

STATE OF ALASKA

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL

FRANK H. MURKOWSKI,
GOVERNOR

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PHONE: (907)269-5100
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September 9, 2005

Mr. Gary Bader
Chief Investment Officer
Treasury Division, Dept. of Revenue
P.O. Box 110405
Juneau, AK 99811-0405

Re: Exxon Valdez Oil Spill Investment Fund

Dear Mr. Bader:

The Exxon Valdez Trustee Council has unanimously determined to expend \$2,913,143.13 in joint trust funds for restoration purposes consistent with the terms of the Memorandum of Agreement and Consent Decree entered by the federal district court in *United States v. State of Alaska*, No. A91-081 CIV (D. Alaska) on August 28, 1991. Of this amount, \$2,458,314.63 will come from the Research Investment Sub-Account and \$439,078.00 will come from the Koniag Investment Sub-Account. These joint trust funds are currently held by the State of Alaska in the Exxon Valdez Oil Spill Investment Fund and invested by the Treasury Division, Alaska Department of Revenue. Under the terms of the Reimbursable Services Agreement between the Alaska Department of Fish and Game and the Alaska Department of Revenue, please transfer the following amounts from cash held in the Exxon Valdez Oil Spill Investment Fund to the account described below:

State of Alaska

Amount: \$1,190,945.63
State of Alaska
Exxon Valdez Settlement Account
GeFONSI 33070
Account 22177

Mr. Gary Bader
Treasury Division, Dept. of Revenue

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United States

Amount: \$1,706,447.00

Beneficiary

account: 14X5198

name: Natural Resource Damage Assessment and Restoration Fund
(NRDAR)

Beneficiary

account: 14010001

name: Department of the Interior
Financial Management Services National Business Center

Beneficiary Bank

account: 021030004

name: Treasury, NYC

OBI Text

Natural Resource Damage Assessment Restoration Fund 14X5198
EVOS Exxon Valdez, Civil Settlement, FY06 Joint Funds

Beneficiary Reference

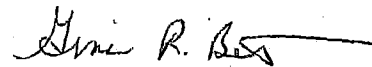
A91-082Civil

The transfer should take place when most financially advantageous, but no later than September 15, 2005 or as soon thereafter as possible. If you have any questions, please call Craig Tillery at (907) 269-5274.

Sincerely,



Craig J. Tillery
Assistant Attorney General
State of Alaska



Regina R. Belt
Environmental Enforcement Section
Environment & Natural Resources Division
U.S. Department of Justice
United States of America

cc: Kevin Buckland
Bob Mitchell

Exxon Valdez Oil Spill Trustee Council

441 W. 5th Ave., Suite 500 • Anchorage, Alaska 99501-2340 • 907/278-8012 • fax 907/276-7178

MEMORANDUM



TO: Craig Tillery, Alaska Department of Law
Regina Belt, U.S. Department of Justice

FROM: Paula Banks *Paula Banks*
Administrative Manager

DATE: September 9, 2005

RE: Court Notice # 13 – June 11, 2005 and August 10, 2005 TC approvals

The purpose of this memorandum is to request that the Alaska Department of Law and the United States Department of Justice notify the United States District Court of our intent to expend \$2,897,392.63 from the EVOS Investment Fund which includes \$2,458,314.63 from the Research Investment Sub-Account, \$439,078.00 from the Koniag Sub-account, and our intention to expend \$15,750.50 from the NRDAR reserve account.

Description	From Research Sub-Account	From NRDAR Reserve	From Koniag Sub-Account
FY 2005	\$2,458,314.63	\$15,750.50	\$439,078.00
Subtotal United States \$15,750.50			
FY 2006			
Subtotal United States \$1,706,447.00			
Subtotal State of Alaska \$1,190,945.63			
FY 2006 Total \$ 2,897,392.63			
TOTAL \$ 2,913,143.13	\$2,458,314.63	\$15,750.50	\$439,078.00
Subtotal United States \$1,722,197.50	To be disbursed as follows:	To be disbursed as follows:	To be disbursed as follows:
Subtotal State of Alaska \$1,190,945.63	United States \$1,267,369.00	United States \$15,750.50	United States \$439,078.00
	State of Alaska \$1,190,945.63		

There have been three Trustee Council meetings (June 11, 2005, August 5, 2005, and August 10, 2005) since the last court notice May 19, 2005.

