

11 November, 2004

John Devens, Ph.D.
Executive Director
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Dear Dr. Devens:

We are writing in response to the PWSRCAC's request for site specific information for use in the Potential Places of Refuge project (PPOR), specifically in regards to Jack Bay. We are also using this opportunity to raise some concerns about the POR program planning process as a whole, as it appears that there may not be an opportunity for public comment on the final document. We hope that this is not the case, as we feel it could be improved by additional review.

As private landowners in Jack Bay, we have devoted considerable effort to promote the continued vitality of the bay and uplands. Some of our properties are adjacent to the shoreline, while others are more removed, but the health and environmental quality of the bay is of overriding concern for each of us, including the abundance, diversity, and exceptional quality of natural resources such as fish and wildlife, scenic views, clean water and air, and peace and quiet. Jack Bay was very fortunate not to have been directly impacted by oil following the 1989 Exxon Valdez oil spill, and we wish to avoid future contamination of the area insofar as possible. It should come as no surprise to anyone who was affected by that tragic accident that the specter of future spills is an awful proposition for local residents, and elicits a strong response from us, now that we find ourselves in the position that the waters of Jack Bay have been, essentially overnight, changed from a place that was managed to protect natural resources and recreation to one of a few high risk "pre-identified" potential places of refuge for a damaged deep draft vessel.

After reviewing the POR plan and other sites selected as PPORs, it is clear that all of the pre-identified, protected deep draft sites are in, near, or are likely to impact sensitive resource areas. There does not appear to be a "good" place of safe harbor for a discharging deep draft vessel in proximity to the tanker traffic lanes. **Yet, some sites are more sensitive, vulnerable, or valuable than others, and shortcomings in the current program's ability to make this type of distinction before or during a vessel emergency is at the heart of our concerns.** We are not requesting that Jack Bay or other sensitive sites be taken off the PPOR list, but we do feel that in the interest of minimizing environmental damage to PWS, there should be closer examination both of the PPOR program as a whole, and of individual sites before the documents are finalized. We discuss the following concerns with the PPOR process and document, followed by concerns and information specific to Jack Bay:

1. **Public and agency participation in the development of the PPOR program appears to have been very limited, to the detriment of the plan's ability to protect natural resources;**
2. **The concept and consequences of "pre-identification" of PPOR sites needs clarification;**
3. **The lack of guidelines to help prioritize resource concerns, combined with the site selection process laid out in the ARRT's "Guidelines for Places of Refuge Decision-Making" may result in a poorly-informed judgment, especially during a vessel emergency requiring rapid response;**
4. **The site information presented in the PPOR requires greater scope and depth for responsible decision-making with reference to protection of natural resources.**
5. **Provisions to protect resources in the proximity of PPORs should be enhanced and expanded, given the likelihood of heavy local impacts to these often sensitive and important locations.**

General Comments

1) **Public and agency participation in the development of the PPOR program appears to have been very limited, to the detriment of the plan's ability to protect natural resources.** During our conversations with a number of agency personnel whom we expected to have provided input into the PPOR program, a disturbing proportion had not participated, or were unaware of the existence of the PPOR program. For example, State Parks was not included in the workgroup meetings, or even notified about the PPOR project, despite obvious potential impacts to sites they manage. The same was true for USFS resource managers and ADF&G fisheries biologists responsible for PWS stocks, among others. This probably results in part from poor intra-agency communication, but also reflects limited resource agency participation in the PPOR workgroup meetings. Also, the sentiment that "the Coast Guard is going to make the final decision anyway, and our input is of limited value," has been expressed more than once. We find this disquieting, and urge resource agencies to clarify their role, articulate their concerns, and participate fully in this important process.

The Alaska Regional Response Team's (ARRT) decision-making guidelines explicitly state that resource managing agencies should have a substantial role in PPOR planning: The Coast Guard is the Federal On-scene Coordinator, which coordinates input from other federal agencies including the U.S. Department of the Interior, the U.S. Department of Commerce, and U.S. Department of Agriculture, each of whom *"have authority to represent and protect their respective interests for incidents that may threaten or affect national parks, national wildlife refuges, national forests, other federal lands and their lands, waters, and other resources within Federal management authority, including*

Federally-owned submerged lands and Federally-owned shorelines, and to provide input to the COTP.”

