the NAS assessment be allocated between \$500,000 - \$1 million (in consultation with NAS staff), either by direct Congressional appropriation or from the federal Oil Spill Liability Trust Fund (OSLTF), now with over \$7 billion in it to fund the nation’s oil spill prevent, response preparedness, including damage assessment and restoration.

January 11, 2016

Exxon Valdez Oil Spill Trustee Council

via email: elise.hsieh@alaska.gov

**RE: 1. Protections on *public lands and waters* in EVOS Region
2. Consistency determinations with EVOS Restoration Plan**

Dear EVOS Trustee Council,

First off, Happy New Year to you all! Many of us are hoping that 2016 will see significant progress on Restoration goals of the Exxon Valdez Oil Spill (EVOS) Trustee Council. Toward that end, I wanted to raise two important unresolved Restoration issues for your consideration, as follow:

1. Protections on public lands and waters in EVOS Region

I wish to reiterate my earlier request that the Trustee Council establish a process to identify potential protections on public lands and waters in the EVOS region that would contribute to achievement of Restoration goals. Some of us raised this issue decades ago, and you may recall I raised the issue again in comments to you at your annual meetings in Nov. 2014 and Nov. 2015. Yet as far as I am aware, no such public lands and waters evaluation process has been established.

In addition to its endorsement of purchasing habitat protections on *private lands* in the oil spill region, the EVOS Restoration Plan (P. 22) calls for the following regarding additional protections on *public lands and waters* (*emphasis added*):

*Habitat protection on existing **public land and water** may include recommendations for changing agency management practices. The purpose, in appropriate situations, is to **increase the level of protection** for recovering resources and services above that provided by existing management practices. The Trustee Council may conduct studies within the spill area to determine if changes to public land and water management would help restore injured resources and services. If appropriate, **changes will be recommended to state and federal management agencies.** Recommendations for special designations, such as parks, critical habitat areas, or recreation areas, may be made to the Alaska legislature or the U.S. Congress.*

Further, the first two overall guiding policies cited in the 1994 Restoration Plan call for an ecosystem approach to Restoration:

An Ecosystem Approach:

- 1. Restoration should contribute to a healthy, productive and biologically diverse ecosystem within the spill area that supports the services necessary for the people who live in the area.*
- 2. Restoration will take an ecosystem approach to better understand what factors control the populations of injured resources.*

As you know, most lands and waters in the oil spill region (perhaps over 90%) are publicly owned and managed by federal and state agencies, but these have received few, if any, additional protections since the 1989 oil spill.

The EVOS Restoration program successfully purchased habitat protections on *private lands* (Alaska Native Village Corporation lands) in the region, and many consider this to be the most important achievement of the program to date. Along with the protections acquired so far on private lands, additional private land protections needed include Carbon Mountain/Bering River; Port Graham Corporation lands within Kenai Fjords National Park; and the subsurface estate beneath village corporation habitat deals.

Early in the Restoration process, the Trustee Council's focus exclusively on acquiring protections on private lands was understandable due to the imminent threat posed to these ecologically valuable areas. But, this exclusive focus clearly ignores the broader ecosystem mandate of the Restoration Plan.

As discussed above, the Restoration Plan calls for enacting additional protections on *public lands and waters* in the oil spill region, as measures to protect and/or replace resources and resource services lost or injured in the oil spill. However, this has yet to occur.

There are many additional protective designations that could be evaluated and recommended to appropriate legislative bodies – parks, wilderness, monuments, critical habitat areas, Wild and Scenic Rivers, marine protected areas in both state and federal waters, etc. And as the Council has limited funds remaining at this point, public land and water protections offer the best remaining low-cost/high value approach to contribute to Restoration objectives.

For instance, designating and managing Forest Service lands of western PWS (currently the Nellie Juan-College Fjord Wilderness Study Area, or WSA) as Wilderness would be supportive of the EVOS Restoration Plan goals, and should be recommended by the Trustee Council to Congress.

