

Exxon Valdez Oil Spill Trustee Council



Public Advisory Committee
Background and Guidelines

Revised: October 3, 2022

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I. INTRODUCTION

I. INTRODUCTION

The purpose of this manual is to provide background information and guidelines for the administration of the Public Advisory Committee (PAC) of the *Exxon Valdez* Oil Spill (EVOS) Trustee Council (hereafter EVOSTC or Trustee Council).

A. Authority

The PAC is established as required by Paragraph V.A.4 of the [Memorandum of Agreement and Consent Decree between the United States of America and the State of Alaska August 27, 1991](#), and entered and approved by the United States District Court for the District of Alaska on August 28, 1991, in resolution of [United States of America v. State of Alaska](#), Civil Action No. A91-081 CV. Additional authority is found in the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended. The [Federal Advisory Committee Act](#) (FACA) of 1972, as amended and the rules implementing the act ([41 CFR 102-3](#)) establishes the overall procedures for the establishment and use of advisory committees. A charter was originally approved unanimously by the Trustee Council, signed by the Secretary of the Interior, and filed with the appropriate Federal agencies. The PAC is chartered for two-year periods. Charter renewals are signed by the Interior Secretary and filed by the U.S. Department of the Interior (DOI). The most recent PAC charter is posted on the EVOSTC website [here](#).

B. Background

1. [The Oil Spill](#)

The March 24, 1989, grounding of the T/V *Exxon Valdez* on Bligh Reef in Alaska's Prince William Sound caused the largest oil spill in U.S. history at that time. Approximately 11 million gallons of North Slope crude oil moved through the southwestern portion of the Prince William Sound and along the coast of the western Gulf of Alaska (the eastern coast of the Kenai and Alaska Peninsulas), contaminating portions of the Kodiak Archipelago and lower Cook Inlet (see map in Appendix). Approximately 1,300 miles of shoreline were impacted by oil including numerous islands and beaches, some nearly 600 miles from Bligh Reef. An unprecedented effort to clean-up the oil, rescue birds and wildlife, and protect resources from the oil was undertaken by the State and Federal governments, Exxon Company USA, and the public. The spill injured fish, birds, mammals, and a variety of other forms of marine life, habitats, resources, and the services these resources provide. Clean-up activities continued through the summers of 1989, 1990, 1991, and were completed in 1992. Immediately after the spill, as clean-up efforts were underway, a series of Natural Resources Damage Assessment studies were initiated by natural resources Trustee agencies and the Environmental Protection Agency to determine the extent of injury to resources and services in the area affected by the oil spill.

I. INTRODUCTION

2. The Settlement

On October 8, 1991, an agreement was approved by the U. S. District Court that settled the claims of the United States and the State of Alaska against Exxon Corporation and Exxon Shipping Company for various criminal violations and for recovery of civil damages resulting from the oil spill. The appeal period ended December 9, 1991. The settlement imposed criminal fines and restitution of \$150 million, and the Exxon companies agreed to pay \$900 million to the United States and State of Alaska Governments in the civil settlement over a ten-year period. The State and Federal governments serve as equal co-trustees in managing civil settlement funds. The Trustees must unanimously agree to all decisions relating to the use of trust funds. It was further agreed that: "The Governments shall jointly use all natural resource damage recoveries for purposes of restoring, replacing, enhancing, rehabilitating or acquiring the equivalent of natural resources injured as a result of the Oil Spill and the reduced or lost services provided by such resources..."