Likewise, DEC is the State On-scene Coordinator, and receives input from DNR and ADF&G, who “*each have authority to represent and protect their respective interest for incidents that may threaten or affect cultural and historic sites, state parks and recreation areas, state forests, state refuges, sanctuaries, and critical areas, or other state lands under their respective management authority and provide input to the State On-Scene Coordinator and the COTP.*” (Annex O, Guidelines for Places of Refuge Decision-making, p.4.)

While the initial identification of potential anchorages is understandably an issue for nautical experts, we feel that resource managers and the public should also have the opportunity for meaningful input. ADF&G, DNR, State Parks, USFS, and USFWS trustees face considerable threats to resources they are entrusted to manage in a situation involving pollution from a discharging vessel. Yet, so far as we can tell, they have not to date had much say in pre-identifying sites, omitting sites from the list, ranking or qualifying sites, providing extensive site information, or suggesting additional mitigation measures to protect local resources near PPORs. **We do not understand at what juncture—between the initial pre-identification of sites and a final decision to use a site as a POR—management agencies will exercise their authority to protect the resources they are mandated to protect.** Active participation calls for much greater involvement than simply attending workgroup meetings. It does not seem reasonable or effective for this “significant participation” to occur only after a vessel incident has occurred, *and* if there is time for the COTP to activate a Unified Command, *and* if there is time for the UC to consult with appropriate agencies.

Clearly, *now* is the time to bring interested parties together. In the wake of the Exxon Valdez oil spill and its devastating aftermath, biologists, natural resource managers, maritime experts and industry professionals should work together to create state-of-the-art contingency plans. In the absence of this type of effort, we fear that the PPOR plan serves more to diffuse the COTP’s liability for a poor decision (through last-minute consultation) than it seeks to avoid that poor decision (through advance planning and real-time updating/amendment of plans).

The ARRT decision-making guidelines state that the PPOR document should be reviewed by the public prior to inclusion in the appropriate subarea contingency plan (Annex O, p. 15 Appendix 3.) Given the importance of PWS to a large number of Alaskans, we expected a reasonably well-publicized public comment period to have been conducted. In-depth review by agency professionals should also take place, presumably during this period. We question whether this has occurred.

2) **The concept and consequences of “pre-identification” of PPOR sites needs clarification.** Taken together, the “pre-identification” of PPOR sites and collection of logistical information about them for the PPOR document has the effect of placing these sites at greater risk for actual use as a POR. We make this point after being repeatedly informed that the POR process is simply an information collecting project and that no sites have been pre-approved for actual use. However, as we understand the process, after sites have been pre-identified, no provisions exist for a secondary process in which resource agencies or the public can provide guidance as to which of the sites identified as physically capable of being used should actually be considered as *acceptable* for use, and under what circumstances. For instance, a bay that might be acceptable in a life-threatening emergency may not be the preferred choice given a less dire situation.

We believe that the risk associated with pre-identification has been downplayed. This is particularly true for Jack Bay and other PPORs located in the vicinity of the tanker shipping lanes, given the limited number of pre-identified sites suitable for a deep draft vessel. **Given this increased risk level for PPORs, we argue that “pre-identification” qualifies as an “action,”—not merely information acquisition--and should be accompanied by more focused attention on the potential impacts resulting from the actual use of these sites, including:**

- a. **an expanded assessment of at-risk qualities and resources in and near PPORs;**
- b. **a contingency plan, developed with substantial agency participation, that provides guidance on which of the PPORs should receive highest priority protection; and**
- c. **expansion and improvement of GRS plans to protect sensitive resources in the vicinity of PPORs.**

These measures are discussed further below.