Injured resources and services still listed as not recovered include wilderness, recreation and tourism, subsistence, and passive use. Designating and managing the entire 2 million acre WSA as Wilderness would be a low cost/high value Restoration measure to replace and offset such losses from the oil spill.

Again, I ask the Trustee Council to establish a process to evaluate all public lands and waters in the oil spill region, identify additional protective designations that would contribute to Restoration objectives, and recommend those as appropriate.

This issue clearly constitutes the single most significant failure to date of the EVOS Restoration process, as well as the single most significant remaining Restoration opportunity.

2. Consistency determinations with EVOS Restoration Plan

Another glaring failure of the EVOS Restoration process to date is the lack of any consistency review requirement between other management plans and proposed projects in the oil spill region and the EVOS Restoration Plan.

As you know, the 1994 EVOS Restoration Plan seeks to restore the ecosystem to its *pre-spill condition*. Restoration is defined in the Restoration Plan and the guiding Memorandum of Agreement between governments as follows:

Restoration means any action...that endeavors to restore to their pre-spill condition any natural resource injured, lost, or destroyed as a result of the Oil Spill and the services provided by the resource, or that replaces or substitutes for the injured, lost or destroyed resource and affected services.

Recognizing the dynamic nature of the coastal ecosystem injured by the spill, the recovery objective for each of the 32 monitored injured resources and services was then established as follows:

The primary goal for all recovering injured resources and services is a return to conditions that would have existed had the Spill not occurred.

Full ecological recovery is defined in the Restoration Plan as follows:

Full ecological recovery will have been achieved when the population of flora and fauna are again present at former or pre-Spill abundances, healthy and productive, and there is a full complement of age classes at the level that

would have been present had the Spill not occurred. A recovered ecosystem provides the same functions and services as would have been provided had the Spill not occurred.

Today, Trustee agencies acknowledge that several fish & wildlife populations, habitats, resource services, and the ecosystem of the oil spill region have not achieved these recovery objectives. Some never will.

Clearly the overarching government management policy for the oil spill injured region must be to manage fish and wildlife populations, habitats, resource services and the ecosystem to return to their condition prior to the 1989 spill, or the condition that would have existed absent the spill.

But astonishingly, other management planning processes and proposed projects in the oil spill region simply ignore the goals of the EVOS Restoration Plan. Note that the 1995 Whittier Access Project EIS entirely ignored EVOS Restoration objectives, and the Chugach National Forest Plan Revision (now out for public comment) likewise virtually entirely ignores the EVOS Restoration Plan. Such planning processes seem to take place in complete isolation from the EVOS plan. More troubling is the fact that many of these other management processes actually contravene and compromise the objectives of the EVOS Restoration Plan.

For instance, the Whittier Access Project has more than doubled human usage and disturbance in western PWS, which was ground zero for oil spill impacts. And the current Chugach Forest Plan Revision proposed by the Forest Service further reduces protections in this area, in total ignorance of EVOS Restoration objectives. While the EVOS Restoration Plan calls for *greater protection* of populations, habitats, and the ecosystem in western PWS, the Proposed Forest Plan calls for *less protection*.

And as the Alaska Coastal Management Program was terminated in 2011, the EVOS Restoration Plan is, or should be, considered the governing management plan for the region with which all other management processes should integrate.

Thus, I ask that the Trustee Council develop a Memorandum of Agreement (MOA) with all public agencies in the oil spill region requiring that a consistency review for any/all proposed projects or management plans in the region to determine whether they are consistent with the objectives of the EVOS Restoration Plan.

An immediate measure I ask the Trustee Council to take is to review the Chugach Forest Plan Revision, conduct a consistency determination between the Forest Plan and the EVOS Restoration Plan, and submit the result to the Forest Service prior to the Feb. 19 comment deadline.

EVOS Trustee Council; 01-11-16

P. 5

Both of these failures of the EVOS Restoration process likely derive from the simple fact that government bureaucracies with a pot of money tend to focus solely on how to spend that money, rather than broader goal for which the monies are provided.