3. The Restoration Organization

The EVOS Trustees include the Alaska Attorney General, Alaska Department of Law; Commissioner, Alaska Department of Environmental Conservation; Commissioner, Alaska Department of Fish and Game; Secretary, DOI; Secretary, U.S. Department of Agriculture; and Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce. The Trustees have designated six representatives to serve as the Trustee Council to direct program activities. The Trustee Council is made up of three federal and three state trustees:

- Senior Advisor to the Secretary for Alaska Affairs, DOI
- Administrator, Alaska Region, National Marine Fisheries Service, U.S. Department of Commerce
- Chugach National Forest Supervisor, U.S. Forest Service Alaska Region, U.S. Department of Agriculture
- Commissioner, Alaska Department of Environmental Conservation
- Commissioner, Alaska Department of Fish and Game
- Attorney General, State of Alaska

The Trustee Council has an Executive Director who manages hired staff and contractors and coordinates with agency representatives. The staff handles day-to-day planning, management, and administrative functions for implementation of the program. The Science Director provides input on the scientific and technical aspects of program implementation. In 2021, the Executive and Science Director positions were merged into one position. The Habitat Director oversees the habitat enhancement and protection projects. Starting in 2022, the Program Officer will finish out managing the existing and new habitat projects which are expected to be completed by January 31, 2027. The Program Officer will continue to assist the Executive Director and

I. INTRODUCTION

Executive Assistant as needed. The PAC provides recommendations and advice on all aspects of the restoration program.



Figure 1. EVOSTC Staff Organization Chart

4. The Restoration Plan

A conceptual Restoration Framework was developed in April 1992 for public review, and a supplement concerning habitat protection was issued in July 1992. A draft Restoration Plan was issued in November 1993, and an accompanying Draft Environmental Impact Statement (EIS) was prepared and issued in June 1994. A Final EIS was issued in September 1994, with a Record of Decision made in October 1994. The final Restoration Plan was approved in November 1994. These documents detail the options and alternatives for best achieving restoration of resources and services, based upon scientific and agency recommendations, public comments, and the judgment of the Trustees. The Restoration Plan presents a strategy which guides restoration projects. In 2021, the Trustee Council adopted to shift the Council’s annual meeting and review cycle to a five-year cycle with a biannual review ([Resolution 21-02](#)) and approved a limited eastward expansion of the oil spill area boundary to incorporate the Copper River Delta and the Bering River, including its headwaters ([Resolution 21-03](#)). The Restoration Plan was amended to incorporate changes approved in both resolutions.

5. Annual Work Plans

The Restoration Plan is implemented through annual Work Plans. These Work Plans detail the projects to be funded during forthcoming fiscal years (February 1 through January 31 of the following calendar year) as well as the administrative support requirements for the program. The Work Plan provides a summary of projects funded: title, funds requested, years requested, principal investigators (PIs), project abstract, any reviews and funding recommendations by the EVOSTC Science Panel, PAC, Executive Director, and funding decision by the Trustee Council. Starting in 2022, the annual Work Plan consists of projects that were funded in response to the [5- and 10-year Invitations](#) through fiscal year 2031. The FY22-31 Work Plan will be updated as needed with information including biennial reviews.

I. INTRODUCTION

6. Sources of Information

Copies of publications, documents, reports, meeting summaries, and data may be downloaded from the [EVOSTC website](#) and obtained from various sources, such as [Alaska Resources and Library Information Services \(ARLIS\)](#), the [Alaska State Library](#), and the [Alaska State Archives](#). EVOS physical samples are available at the [Geological Materials Center](#).

C. Intent

By order of the District Court for the District of Alaska, the PAC advises the Trustee Council. The Trustee Council intends that the PAC serve as an important component of the Council's public involvement process. It is not the intent of the Council that the PAC be the Council's sole source of public involvement and public opinion. Nor is it the intent of the Council that the PAC seek public involvement except as specifically requested by the Council. The Council values the views of the PAC based on the individual and collective experiences of PAC members as an informed source of advice.

The PAC consists of ten members that represent a wide spectrum of views and interests for the Trustee Council to consider as it evaluates, develops, and implements program activities. It is the Trustee Council's intent that the diversity of interests and views held by the PAC members contribute to wide ranging discussions that will benefit the Trustee Council. It is not the intent of the Trustee Council that individual PAC members be the only spokesperson for a specific interest or that the PAC filter or direct general public comment.