3) **The lack of guidelines to help prioritize resource concerns, combined with the site selection process laid out in the ARRT’s “Guidelines for Places of Refuge Decision-Making” may result in a poorly-informed judgment, especially during a vessel emergency requiring rapid response.** As we understand the POR decision-making process described in Annex “O,” after individual PPOR sites are pre-identified, there is no provision to refine information about which sites are more or less sensitive, more or less valuable to the public, etc., and no recommendations provided to the COTP based on collaboration by knowledgeable resource specialists. Instead, critical resource protection decision-making appears to rely on the real-time assembly and communication of information that has never been consolidated into a considered response plan. And, this is a best-case scenario: *if* sufficient time exists, the COTP will activate a Unified Command, which will—*if* time exists—consult with resource agencies and other stakeholders to collect up to date information about which sites are most sensitive, at greatest risk, etc., and otherwise the COTP may make a rapid decision on his/her own, without the benefit of consultation. Although real-time consultation is clearly desirable, basing the fundamental

decision-making process on successful last-minute conferral does not seem to us to be the best way to safeguard the priceless natural resources of PWS.

The idea that information will flow smoothly and quickly through the necessary channels at the time of a high-stress emergency seems problematic. **The very complexity of the exercise—as well as the severity of the consequences of a poor decision—argues for some form of basic contingency plan for natural resource protection.** Such a plan would not limit the options of the COTP or reduce the value of real-time consultation with stakeholders. To the contrary, it would provide better, more carefully considered recommendations as a foundation for rapid real-time revision, reassessment, etc. In the event of an emergency requiring rapid response, without time to activate a Unified Command or consult with stakeholders, it would provide guidance for the COTP, and reduce his liability for decisions that are likely to be closely scrutinized under any scenario. As it exists, the complex, tiered consultation process described in the “decision-making guidelines” may serve to diffuse the COTP’s legal liability for decisions more than it provides “best information and professional judgment” regarding resource protection.

Resource agencies themselves do not necessarily have clearly defined recommendations for spill response, and the development such recommendations would benefit the preparedness of spill responders in PWS. Information summarized into a basic plan, general guidelines, or a range of suggestions before a time of need are likely to lead to better outcomes in the event of a spill. We encourage planners to assemble necessary detailed information on which to base resource protection *before* it is needed, and put it at the fingertips of decision makers in the form of general recommendations to minimize impacts to the highest priority biological processes, sensitive habitats, subsistence, sport and commercial harvest areas, and recreation sites.

Creating a baseline plan, it seems to us, has several distinct advantages over the proposed scheme of having pre-identified PPOR sites that will be evaluated only at the time of an incident. First, prioritization of PPORs based on resources present, risk level, logistical suitability as a POR, etc., can be openly discussed by a broad range of stakeholders with ample time for consensus building; this is more participatory and transparent than the existing design, which appears to suffer from under-representation of resource managers and other public interest representatives. Second, gaps in basic biological resource information for PPORs can be identified and filled before an emergency exists. And third, in the event that the Coast Guard or Unified Command is unable to consult with some or all of the lengthy list of stakeholders listed in the ARRT’s Annex O, a baseline plan certainly seems to fulfill the desire for “best available information and best professional judgment” better than no plan.

4) The site information presented in the PPOR requires greater scope and depth for responsible decision-making with reference to protection of

natural resources. The Site Assessment Matrix (Table H-2), Maps, and associated Site Information Tables, provide a useful summary of important natural- and social resource information, *but a summary only*. No attempt is made to place the site information in a context of local or regional importance, such as the existence of resources that influence Sound-wide biological processes, or presence of exceptional features, and no attempt is made to provide any manner of prioritization for use or avoidance, including seasonal sensitivities. In a vessel emergency where environmental damage is inevitable, triage principles necessitate the weighing of options to make difficult decisions. These decisions should be based on extensive, accurate information.

Many PPORs are located in sites that are identified as having biological resources of outstanding importance in the “Prince William Sound Biological Hot Spots Workshop Report,” prepared by the National Wildlife Federation and biological resource agencies. Also, many sites are located in areas that were specifically chosen for priority protection by the Geographic Response Strategy (GRS) process. Inclusion of this type of “big picture” information into PPOR decision making calls for more information and synthesis (from agencies and other professionals) and for a format capable of containing type of information, which should include recommendations on how to minimize impacts to key resources.