In the EVOS Restoration process, state and federal agencies have focused exclusively on how to spend the \$1 billion in funds provided, rather than the broader goal of doing everything reasonably possible to assist full recovery of the injured environment.

Many measures that can, and should, be taken to assist recovery – such as the two discussed above – cost little, if anything in terms of financial resources, and these have so far been ignored by the Restoration process. Clearly, this needs to be corrected.

I trust you can all re-imagine your legal mandate to achieve the Restoration goals and recovery objectives established over 20 years ago, with an eye toward what can and must still be done at little or no cost, as proposed herein.

You have critical work left to do beyond spending the remaining funds, and I trust you will take this opportunity to heart.

I have raised some of these issues with the Trustee Council before, but have yet to receive a response. At this point, I would greatly appreciate hearing from you regarding these two significant unresolved Restoration issues.

Respectfully,

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Origins of EVOS Habitat deals (1989-1994)

Rick Steiner

UA Marine Advisory Program/The Coastal Coalition

Cordova Alaska, July 1995

Note: All supporting documents are on file with Oil Spill Public Information Center (OSPIC) at ARLIS/UAA library in Anchorage

1989 (year of the spill) - As University of Alaska marine advisor for PWS based in Cordova, I proposed directly to Exxon (through their attorneys) that they front \$150 million to governments as an Interim Restoration program, for down payments, lease/options to purchase forest conservation easements in oil spill region. Large scale clear cut logging had just begun in PWS the year prior to the spill (87/88), the logging had been catalyzed by the Net Operative Loss (NOL) sales of created (mostly fabricated) losses by AK Native Corporations to sell to profitable outside corporations as tax write offs. Exxon was unresponsive to the Interim Restoration request, but we remained in touch on it.

1989 - Gov. Steve Cowper came to Cordova, I first suggested to him the idea of using Exxon spill \$ for habitat protection/timber buybacks to protect the coastal ecosystem from further injury. Gov. Cowper asked me to travel throughout the spill region and talk with coastal residents about what we all wanted done for spill Restoration. I did, and met with many of the region's Alaska Native corporations, commercial fishing groups, NGOs, etc., and we formed The Coastal Coalition throughout the spill region to focus citizen initiative for spill Restoration. We then formalized the idea of using Exxon spill \$ to purchase habitat protections from AK Native Corporations along coastline of spill region.

1990 - Feb., pursuing my private channels with Exxon, I met privately with Exxon Shipping president Frank Iarossi in Washington DC about our proposal. As he felt scapegoated/blamed by Exxon Corp. for having caused the spill (and was secretly planning to resign from Exxon), he confided to me at our DC meeting that Exxon was within days of entering a secret plea agreement with the Bush (senior) administration (AG Richard Thornburg), cutting Alaska out of the deal entirely, and precluding any civil recoveries for several years. The plea deal would have been worth about \$500 million, but most \$ would go for a criminal fine, and not for Restoration. The plea deal was bad for Alaska and bad for Restoration. I immediately confirmed this proposed secret plea deal with Dept. of Justice (who was livid that Iarossi had let that cat out of the bag). I relayed the info to the Wall Street Journal, who ran the story next day Feb 14, 1990: "Exxon and U.S. In Talks to Settle Certain Charges: Pact on Criminal Allegations Over '89 Alaska Oil Spill Could Cut Firm's Costs." I also relayed that news to Gov. Cowper and AG Doug Bailey, who got on a plane back to DC seeking to intervene. As a result, we had the secret plea

deal withdrawn within the week, and Iarossi then resigned from Exxon. This cleared the way for a global government/Exxon settlement of the civil and criminal case.

1990 – July, I proposed (through The Coastal Coalition out of Cordova) a comprehensive settlement of the civil and criminal case, for \$2 billion, using the bulk of the \$ for habitat protection, as well as science. Anchorage Daily News runs story Aug. 22, 1990: “Activist Proposes \$2 Billion Spill deal.” We received commitments to support this spill settlement plan from two of the three gubernatorial candidates in the 1990 campaign, Wally Hickel and Tony Knowles. The environmental community (national and in-state), commercial fishing groups, tourism groups, and Alaska Native organizations supported our proposed \$2 billion spill settlement, and in particular our proposed use of the majority of funds for habitat acquisition. Wally Hickel was then elected governor in Nov.