The following documents are attached:

- June 11, 2005, meeting notes
- August 5, 2005, meeting notes
- August 10, 2005, meeting notes
- Resolution 0601 (*FY 2006 Work Plan with additional FY 2005 Approvals*)
- Attachment A to Resolution 0601

If you have any questions or need additional materials, please let me know.

Paula/court notice # 13
FY06 court notice

Exxon Valdez Oil Spill Trustee Council

441 W. 5th Ave., Suite 500 • Anchorage, Alaska 99501-2340 • 907/278-8012 • fax 907/276-7178



TRUSTEE COUNCIL MEETING NOTES

Cordova, Alaska

June 11, 2005

Chaired by: Drue Pearce
Trustee Council Member

Trustee Council Members Present:

Joe Meade, USFS
• Drue Pearce, DOI
James Balsiger, NMFS

McKie Campbell, ADF&G
Kurt Fredriksson, ADEC
Scott Nordstrand, ADOL

• Chair

The joint Trustee Council and Public Advisory Committee meeting convened at 10:05 a.m., June 11, 2005 at the Native Village of Eyak Masonic Hall, 500 First Street, Cordova, Alaska.

1. Approval of the Agenda

APPROVED MOTION: Approved the June 11, 2005 agenda

Motion by Nordstrand, second by Campbell

2. Approval of February 4, 2005 meeting notes

APPROVED MOTION: Approved the February 4, 2005 meeting notes

Motion by Balsiger, second by Fredriksson

3. Approval of May 3, 2005 meeting notes

APPROVAL MOTION: Approved the May 3, 2005 meeting notes

Motion by Fredriksson, second by Campbell

Public comment period began at 10:10 p.m.

Eleven public comments were received (Attachment A):

Dr. Ted Cooney, Ross Mullins, Ken Adams, Mayor Tim Joyce, Dr. Tom Kline, Meera Kohler, Walt Parker, Ed Backus, Jennifer Gibbons, Dr. Vince Patrick, Sylvia Lange

Public comment period closed at 11:30 a.m.

4. Budget amendment request for Project 040707

FAILED MOTION: Motion requesting \$17,500 additional funding for FY 05 and \$17,500 for FY 06

Motion by Campbell, second by Meade

5 Budget amendment request for Project 040708

APPROVED MOTION: Motion to approve \$15,750.50 additional funding for FY 05 and \$6,104 for FY 06

Motion by Campbell, second by Meade

6. Budget amendment request for Project 050750

FAILED MOTION: Motion to approve \$40,000 additional funding

Motion by Meade, second by Campbell

7. Overdue reports

APPROVED MOTION: Motion to defer action on the overdue reports until the August 2005 Trustee Council meeting requesting the EVOS staff work with liaison staff look at the quarterly, annual, and final reports while reviewing the final report process and procedures and bring recommendations back to the Trustees

Motion by Campbell, second by Fredriksson

8. Asset Allocation

APPROVED MOTION: Motion to approve the proposed asset allocation

Motion by Campbell, second by Balsiger

Off the record 12:05 p.m.
On the record 12:25 p.m.

Presentations by Dr. MaryAnne Bishop, Nancy Bird and Dr. Richard Thorne,
Prince William Sound Science Center

Off the record 1:35 p.m.
On the record 1:50 p.m.

Dialogue with the Public Advisory Committee, Pat Norman participated by
teleconference

Meeting adjourned at 3:40 p.m. Motion by Nordstrand, second by Balsiger

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
Public Meeting
Saturday June 11, 2005
10:05 o'clock a.m.
Cordova, Alaska

Pages 7-46 meeting transcript

CHAIRWOMAN PEARCE: Those are approved. That brings us to public comment. Do we have members of the public who would like to comment to the Trustee Council? Okay. Yes, sir. Why don't we take you first? Yes, sir. Please state your name and your affiliation.