The site summaries also suffer from a lack of important information for sites with which we are personally familiar. We discuss shortcomings specific to Jack Bay, below, but recognize similar problems for other sites. For example, Heather Bay is an important recreational site of special importance to sea kayakers and commercial kayak touring operators in Valdez, and is adjacent to the Columbia Glacier, a site of international acclaim; Sheep Bay was identified as one of three exceptionally important biological sites in PWS by ADF&G, and also as a Biological Hot Spot. These properties/conflicts are not identified in the PPOR site information tables.

Pre-identified sites should receive a more thorough assessment so that the real value of the resources placed at risk are known and so that sites can be prioritized, and protected to the greatest extent possible. The rationale for this approach is apparent, when one compares a map of PPORs with that of PWS biological hot spots, and with other maps depicting sensitive areas. Of the four protected, deep draft PPORs identified between Hinchinbrook Entrance and Port Valdez all four are known to contain sensitive wildlife habitats and existing GRS plans (Zaikof Bay, Port Etches, Outside Bay and Jack Bay), and the first three are listed as “hot spots.” We do not have the expertise to rank these important resource areas, but point out that each is regionally significant and merits careful contingency planning before use as a “sacrificial bay.” The active, advance participation of professionals can help provide guidance as to how to compare the relative merits of these sites. Equally important, we suggest making an effort to identify “least impact” options, such as using those PPOR sites that appear to have lesser resource value, (e.g., McPherson Bay) or sites where the presence of extensive

spill response equipment can reduce environmental impacts (e.g., sites in Port Valdez.) These may be better choices for actual use.

Prince William Sound is a region of global significance largely because of its natural resources. It is managed primarily to protect and utilize these resources, and local economies are reliant on the continued health and quality of natural resources. With the type of thoughtful, advance input recommended above, the COTP will be in the defensible position of having made decisions based on the “best information and best professional judgment” with respect to natural resources. While the USCG and DEC are concerned largely with matters of vessel operations and safety, it seems entirely appropriate for resource managers and professionals to take a large role in preparing information and resource-based recommendations for those who will ultimately make decisions about vessel emergencies.

5) Provisions to protect resources in the proximity of PPORs should be enhanced and expanded, given the likelihood of heavy local impacts to these often sensitive and important locations. The PPOR documents call for the development of GRS for PPOR sites where they do not already exist. We are concerned that the level of protection afforded by existing GRS in PPOR sites is not adequate for the potentially concentrated impacts likely to occur in the proximity of a discharging vessel. Jack Bay is an excellent case in point, where only one of four environmentally sensitive estuaries and stream mouths are protected. Private lands and EVOSTC conservation property also are not identified or protected in the GRS, as discussed below. **We urge that significantly improved GRS be developed for all pre-identified PPORs, but especially those deemed to be at greatest risk (most likely to be used, most sensitive/valuable resources at stake, highest exposure to pollutants, etc.)** Given the small number of pre-identified PPOR sites that are reasonably likely to be considered for use as a POR for a leaking tanker and the potential for extreme environmental damage resulting to sites in the vicinity of POR anchorages, careful attention and the best available protection of at-risk resources seems fully warranted, including significantly expanded spill response materials available for these sites. **It would be inexcusable for damage to result to the local environment of a PPOR because inadequate response planning and equipment had been devoted to these high risk areas.**

Given the generally poor level of resource protection/pollutant recovery associated with spills in Alaska, we stress the fact that good spill response planning should be required for PPORs...but in no way justifies inappropriate selection of higher value PPOR sites when less sensitive options exist.