1991 – Jan., met with Gov. Hickel (in Washington DC), pushing our proposal for settlement of the Exxon spill case, stipulating that the majority of funds would be used for habitat protection. The Governor agreed, and entered negotiations with Exxon to settle the case.

1991 – Oct., final \$1 billion spill settlement (consent decree and plea agreement) was agreed and entered into court, providing \$ for habitat acquisitions.

1992- Gov. Hickel received considerable push back from the Alaska timber industry to the idea of using EVOS funds to buy and protect coastal forests, and thus he vetoed a bill passed by the Alaska legislature (HB 411), which would have appropriated the state’s \$50 million criminal recoveries mostly to forest/habitat purchases in PWS, Kenai Peninsula, etc.

1992 – Frustrated by Hickel’s betrayal and the lack of action on habitat protection (as coastal forests were being cut in PWS), I asked CA congressman George Miller to request a GAO investigation into how the state/federal trustee council had implemented the terms of the settlement so far, and spent the \$. The GAO wrote a scathing review of the lack of action by the governments, issued in 1992.

1992 – Bill Clinton elected President, and new federal trustees, namely Interior Secretary Bruce Babbitt, with the critical GAO report in hand, began moving the Trustee Council to take action on habitat protection. Gov. Hickel wanted the Sea Life Center in Seward, Secretary Babbitt wanted Alaska Native corporation inholdings within Kodiak National Wildlife Refuge acquired and protected, so they made a deal for each. The Trustee Council had to agree unanimously for any action to be taken, so state would get \$ for Seward Sea Life Center, DOI would get \$ for the Kodiak habitat purchases. That was the deal. The Seward Sea Life center was the political price for the Kodiak deals.

1992 – Many of us in PWS didn't support the proposed use of limited Restoration \$ going to the Seward aquarium, and thus I submitted a FOIA to DOI for documents that might expose this deal between Hickel/Babbitt for Seward aquarium/Kodiak acquisitions. DOI Secretary's Office responded that there was indeed a document responsive to the FOIA request (proving that this deal had indeed been made, which was inappropriate and legally questionable outside of the Council process), and they were preparing to release the document to me. Lawyers for the Kodiak Native corporations urgently met with me, pleading with me to withdraw the FOIA, as releasing that document (which linked to Seward and Kodiak deals), would kill any chance of the Kodiak habitat deals going forward. Thus, I withdrew the FOIA (the only time I ever did such!). The Kodiak/Seward parts of the Restoration program then went forward, with full Trustee Council agreement (which was required). Most Kodiak deals will be completed in 1995.

1993 – August, Hickel administration used \$7 million of the state's criminal plea payment, \$7 million from the separate Alyeska settlement, and Trustee Council \$7 million (together about \$22 million) to buy Seldovia Native Association inholdings with boundaries of Kachemak Bay State Park, as we had first requested in our 1990 proposal, (deal closed Aug. 1993). That was the first habitat protection project accomplished with EVOS funds. The only other Hickel/Clinton Trustee Council acquisition was Seal Bay on north Afognak Island in Nov. 1993.

1994 – Tony Knowles elected governor, and finally, with Knowles/Clinton trustees, all EVOS habitat deals moved forward toward completion – the most significant success of EVOS Restoration.

Anchorage Daily News, September 5, 2022

<https://www.adn.com/opinions/2022/09/05/opinion-exxon-valdez-habitat-restoration-program-must-continue-until-its-done/>

OPINION: Exxon Valdez habitat restoration program must continue until it's done

By Rick Steiner



Oil lingers around the Exxon Valdez after it hit Blight Reef in Prince William Sound, March 1989. (Erik Hill / Anchorage Daily News)

The 1989 Exxon Valdez oil spill (EVOS) was one of the most environmentally damaging industrial disasters in world history, and today the coastal ecosystem impacted by the spill remains far from recovered.