MR. COONEY: Good morning everyone. My name is Ted Cooney, I'm a retired professor of marine science at the University of Alaska in Fairbanks. I presently reside in the little cowboy town of Choteau, Montana. Between 1994 and 1999 I served as the lead scientist for the Sound Ecosystem Assessment Program here in Prince William Sound. This huge and expensive endeavor leveraged one of the most sophisticated understandings of a juvenile fish ecosystem anywhere in the world. To a person the nearly 100 individuals working on SEA were justifiably proud of the contributions they made, specifically to Prince William Sound and generally to the area of marine fisheries ecology.

Unfortunately this sense of accomplishment was not shared by many of the stakeholders of the pink salmon and herring resources here in the Sound. I can still remember my initial shock at hearing one of the most respected fishermen from Cordova declare publicly that SEA had failed to produce much of anything useful. Reluctantly I had to admit that from a stakeholder perspective, that fisherman was right. Since then I've been working with the Prince William Sound fisheries research applications program here in Cordova to find ways of bringing elements of SEA and other studies to bear on local fisheries issues, and there are plenty of them.

SEA developed a series of numerical models that were used to explore ecosystem structure and function. Could these same tools be applied to problems that included possible wild and hatchery stock interactions and unreliable run forecasting for pinks? Several of us advising PWSFRAP thought that this might be the case.

I speak today to urge that the Council continue to support the PWSFRAP effort and those like it that are dedicated to applying the results of previous research to contemporary research questions. I was surprised to find that producing a comprehensive description of how the ecosystem works did not lead directly to useful applications. In fact, there are few if any case histories available to inform this process.

At the moment, PWSFRAP is facilitating the revival of a juvenile salmon survival model that holds promise for vastly improving pink salmon forecasting. While these sorts of predictions have been aiding those managing and exploiting most other salmon species, future run forecasting methods for pink salmon remain elusive. This lack of information leads to inefficient harvest decisions, problematic marketing strategies, and as we've seen from time to time, economic disasters.

Trustee Council funding over the years has produced some remarkable results leading to a vastly improved understanding of how the local ecosystem supports critical stocks of fishes, sea birds, and marine mammals. While as important academically as these results are, much of

their real worth remains to be exploited for practical application. In the continuing process of restoring and sustaining a healthy ecosystem, the Council could play a significant role by aiding those attempting to do this.

I ask today that you make the search for usefulness. The search for usefulness. The high priority for continuing and future support. Don't let this important growing application capacity slip through your fingers now. Thank you.

CHAIRWOMAN PEARCE: Thank you. Any questions?

(No audible responses)

CHAIRWOMAN PEARCE: Continuing in the front row.

MR. MULLINS: Pardon? Oh, thanks. Hello everybody. Welcome to Cordova. I'm glad you could make it down here as a community that was pretty severely impacted by the spill. And we appreciate your presence because a lot of the citizens of the region are interested in the process that you all represent.

I'm going to take a little different point of view than Ted did. I'm going to talk about the history somewhat of our past involvement going back 32-3 years when the fishermen made strong efforts to keep the pipeline from terminating in Valdez. We had a lot of concerns at that time which were later proven to be correct. And I'd like to comment here just reading a press release from the Anchorage Daily News, Thursday, April 8th, 1971.

A Cordova district fisherman union representative verbally squared off with oil company representatives Wednesday about the possible detrimental effects of Valdez tanker operations. Ross Mullins, speaking to -- I forgot, that is my name, Ross Mullins, I live here in Cordova. Ross Mullins, speaking to the Anchorage Press Club said, the oil industry, with the blessing of state government, unilaterally determined this port to be best for their purposes.

No consideration worthy of mention has been given, other values and resources and potential conflict with this determination, Mullins said. FG Larmeny, BP area manager said, the economics is all we're concerned with. Mullins replied, we're concerned with a little more than company profit, say the quality of life, for instance. The issue is, should the biological community of the area be exposed to change in the interest of corporate profit without the benefit of a democratic forum and governmental controls, including the involvement of local residents and fishermen who are dependent on the aquatic resources for their livelihood.

He said that Miller, et cetera -- tragedy for Prince William Sound is one of the nation's richest fisheries and largest shellfish stocks and the scenic beauty and aesthetic resource will someday be much more highly valued than they are today. That was 32-33 years ago.