Specific Comments Relevant to Jack Bay

Jack Bay has been pre-identified as a PPOR suitable for a deep draft vessel, it is adjacent to the heavily used tanker lanes, and it is also quite close to a number of

PPORs in Port Valdez. Thus, the question of whether Jack Bay or Port Valdez would be chosen in time of need looms large--particularly in the event of an accident resulting in serious vessel discharge. **We recommend that the COTP attempt to restrict impacts resulting from commercial vessel activities to the vicinity of the industrial area surrounding the Valdez Marine Terminal, insofar as conditions permit. This is based both on the availability of spill response equipment and numerous other services present in the Port, and on the principle of reducing the footprint of industrial activities in PWS.** To the extent that conditions permit a range of decisions to be made at the time of a vessel incident, this choice represents an important social issue that extends beyond questions of maritime law, the COTP's authority, and logistical issues. It deserves to be discussed in a larger context, among a broader audience.

The oil shipping industry has considerable presence and influence in the arena of contingency planning, and their interests may differ markedly from that of the public at large. Specifically, we are concerned that there will be intense pressure on the COTP and other decision makers to avoid disruption to vessel traffic in the vicinity of the Valdez Terminal. We fear that this pressure could easily result in the use of Jack Bay as a POR, rather than pre-identified sites in Port Valdez. **We would like to see resource agencies provide the COTP with clear recommendations concerning protection of natural resources, and we suggest that the PPOR document is the appropriate place for these recommendations to be recorded.**

After review of PPOR Project Supplement, we feel that Table H-2 and the site information tables and map for the Jack Bay PPOR do not provide sufficient information to allow the COTP/Unified Command to make an informed decision, especially if the incident requires immediate action. As in our first letter (dated 22 August 2004), we offer the following comments and information specific to the Jack Bay PPOR in hopes of improving the overall planning and decision process.

1) The Exxon Valdez Oil Spill Trustee Council (EVOSTC) conservation lands on the south shore of Jack Bay are not mentioned in the Jack Bay PPOR maps or tables. In our previous letter to the COTP, we discussed the EVOSTC-acquired lands on the south side of Jack Bay. These lands stretch from the vicinity of Tongue Point eastward across Levshakoff and Gregoreoff Coves, to a point contiguous with private land. This four-plus miles of shoreline and uplands were purchased at considerable effort and expense by the EVOSTC, with cooperation and assistance from the U.S. Forest Service Chugach National Forest (USFS), DNR, Alaska Wilderness Recreation and Tourism Association, and The Nature Conservancy.

The USFS Cordova Ranger District has management responsibility for this property per the terms of a conservation easement that is held by DNR (Valdez Recorder's Office, 2003-000332-0; we will be happy to provide copies to

interested parties). The conservation easement states that "the United States and the State of Alaska intend to preserve and protect the Protected Property in perpetuity in order to restore, enhance, and rehabilitate natural resources injured by the Exxon Valdez oil spill and the services, including recreation, tourism, and sport hunting and fishing, provided by those natural resources." The salmon spawning in Gregoreoff and Levshakoff Creeks, primarily in and just above the intertidal zone, comprise the single most important biological attribute of this property, as the salmon, their decomposing carcasses, eggs, and fry provide the nutrient base for a large proportion of other biological productivity and diversity both on the Protected Property and for the Jack Bay area, as a whole. We note that the recreational value of Jack Bay, and attendant economic benefits to Valdez, are also closely tied to the salmon runs.

Among the disturbances prohibited by the easement, we note:

a. (v) manipulating or altering natural water courses, shores, marshes, or other water bodies or activities or uses detrimental to water purity on the Protected Property.

and

b.(ii) the dumping of garbage, trash, or hazardous materials.

We wish to make the COTP/Unified Command aware of the EVOSTC conservation easement and request that they give this land a high priority for protection if or when it becomes necessary to select a PPOR. In order for this prioritization to have a lasting effect, it must somehow be stated in the PPOR document; again we note that, as written, this type of information is not readily contained by the document format. We would also reiterate our contention that "pre-identification" of Jack Bay as a PPOR *does* constitute a Federal action, with predictable impacts in the event that it is used as a POR. And, in light of the expressed responsibility Federal and State agencies have to safeguard the resources they are entrusted to manage (see general comment 1, above), we request that they make protection of the EVOSTC property a priority by informing the USCG of the conflict between actual use of Jack Bay as a POR (if vessel discharge is reasonably predictable) and enforcement of this easement.