After over 30 years and more than \$1 billion spent, it is clear that the EVOS restoration program has failed to achieve its goal: “the recovery of all injured resources and services, sustained by healthy, productive ecosystems to maintain naturally occurring diversity.”

The government's 2014 status of injury update – still the official status today - lists 12 of the 32 monitored resources and services injured by the spill as either “recovering” (e.g., not fully recovered), or “not recovering.” Listed as still recovering are intertidal communities, the AB killer whale pod, sediments, wilderness, passive use, recreation and tourism, commercial fishing, and subsistence. Listed as “not recovering,” after three decades, are herring, marbled murrelets, pigeon guillemots and the genetically distinct AT1 killer whale pod. And there are thousands of gallons of toxic Exxon Valdez oil in beach sediments of Prince William Sound (PWS). In 2015, the Walker and Obama administrations inexplicably abandoned the \$92 million government claim presented to Exxon in 2006 by the Murkowski and Bush administrations, pursuant to the Reopener for Unknown Injury provision of the 1991 settlement, that would have addressed this residual oil problem.

And now, the trustee council for the spill under the Biden and Dunleavy administrations just announced its [proposal](#), to be considered at its upcoming Oct. 5 meeting, to simply throw in the towel, end its 30-year habitat protection program altogether, and dole out the remaining funds to politically popular projects with little to no effect on environmental recovery. The government trustees argue that such a move would “ensure a strong and efficient end to the long era of the EVOS Trustee Council.” But if adopted, this would be a profound betrayal of the 1991 court-ordered settlement and public trust.

Recognizing the fundamental truth that we cannot simply repair ecosystems injured by such large-scale environmental disasters, most involved with the Exxon Valdez spill knew from the start that restoring the injured environment to its pre-spill condition would be impossible. The sad truth is that the environment injured by the Exxon Valdez spill will never return to its pre-spill condition, or to the condition it would have been in absent the spill. The best, and least, we can do is to protect the injured ecosystem from additional harm, allowing it to heal to the maximum extent possible on its own. After Exxon Valdez, this was, and remains, our singular scientific, political and moral imperative.

There are two central parts of this challenge: First, doing everything possible to prevent another catastrophic oil spill in Prince William Sound. And on that count, we've done remarkably well. The three main improvements in reducing the risk of a repeat spill disaster are Alyeska's world-class “Ship Escort Response Vessel System,” with powerful rescue and response tugs in escort of every outbound tanker; the federal Oil Pollution Act of 1990, mandating double hulls for oil tankers, improved vessel traffic systems, alcohol screening for tanker crews, enhanced financial liability, and other safety measures; and the establishment of the PWS Regional Citizens' Advisory Council, giving local citizens an ongoing role in oversight of the in-region oil industry and government.

But on the second part, preventing other environmental harm to the spill-injured ecosystem, the governments have mostly failed. At the time of the spill, most of us had expected state and federal agencies to try their best on this. Tragically, they haven't.

The billion-dollar EVOS Restoration program did a spectacular job (spending over \$400 million) purchasing critical conservation protections on hundreds of thousands of acres of *privately* owned fish and wildlife habitat along the coastline of the oil spill region. This

effort, largely by the Knowles/Clinton trustee council in the 1990s, has provided arguably the single greatest conservation outcome of the Restoration program to date.

Yet still, after 30 years, this effort is far from complete. There are several critical areas on private coastal lands in the spill region today that remain vulnerable to damaging industrial activities that would compromise ecological recovery, including lands in Kodiak, the Kenai Peninsula, Prince William Sound and the Bering River. These at-risk private lands should be protected for restoration purposes.

Further, government spill trustees continue to ignore the opportunity to establish additional protections on *public* lands and waters in the oil spill region, something specifically called for in the 1994 Restoration Plan. Given that more than 90% of the injured ecosystem consists of public lands and waters, and that the Restoration Plan requires an “ecosystem approach,” this is a stunning and unacceptable omission from the restoration effort that must be remedied.