Because of the desire of the Trustee Council to have this wide spectrum of views among the PAC members, it is essential that the formation of any subsets or subcommittees preserve the full spectrum of views and interests that are represented on the PAC. The Trustee Council believes that preserving this spectrum in any subset is a difficult task and, therefore, the use of subcommittees or subsets will be extremely limited and subject to the approval of the Trustee Council.

It is also the Trustee Council's intent to develop, with assistance from the PAC, and approve an annual or multi-year budget allowing the PAC to meet prior to each Trustee Council meeting as necessary. PAC costs will be monitored to prevent expenditures in excess of the approved budget. Also, the Trustee Council will approve in advance all expenditures, including those related to scheduling meetings (additional discussion on intent can be found in the [March 10, 1993, Council meeting transcript](#)).

II. MEMBERSHIP

II. MEMBERSHIP

The PAC shall consist of 10 voting members appointed to represent the following principal interests (these are further defined in the [PAC Charter](#)):

A. Composition

- aquaculturist/mariculturist
- commercial fisher
- recreation user
- commercial tourism operator
- conservationist/environmentalist
- Native landowner
- scientist/technologist
- sport hunter/fisher
- subsistence user

B. Public-at-large Eligibility

PAC members shall be chosen based on their demonstrated knowledge of the region, peoples, or principal economic and social activities of the area affected by the *Exxon Valdez* oil spill, roughly the northern Gulf of Alaska, or by demonstrated expertise in public lands and resource management or research and monitoring as it relates to restoration, as applicable. They must also meet the definition for the particular interest they are to represent (see the [Charter](#)).

C. Nomination and Appointment

Nominations for membership must be solicited in the *Federal Register* and may be submitted from any source. From these nominations, the DOI Trustee will query the other Trustee Council members for any input and put forth membership recommendations to the Secretary of the Interior, who will make the appointments. Nominees must submit a resume or background information in order to be considered.

D. Term and Removal

Each member of the PAC may serve a four-year term from the date of appointment. Members are eligible for re-nomination and re-appointment at the close of their terms. When a vacancy arises because an appointed member cannot serve their full term, the replacement will serve for the remainder of that member's term. Member terms will expire four years from the date of the appointment letter or upon termination of the PAC, whichever occurs first. As the appointing authority, the Secretary of the Interior, with consultation of the Trustee Council, may remove a member or officer of the PAC.

II. MEMBERSHIP

E. Officers

The PAC shall have a chairperson and a vice-chairperson who shall be elected every two years from the voting membership by a majority vote of the membership. Officers shall serve a two-year term. The chairperson and vice-chairperson are eligible for re-election and reappointment to successive terms.

F. Filling Member Vacancies

If a PAC member vacates their membership, the DOI should solicit nominations for a new member. The process defined in part II.C, above, will be followed to fill a vacancy in the same manner in which the original appointment was made.

III. DUTIES

III. DUTIES

A. Program Advice

The PAC shall advise the Trustee Council on all decisions relating to injury assessment restoration activities, or other use of natural resource damage recoveries, including:

- planning, evaluation, and allocation of available funds;
- planning, evaluation, and conduct of injury assessments and restoration activities;
- planning, evaluation, and conduct of long-term monitoring and research activities; and
- coordination of the above items.

B. Program Operations

The PAC shall advise the Trustee Council and its staff on the operation of the program and related activities, including the process for obtaining public input.

C. Ethics Responsibilities

No PAC member or subcommittee member shall participate in any PAC or subcommittee deliberations or votes relating to a specific party matter, including a lease, license, permit, contract, grant, claim, agreement, or litigation, in which the member (or the entity the member represents) has a direct financial interest.