2) We have discussed in our previous letter the strong north-northeasterly winds that affect the two pre-identified anchorages and grounding site. These PPOR sites are all close to, and upwind from the EVOSTC Protected Property. It is highly likely, given the weather and sea condition limitations of oil spill countermeasures (see Fingas 2004), that any vessel discharge emanating from these sites will impact the EVOSTC Protected Property. Salmon and the highly sensitive spawning habitat associated with this property are especially susceptible. This is due to both the physical location of spawning habitat within the intertidal and adjacent upstream areas and the life history attributes of

salmon which cause them to be present throughout the year in various life stages.

To date, we are not aware that the USFS or DNR has brought the EVOSTC easement up for discussion at workgroup meetings or, if so, what conclusions were made.

3) Jack Bay is a public resource of regional significance because of its inherent properties, recreational value, and ease of access by small boat operators out of Valdez. Many exceptional areas exist across PWS, but they are largely inaccessible to small boat operators in this region because of sea and weather conditions commonly encountered outside the Port. **We feel the regionally significant importance of Jack Bay as a recreation area is not adequately documented in the PPOR data.** Simply stating that Jack Bay is used for a variety of recreation activities does not satisfy this objection, as it fails to identify the lack of other similar sites in the vicinity, should Jack Bay be impacted through use as a POR.

4) We provided fairly detailed comments in our first letter that cited a variety of reasons why Gregoreoff and Levshakoff Creek Coves and associated estuaries should be protected; however, these areas appear to have been deleted from the original list of sensitive sites in the site information table for map 2, Jack Bay. **We wish to be on record as strongly recommending that these two coves receive special attention, as should Vlasoff Cove and the head of Jack Bay near the mouth of the Naomoff River, all based on the sensitive biological resources they encompass.** Of course the islands and Levshakoff Cove are within the Jack Bay state marine park, and deserve priority protection, as well.

5) The GRS for Jack Bay does not attempt to protect Levshakoff or Gregoreoff Coves and estuaries, or other parts of the EVOSTC property, or the private properties immediately to the east. We urge that, as responsible development of the PPOR program, the GRS be updated and expanded to address these priority sites, and also to provide more complete protection (e.g., a boom across the narrows) for the highly productive Naomoff River estuary.

We do not approve of the storage of spill response equipment in Jack Bay, as this would detract from the natural properties that currently distinguish this important recreation area, such as scenic and other aesthetic qualities of the bay. Spill response equipment is available in nearby Port Valdez.

6) A potential cultural site worthy of mention is one identified by Chugach Natives, Inc. As listed in the DNR Jack Bay Homestead Project files (ca. 1986), Chugach Natives, Inc. filed traditional cemetery and historical site applications for sites on the point between Levshakoff and Gregoreoff Creeks, and the area surrounding the Gregoreoff Creek Cove.

7) Subsistence fishing and sport fishing and hunting are common activities within Jack Bay. Subsistence resources include mussels and spot shrimp collected by landowners in Gregoreoff Cove and along the south side of the bay, respectively. Pink and silver salmon, halibut and rock fish are sought by sport fishers; and black bear and goats entice hunters to the bay. Recreational use is highest during May (shrimping and bear hunting) and June-August (shrimping, fishing, camping at the State Marine Park and USFS cabin, kayaking, hiking). Black bear hunting resumes in September and Goat hunting in October.

