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The Coastal Coalition

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April 15, 1991

To: Senate Special Committee on the Exxon Settlement

Fr: Rick Steiner

Re: Revision to testimony given via teleconference on April 13

Friends,

Last Saturday in testimony before your committee I stated that, although the settlement was inadequate in light of the criminal negligence and natural resource damages involved, we should probably accept it in order to get on to the urgent needs of restoration. I also stated that to the extent that these monies were applied toward the acquisition of threatened habitat and scenic/recreational resources, I thought that our objectives for environmental recovery could be accomplished. We can't really directly restore most of the damaged resources, but we can protect the ecosystem from further stress in order to allow it to heal on its own. This is also the professed policy of the State of Alaska (see attached). The Governor's public statements, both before and after his election, strongly supported the notion of protecting the impacted region from further damage by purchasing timber rights from willing sellers, and establishing a sort of trans-jurisdictional marine conservation area within Prince William Sound.

However, the next day during the House's field hearing here in Cordova, statements by two of the State's Trustees left me doubting the administration's commitment to using the bulk of funds recovered from Exxon for a comprehensive program to acquire threatened resources. Attorney General Cole and Commissioner Rosier stated that they were not interested in the protection of large tracts of upland habitat, and that acquisitions should be limited to some buffer strips, etc.. This came as quite a shock to me and, I'm sure, many Cordovans who had been led to believe that this administration was seriously committed to the comprehensive protection of this region from further damage, particularly by timber harvesting.

The entire basis of my recommendation that the settlement be accepted was that the money was urgently needed this year in order to acquire and protect several immediately threatened resources of high value along the coastline of Prince William Sound, the southern Kenai Peninsula, Kachemak Bay, and Afognak Island. In light of the administration's lack of resolve toward this end, I no longer sense any urgency whatsoever toward resolving our litigation with Exxon. The main reason to settle now was so that the many immediately threatened resources within the region could be protected. This no longer seems to be the administration's intention. This saddens me very deeply because had the State and Federal governments been so committed, this settlement could have been made to work. It could have greatly aided the recovery of the impacted environment. But without this sort of resolve, I am quite certain that most of the money will just be wasted on meaningless initiatives, and we will have lost all ability to recover appropriate damages from Exxon and Alyeska. Unless we can get a commitment that assures the proper use of these monies, I regrettably urge you not to approve the settlement.

FROM: Prince William Sound and Gulf of Alaska;
Draft 1991 Restoration Work Plan, Note
(Signed by State & Feds).

4. Protection of Strategic Fish and Wildlife Habitats and Recreation Sites

Lead Agencies: Alaska Department of Fish and Game, Alaska Department of Natural Resources, U.S. Department of the Interior, U.S. Department of Agriculture

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Need and Objectives:

The marine and intertidal habitats where most oil spill injuries occurred are ecologically linked to adjacent uplands. The water quality in streams and estuaries where salmon spawn depends on the adjacent uplands. Eagles nest and roost in large trees along the coasts and streams, and marbled murrelets nest in association with forested uplands. Harlequin ducks nest in riparian habitats and feed in the streams as well as in nearby intertidal and estuarine areas. Common and thick-billed murres and other seabirds nest on off-shore islands.

Tourism and recreation activities, such as sport fishing and camping, also depend on the quality and accessibility of shorelines and uplands. The diversity, productivity, and uses of intertidal and estuarine habitats, and of freshwater streams along the coast depend on the ecological integrity of the adjacent uplands. Continued productivity in the undamaged parts of the regional ecosystem, including strategic marine, intertidal, and estuarine habitats and adjacent uplands, may be necessary for the recovery of biological communities that were injured.

During the public scoping process the governments received many restoration suggestions that involved the protection and prime fish and wildlife habitats, recreation sites, and adjacent uplands. Suggested approaches to this protection included land acquisition and changes in management practices.

Land-use activities may occur in the oil spill area in 1991 or 1992. These activities may impact important habitats and recreation sites or slow the recovery of spill-injured resources.

The objective of this project is to identify and protect strategic wildlife and fisheries habitats and recreation sites and to prevent further potential environmental damages to resources injured by the Exxon Valdez oil spill. This project will be preceded by a technical support project to identify and evaluate potential properties which if publicly owned will contribute to this objective. Where acquisition of property

rights is determined to be appropriate, they will be acquired on a willing buyer/willing seller basis. Primary considerations in deciding which properties should be acquired during this project will include (1) the nature and immediacy of changes in use that may further affect resources injured by the oil spill and (2) the prospect that failure to act will foreclose restoration opportunities.

The Trustees have developed the following preliminary sequence of steps for use in identifying and protecting strategic fish and wildlife habitats and recreation sites:

1. Identification of key upland habitats that are linked to the recovery of injured resources or services by scientific data or other relevant information.

2. Characterization and evaluation of potential impacts from changed land use in relation to their effects on recovery of the ecosystem and its components; comparative evaluation of recovery strategies not involving acquisition of property rights (e.g., redesignation of land use classification), including an assessment of protection afforded by existing law, regulations, and other alternatives.

3. Evaluation of cost-effective strategies to achieve restoration objectives for key upland habitats, identified through steps one and two above. This would include evaluation of other restoration alternatives for these resource injuries.

4. Willing seller/buyer negotiations with private landowners for property rights.

5. Incorporation of acquired property rights into public management.

Habitat and recreation site acquisition proposals that meet the appropriate evaluation factors for restoration (see section 2) will be identified and assigned by priority for implementation in accordance with this preliminary five-step process and applicable State and Federal laws and regulations.

The geographic scope of the 1991 project will be the oil spill area. Subsequent to this initial effort, the

Trustees will continue to survey potential acquisitions, including acquisitions outside the spill area. Estimated Cost: To be determined

C. Funding for the 1991 Restoration Work Plan

Although it is expected that the responsible parties will pay for the costs of the damage assessment and restoration program, there is no certainty about the final amount and when such funds will be forthcoming. It is possible, therefore, that funds to carry out the 1991 Restoration Work Plan, including the proposed planning and implementation activities, will have to be advanced by the State and Federal governments. To date, those funds have not been committed or secured by either government.

D. References

The documents listed below provide additional information on damage assessment and restoration. They are available from the Oil Spill Public Information Center, The Simpson Building, 645 G Street, Anchorage, Alaska, 99501.

1. "The 1990 State/Federal Natural Resource Damage Assessment and Restoration Plan for the Exxon Valdez Oil Spill, Volume I Assessment and Restoration Plan Appendices A, B, C."
2. "State/Federal Natural Resource Damage Assessment Plan for the Exxon Valdez Oil Spill," August 1989.
3. "Restoration Planning following the Exxon Valdez Oil Spill: August 1990 Progress Report."
4. "Restoration following the Exxon Valdez Oil Spill: Proceedings of the Public Symposium," July 1990.

Dated: February 26, 1991.

Lajuana S. Wilcher,

Assistant Administrator, Office of Water, U.S. Environmental Protection Agency.

Dated: February 25, 1991.

Charles E. Cole,

Attorney General, State of Alaska.

(PR Doc. 91-5014 Filed 2-28-91; 8:45 am)

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