IV. OPERATIONS

IV. OPERATIONS

A. Designated Federal Officer

The Designated Federal Officer is a FACA requirement. The Designated Federal Officer shall be the DOI, Office of Environmental Policy and Compliance-Alaska, Regional Environmental Officer (or his/her designee). For the PAC and its subcommittees, the Designated Federal Officer shall:

- Ensure compliance with FACA, and any other applicable laws and regulations
- approve or call all PAC and subcommittee meetings
- prepare and approve meeting agendas
- attend all PAC and subcommittee meetings
- adjourn the meeting when such adjournment is in the public interest
- chair the meeting when so directed by the Trustee Council
- review official PAC public announcements and/or news releases prior to their issuance
- prepare draft meeting minutes

B. Quorum

A quorum of the PAC shall be established with half the current PAC membership plus one voting member. A quorum (along with the attendance of the Designated Federal Officer) is required to convene a meeting and conduct business. Participation in meetings by teleconference is accepted as attendance.

C. Presiding Officer

The chairperson shall be the presiding officer and conduct all meetings. If the chairperson is unavailable, the vice-chairperson shall preside. If both the chair and vice-chair persons are unavailable, the Designated Federal Officer shall conduct business as a non-voting facilitator.

D. Rules of Order

**The current edition of [Robert's Rules of Order Revised](#) will generally be used as the basic governing procedures of the PAC. Provisions of these rules of order will apply as needed to PAC deliberations except when they are amended by PAC action according to the procedures set forth therein.

E. Actions/Rules of Voting

**Matters before the PAC requiring a vote to make a recommendation to the Trustee Council shall have a majority approval of the voting members present (which must constitute a quorum). The Designated Federal Officer and Trustee Council staff shall not vote on matters before the PAC. When recommendations are approved with less than unanimous consent, meeting minutes will indicate the range of opinion on the issue, along with the majority

IV. OPERATIONS

recommendation, to the Trustee Council. Recommendations provided to the Trustee Council should note when support was not unanimous.

F. Subcommittees

The PAC may, upon Trustee Council and Designated Federal Officer approval, create *ad hoc* subcommittees or work groups to compile information, conduct research, or review in depth subject matter brought before the PAC. However, such work groups or subcommittees may not conduct business and must report to the full PAC.

G. Public Information

Due to its status as a FACA committee, it is not appropriate for PAC members to discuss PAC or Trustee Council activities with the media or to speak on behalf of the PAC and/or Trustee Council. Media requests for information regarding the Trustee Council and/or the PAC can be addressed via email to dfg.evos.restoration@alaska.gov.

H. Records

All accounts and records of the activities and transactions of the PAC shall be kept and maintained by the staff of the Trustee Council and, subject to the provisions of 5 U.S.C 552, such accounts and records shall be available for public inspection by downloading the documents from the Trustee Council website. .

I. Amendment of Procedures

The PAC may adopt appropriate procedures for operating and decision making consistent with applicable Federal and State law and the PAC charter--such procedures require the approval of the Designated Federal Officer. Charter amendments must be submitted to the Secretary of the Interior for consideration and approval. The charter requires renewal every two years in order to continue the work of the PAC, and DOI initiates the renewal process three months prior to the termination date.

V. MEETINGS

V. MEETINGS

A. Frequency

The PAC is required by its [charter](#) to meet at least once during the charter term (two years) or at such other times as determined by the Designated Federal Officer, in consultation with the Trustee Council or their support staff. Starting after 2022, the PAC is expected to participate in a biennial review of programs and projects in 2024 and 2029, and in 2026 and 2031 which are the anticipated meeting years for the Trustee Council.

B. Agenda

The agenda for each meeting will be issued to PAC members at least 15 days prior to the scheduled meeting. The agenda will include:

- the exact name of the group
- the time, date, place, and purpose of the meeting
- the agenda, denoting action items
- a time for public comment

Background materials for items to be discussed at the meeting shall be enclosed with the agenda or issued to PAC members 15 days prior to the meeting at which they are to be discussed.