8) The following information discusses the biological attributes of Jack Bay which we have attempted to summarize in an attached table. Some of this information has been captured in the Prince William Sound Subarea Plan (SCP) and the National Oceanographic and Atmospheric Agency Environmental Sensitivity Index Maps. However, much of the information presented in these documents is not readily available or lacks sufficient detail to provide much help to COTP/Unified Command decision makers, particularly during an emergency, when time is of the essence. In addition, after reading the PPOR Supplement we must assume that the data found in the PPOR and SCP will be, under certain circumstances and without input from outside agencies, all of the information available to the COTP/Unified Command from which to select a PPOR. In an effort to supplement the base of available information, we offer the following observational data:

a. Vlasoff, Gregoreoff, and Levshakoff Creeks, a small stream adjacent to Gregoreoff called No Name Creek, and the Naomoff River are significant pink and chum salmon spawning streams, and coho salmon spawn in Levshakoff Creek and the Naomoff River. The combined escapement for the five previously mentioned streams based on Alaska Department of Fish and Game aerial index surveys are as follows: even-year pink salmon 31,686 (based on the average of counts conducted from 1964-2002); odd-year pink salmon 28,288 (based on the average of counts conducted from 1963-2001); and chum salmon 11,823 (based on the average of counts conducted from 1963-2003). Because of uncertainties associated with escapement estimates derived using aerial survey methods, these escapement estimates are only used as indicies from which to compare escapement year to year. In reality these estimates likely underestimate actual escapement. Each year ADF&G conducts aerial surveys on at least 208 of the approximately 1,000 streams in PWS. The escapement from Vlasoff, Gregoreoff, No Name, and Levshakoff Creeks, and the Naomoff River represent an important contribution to the area production of wild salmon stocks. The use of intertidal areas versus upstream areas for spawning varies from year to year, with even years generally having more intertidal spawners. The percentage of intertidal spawners has been measured as high as 75% for some streams (Steven Moffitt, ADF&G, pers. comm. 2 Nov 2004).

The adult salmon in the bay, coves, and spawning streams provide a critical pulse of nutrients during the spawning season between June and late September for seals and sea lions, bears, coyotes, and eagles, among other species, while their carcasses perform a similar function for other species during the fall and winter. In spring, the one million plus salmon fry (based on a 45% female ratio, an average fecundity of 1500 eggs/female, and a 0.05 % egg to fry survival) that move into the estuaries and nearshore environment of Jack Bay provide an important food source for sea ducks, alcids, and other diving birds, as well as for other fish. We mention this to highlight the critical importance of salmon in the local food web. Salmon are vulnerable to oil spill and other pollution throughout the year, as spawning adults (June-Sept), as eggs (July-Feb), and as fry and juveniles (March-July).

b. Levshakoff Creek estuary has a broad, sandy intertidal zone with abundant bivalves and eel grass beds. In addition to sea otters, harbor seals, river otters, and sea lions, we note the importance of this broad, low-gradient intertidal basin to a variety of diving birds, including diving and dabbling ducks, geese, grebes, and alcids, possibly due to the local abundance of marine mollusks in the sediments. Note that the more extensive tidal flats of the Naomoff River are ice covered during the winter months, increasing the local fauna's reliance on the shallow waters found in Levshakoff, Gregoreoff, and Vlasoff Coves during the winter.

c. Resident and transient killer whales use Jack Bay, and a juvenile transient killer whale was observed preying on a sea otter in the outer part of Gregoreoff Cove.

d. Birds: four loon species have been observed between Gregoreoff Creek and the Jack Bay islands (Yellow Billed, on four occasions; Common, Pacific, and Red-Throated frequently). Loons are present in small numbers throughout the year.

Horned and Red necked Grebes are seasonally common in the shallow waters between Gregoreoff and Levshakoff Creeks.

Cormorant species: Pelagic and Double-crested Cormorants are common in the deeper waters off Gregoreoff Cove and especially around the islands and between islands and Vlasoff Creek.

Alcids: Marbled Murrelets are abundant during summer and present in lower numbers through winter. Common Murres are abundant during winter. Pigeon Guillemots are common during spring and summer.

Gregoreoff Creek and Gregoreoff and Levshakoff estuaries are known to be important for Harlequin Duck breeding: Gregoreoff Creek had the highest

nesting density of 23 streams surveyed in the eastern PWS during an ADF&G study, and Levshakoff Creek cove provides an important shallow foraging site for Harlequin Ducks (ADF&G study, 1991-93; Dave Crowley, pers. comm.) and other diving ducks. During the past decade, we have commonly observed from several to over twenty Harlequin Ducks in both Gregoreoff and Levshakoff Coves; these ducks are present to varying degrees in all seasons.