For instance, the trustee agencies can and should recommend final congressional designation of the roughly 2 million acre Nellie Juan-College Fjord Wilderness Area in the Chugach National Forest in western Prince William Sound (which has been managed as a Wilderness Study Area since 1980, and was ground zero for nearshore spill impacts); as well as the designation (by executive order under the Antiquities Act) of a North Gulf of Alaska Marine National Monument protecting federal waters (3-200 miles offshore) outside of Prince William Sound, Kenai Fjords National Park, Cook Inlet, Barren Islands and Afognak Island (ground zero for offshore spill impacts). As these areas are already in federal ownership, further protecting them would cost nothing, would further assist ecological recovery, and would constitute another truly historic conservation outcome for the EVOS Restoration program.

Such efforts to protect federal lands and waters in the EVOS region would support the Biden “30x30” goal of protecting 30% of America’s lands and waters by 2030. In fact, the Biden administration can establish these protections unilaterally, without state support, outside the joint state/federal process. Yet to date, the Biden administration has remained oddly unresponsive to this important Restoration opportunity.

Instead of ending its habitat protection effort at its October meeting, the Trustee Council must redouble its habitat protection effort and finish the job. If the Dunleavy trustees do not support habitat protection, the Biden trustees can and must do so. As the Trustee Council works by unanimous consensus, any trustee holds veto power over any proposal.

If the state trustees continue to push to eliminate the habitat program, the federal trustees should simply withhold support for any/all state proposals for use of the remaining funds. It is time for the federal trustees to play hardball and assert the overwhelming national interest on this important issue.

Finally, the state and federal governments continue to oppose commissioning a credible, independent scientific review by the highly regarded National Academies of Sciences of the

Exxon Valdez and Deepwater Horizon Natural Resource Damage Assessment and restoration programs, to identify lessons learned and improvements needed in addressing the next major oil spill. Evidently, administrators fear criticism, and that government failures would be identified by such a review. But unless and until a credible, independent, science review is completed, the next time we have a major marine oil spill in U.S. waters, the government will almost certainly make the same mistakes (and there have been many in both programs), leading to the loss of billions of public dollars, and the conduct of a less effective damage assessment and Restoration process.

We owe it to the millions of innocent beings killed, injured, and that continue to be injured by the Exxon Valdez oil spill to do everything we can to help the ecosystem heal. The Restoration job isn't over until we've done our best, our effort to date remains far short of that goal, and we must continue until we're done – no matter how long that takes.

Those wanting to comment on any of this can do so before Oct. 5 at the [Trustee Council's website](#).

Rick Steiner is a marine conservation biologist in Anchorage. He was the University of Alaska's marine adviser for the Prince William Sound region from 1983-1996 in Cordova, and he continues to advise on oil spill prevention, response and restoration.

Oasis Earth

As a short addendum to my previous comment, I wanted to share the following brief history:

In 1989, as the University of Alaska's marine advisor for PWS region based in Cordova, Gov. Cowper asked me to travel the oil spill region and meet with local stakeholders to learn what Alaskans wanted going forward.

Everyone I met with then agreed that protecting habitat of the region, marine and terrestrial, from additional environmental damage was the key to recovery. Everyone spoke of the need to settle the government case ASAP, not to build an aquarium in Seward, or Science Center in Cordova, or museum in Kodiak, but to get urgently needed funds to protect threatened coastal fish and wildlife habitat.

Then, (after making public and intervening in the secret criminal plea agreement proposed by Exxon and the Bush Sr. administration), in 1990 I proposed, on behalf of the region's residents I met with, the comprehensive government/Exxon settlement and habitat protection program, leading to the final court settlement approved in Oct. 1991.

To be clear, the entire motivation behind settling the case was to get \$ urgently needed to protect habitat.

There were indeed some remarkable successes with the EVOS Habitat program – mostly from the Knowles/Clinton Trustee Council in the 1990s. But since then, the Council has suffered severe mission drift, and loss of focus on environmental recovery.

It is imperative that the Trustee Council not combine the Habitat and Research accounts, and continue its habitat protection program.