C. Notices

In accordance with FACA, 15 days advance notice of meetings of the PAC shall be published in the *Federal Register*. The notice shall include:

- the exact name of the group: *Exxon Valdez* Oil Spill Public Advisory Committee
- the time, date, place, and purpose of the meetings
- a summary of the agenda
- a statement indicating that the meeting is open to the public

Notice of an upcoming meeting shall also be published in statewide and regional newspapers of general circulation within the oil spill area, as noted below, and a press release issued for use by print and electronic media.

Anchorage Daily News, Cordova Times, Homer News, Kodiak Daily Mirror, Peninsula Clarion, Seward Journal, Valdez Star, Juneau Empire.

Meetings are also advertised on the EVOSTC website and meeting notices are circulated to the Council's email lists, which includes stakeholders, tribal organizations, and communities.

V. MEETINGS

D. Minutes

Detailed minutes of each PAC meeting shall be kept by the Executive Director. The minutes must include:

- time, date, place of meeting
- list of PAC members and staff present
- a list of agency employees present
- members of the public who presented oral and/or written comments
- an estimate of the number of other members of the public present
- an accurate description of each matter discussed, and the resolution, if any, made by the PAC on such matters
- copies of each report or other document received, issued, or approved by the PAC
- all resolutions passed by the PAC
- a certification of the minutes by the chairperson of the PAC

E. Public Participation

By law, PAC meetings are open to the public. Meetings shall be held at a reasonable time and in a place accessible to the public. Any member of the public shall have the opportunity to speak at meetings or submit written comments to the PAC. (Federal Advisory Committee Act, as amended ([41 CFR Part 102-3](#)), Alaska Open Meeting Act ([AS 44.62](#)), and the Federal Disability Act ([P.L. 101-336](#))).

F. Executive Sessions

No closed meetings of the PAC are permitted.

VI. REPORTS

VI. REPORTS

A. Trustee Council

The PAC shall report to the Trustee Council through the chairperson, or the vice-chairperson in the absence of the chairperson, at Trustee Council meetings. If the chair and vice chairpersons are not available, the Designated Federal Officer will provide the report. Other members of the PAC may report with the chairperson, as appropriate. The Trustee Council's regular agenda shall include a period during which the chairperson of the PAC may report on its activities, ask questions of the Trustee Council members, and be available for questioning by the Trustee Council.

B. Federal Advisory Committee Act

Annually, the Designated Federal Officer shall update the [General Services Administration FACA online database](#). This database serves as the federal reporting mechanism for all FACA committees. This information can be requested through the Designated Federal Officer. The database includes:

- the name of the group
- the date of and the authority for its creation
- its termination date
- its functions
- reference to the reports it has submitted
- a statement as to whether it is an *ad hoc* or continuing committee
- the dates of its meetings
- the names and interests represented of its current members
- the total estimated annual cost of the committee

VII. SUPPORT

VII. SUPPORT

A. Executive Director

The PAC functions are advisory only and its officers shall have no administrative authority by virtue of their membership, except to recommend budget and support needs to the Executive Director or the Designated Federal Officer. The Trustee Council, through the Executive Director, shall procure and provide all needed meeting space, supplies, copying, mailing, equipment, and support for the PAC. An annual budget to support the PAC shall be prepared as part of the Trustee Council regular budget process. All PAC expenditures will be preceded by coordination and approval of the Executive Director.

B. Travel and Expenses

PAC membership is voluntary, and members do not receive compensation for time and materials used in order to participate on the PAC. Any questions and pre-approvals should be directed to the Trustee Council's administrative staff. Required travel forms will be provided by the State of Alaska staff.

Travel reimbursements are made in accordance with State of Alaska travel regulations ([Alaska Administrative Manual--AAM 60.010-60.260](#)). All travel must be approved in advance by the Executive Director. State of Alaska staff will make all travel arrangements (airline, lodging, and car rental if approved) through the State Travel Office (STO).

To be considered for reimbursement, all valid/original receipts will be sent to the EVOSTC office within five (5) business days of the completion of travel. Travel Authorization (TA) forms of travel expenses are prepared electronically for PAC members by the State of Alaska staff.