Diving ducks (other than Harlequin): Barrows Goldeneye, Bufflehead, Scoter species and Common and Red-breasted Mergansers are abundant. Several hundred ducks are present in Jack Bay, foraging largely in the shallow waters of Vlasoff, Gregoreoff, and Levshakoff Coves. They are especially concentrated near stream mouths during the spring, as the salmon fry enter salt water. The Naomoff estuary and the upper two miles of bay are commonly frozen from Nov-April, forcing ducks and other birds to seek habitat in the open waters of Vlasoff, Levshakoff and Gregoreoff Coves. Ducks provide important prey for Eagles during winter months.

Canada Geese and Mallards from small, non-migratory populations are present in Jack Bay throughout the year. During the winter months when the head of the bay is icebound, they are most commonly observed in Vlasoff Creek Cove, but also in Levshakoff and Gregoreoff Coves.

Bald Eagles are present all year long throughout the bay. During the salmon runs, high concentrations are commonly observed (as many as thirty individuals can be observed at one time in Gregoreoff Creek and up to 50 have been observed in Vlasoff Creek during salmon spawning season from late June - late September); nest sites are located throughout the perimeter of the bay. Of the known sites one is inland from Gregoreoff Cove, another around the peninsula to the east of the cove. Two nests are located adjacent to private land on south shore east of Gregoreoff Cr.; one nest is located east of USFS cabin and one on the north side of the upper bay; three nest sites are in the vicinity of Vlasoff Creek estuary. A majority of foraging for salmon by eagles occurs within the intertidal estuarine areas in Vlasoff, Gregoreoff, Levshakoff Creeks and the Naomoff River. Occasional foraging can be observed along the shoreline throughout bay.

Great Blue Heron: herons forage regularly along the tide line and in shallow intertidal basins in Gregoreoff and Levshakoff Coves throughout the year; as many as seven herons have been counted during a single observation.

e. Other observations specific to Gregoreoff Creek Cove and Estuary:

River otter: individuals and family groups up to 8 animals every year since 1991, throughout year.

Sea otter: often seen in deeper water beyond the cove; less common in Gregoreoff than in other coves.

Harbor seal: one to three individuals are consistently present in Gregoreoff cove throughout the year.

Black bear: seasonally abundant; use lower reaches of the Gregoreoff Creek and the upper intertidal area around the perimeter of Gregoreoff Cove during spawning season (late June - late September), and present in the salt marsh during spring (May-early June). Gregoreoff Cove is a popular black bear hunting area, due to heavy use by bears and accessibility to Valdez.

Conclusion and recommendations

We intend our comments to be constructive, and hope that they will contribute to the quality of contingency planning in some way.

In conclusion, we are not simply saying, “not in our backyard.” Indeed, we thoroughly approve of the principle of oil spill contingency planning to minimize the risk of future spills, and to reduce social and environmental impacts should a spill occur. And we commend the PPOR working group for developing an impressive plan in a short period of time; theirs is a challenging task in which ideal solutions do not exist. However, we do believe that the current PPOR plan suffers from shortcomings, as listed above, and ask that the best protection that can be developed is developed. Such protection is fully merited by the globally significant resources and values present in PWS, and is a stated intent of the PPOR project.

Projects with this capacity to affect the public interest typically involve environmental impact studies, and we are not convinced that the PPOR project is exempt from NEPA requirements. In the absence of this type of broad review, we recommend, at a minimum, convening a meeting of natural resource professionals, including biologists, resource managers, recreation specialists, and other stakeholders to review the PPOR program and pre-identified sites, provide relevant resource information, and make general recommendations as to how resource damage can be minimized in the event of a significant oil spill. The PWSRCAC should organize the meeting, and the agenda should reflect concerns we and other stakeholders have raised.

Thank you for the opportunity to provide input into this important matter.

Sincerely,

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Signing for the following Jack Bay landowners:

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