Airline Tickets: Travel is conducted via economy class from the hometown or closest airport by the most direct route. First class tickets will not be purchased or reimbursed unless first class is the only means available. It is strongly discouraged for PAC members to make their own travel arrangements. To get reimbursed for airfare personally purchased, the PAC member must justify why they purchased their own airfare and submit the original ticket stub/boarding pass.

Car Rental: Car rental is discouraged and will not be reimbursed without prior authorization. It is less expensive and more efficient to use a taxi/Uber/Lyft or shuttle bus.

Personally Owned Vehicle (POV) Mileage: Authorized mileage for use of personal vehicles will be reimbursed at the current government mileage rate. Please provide round trip mileage figures to/from home residence to/from airport or PAC meeting location (excluding trips to non-EVOSTC activities, i.e., shopping, meals, etc.). Mileage reimbursement cannot exceed the average cost of an airline ticket or other common carrier fee to the same destination.

VII. SUPPORT

Airport Parking: Reimbursement for airport parking is limited to the cost of a taxi. For example, if the cost of taking a taxi to the airport is \$15 and the cost of parking is \$25, then the traveler will only be reimbursed \$15.

Hotels: Hotel arrangements will be made through the STO. The hotel reservation information will be included on the travel itinerary forwarded to the PAC member. EVOSTC administrative staff will arrange with the hotel for direct billing to the EVOSTC office when possible. If a PAC member pays directly for their hotel, the original receipt/invoice must be submitted for reimbursement of actual room charges only. EVOSTC cannot reimburse for personal expenditures, such as room service, movies, laundry, tips, or non-EVOSTC related internet and phone calls.

Per Diem (M&IE): The per diem rate for meals and incidental expenses is based on current Federal rates, varies by location, and is subject to periodic change. Daily per diem will be prorated to coincide with actual travel. If meal(s) are provided, the traveler will not be eligible for the related M&IE allowance (i.e., if lunch is provided, traveler may only be eligible for the breakfast and dinner allowances.) Please clearly track and report the time you depart your residence to go to the airport or begin driving via POV and the time you arrive at your destination. Taxi and shuttle bus reimbursement is by actual cost (save your receipt).

Reimbursement Process: To be considered for reimbursement, all valid/original receipts will be sent to the EVOSTC office within five (5) business days of the completion of travel. Travel Authorization (TA) forms of travel expenses are prepared electronically for PAC members by the EVOSTC administrative staff. The following information is identified on the TA:

- date and time travel commences and ends (as reflected on the itinerary or as accurately reported by traveler for POV mileage travel)
- method(s) of travel
- for airline travel, the airline itinerary or the passenger coupon receipt remaining after travel has been completed (if PAC member paid for ticket) indicating dates and times of flights
- receipts for lodgings and other reimbursable expenses
- expenses totaling more than \$30.00 will not be reimbursed without receipts

The TA form will be completed using the information and receipts furnished. A completed TA will be emailed to the PAC member for their review and approval. When possible, the PAC member will sign and return the TA form to the EVOSTC office. The signed form and valid receipts will then be submitted by the EVOSTC administrative staff to the Alaska Department of Fish and Game Office. The TA with receipts and approval emails will be mailed to the appropriate fiscal office for processing. Any questions should be directed to the EVOSTC

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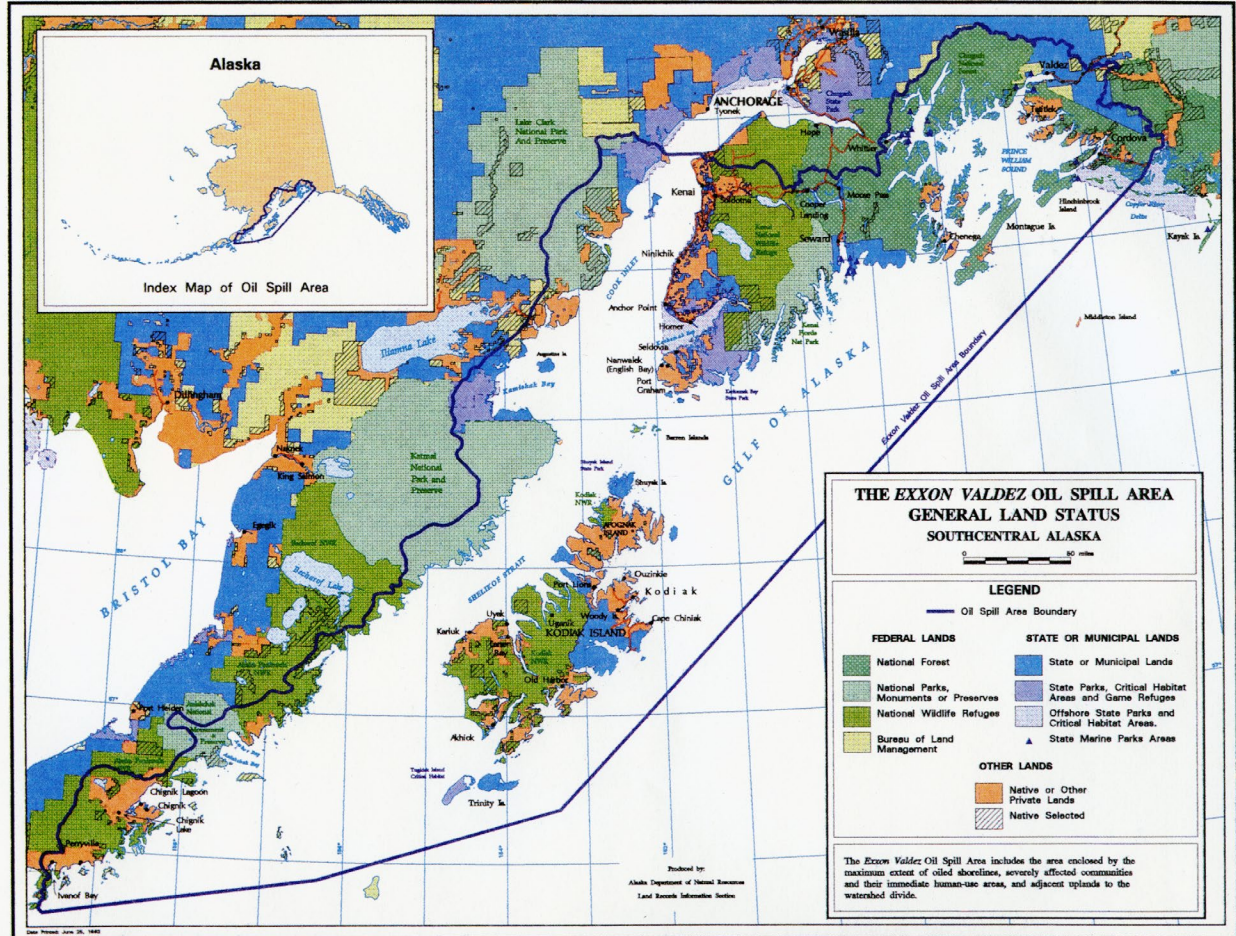
administrative staff at (907) 278-8012. They can also be reached toll-free in-state at (800) 478-7745.

C. Non-PAC Events

**The PAC may recommend that a member attend and report on a Trustee Council sponsored or sanctioned workshop, meeting, or other event within the State of Alaska and be reimbursed for travel and expenses. Prior approval of the Executive Director is required. This does not preclude PAC members from attending such functions at their own expense.

APPENDIX

APPENDIX. MAP OF THE OIL SPILL AREA



In 2021, 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](#)). Restoration activities will still occur primarily within the Spill Area.

<https://evostc.state.ak.us/oil-spill-facts/spill-map/>