Some things have changed, some things have improved, but you folks have the opportunity in your grasp to accomplish something that we were strongly desirous of in 1970's when we were opposing this operation. We argued for a slowdown so that baseline studies could be done, other research could be done, so that in the event of a major catastrophe, we would be able to measure the damages that were caused by that tragedy. And as you all know, we had the tragedy and we didn't have the baseline. We didn't have any good information that would give us some way to measure what was lost.

Now we have a -- you know, our herring population here collapsed. We just received an email from Gary Marty, one of the folks that's been funded through your efforts on toxicology of herring, disease of herring. He points out that things look like they're going to collapse even further, 40 or 50 percent in the next couple of years unless the 2003 recruitment year survives appropriately, which it appears not to be.

So we've got serious fishery problems, commercial problems, that are taking millions of dollars out of the community and have caused many fishermen to go out of business.

Now my partner, Ken Adams, and I have had before you in the past proposals and you've been gracious enough to fund us for a community involvement project, as it began, to try to engage the stakeholders in a dialogue to examine the sea resources and invest the 22 million

dollars in in 1994 through '99 and elevate what could be elevated to practical application that would benefit the industry and stakeholders.

And we're still pursuing that. Last year you provided us funds to encourage this planning process. The language of the '05 invitation stated that you anticipated a three year implementation of the pink salmon fry survival model.

Now I understand a lot of you feel, well, pink salmon are recovered. What has not recovered are the commercial fisheries services. When you take out nearly half of the economic value of the overall region's resources such as the herring, sure the pinks may have recovered but in order to offset that, you need to do other things in fisheries that are recovered or recovering that will give the fishermen a better, consistent, sustained opportunity. And the program we've been working on is directed in that -- toward that goal.

Now the modeling that was involved was a very complex affair that took place in the 90's and came out with some extremely provocative results. Unfortunately the funding was curtailed at a point before a lot of this stuff could have actually been implemented.

So we're just, you know, pleading with you to continue the long term GEM view of -- long term monitoring that will allow us here in the oil spill region to get a good comprehensive grasp of the ecosystem so that the understanding in the future will be such that in the event of another catastrophe, which is a very strong likelihood -- I mean, human error is always the fault -- then we will at least be prepared to be able to measure what's going on.

And, you know, we're seeing climatic shifts, various other, you know, large scale changing events that would be good to have a handle on. And, you know, I hope the rumors we hear that the state has a desire to take the restoration fund and put it in the state treasury and close the whole shebang down is totally unwarranted. I mean, you believe me, in a small community like Cordova, you hear these rumors and they take on a life that is quite independent of any reality.

So, you know, we hope you folks will do the right thing and continue with a long term program for the oil spill region and the critters and folks that live around here. Thank you very much.

CHAIRWOMAN PEARCE: Thank you. Any questions?

(No audible responses)

CHAIRWOMAN PEARCE: Before we go on to the next person here, could we have those people who are on line identify themselves, please?

MS. BELT: This is Gina Belts in Anchorage.

CHAIRWOMAN PEARCE: Thank you.

MS. BOHN: Dede Bohn in Anchorage.

CHAIRWOMAN PEARCE: Thank you, DeDe. Okay, we will come -- neither of those people would want to do public comments. We will come back to the teleconference line after we've finished hearing the comments from those who are here.

Just to try to have some order, is that everyone in the first row who wants to testify?

(No audible responses)

CHAIRWOMAN PEARCE: Second row? I think there are two of you, is that correct? You also? Okay, great.

MR. ADAMS: Good morning, Madam Chairman.

CHAIRWOMAN PEARCE: Good morning.

MR. ADAMS: Members of the Trustee Council. Members of the PAC. Gail Phillips, director. My name is Kenneth Adams and I and the previous speaker, Mr. Ross Mullins, are collaborators with scientists and resource managers. We have formed a group called Prince William Sound Fisheries Research Application and Planning, PWSFRAP.

I'd like to welcome you to Cordova. And I don't want to take any thunder from our mayor who may want to make some remarks. I don't know, I don't want to put words in his mouth. But in any case, looking out over the harbor on a clear day like this, semi-clear day, it's plainly

evident that ours is a community based upon fishing and it is highly appropriate that you're here today as we celebrate the importance of marine science to Prince William Sound.

There are a series of meetings over the next -- or actually beginning yesterday and over the next couple of days which highlight the importance of marine science. So it's appropriate that you're here. And further that you're here and within your domain is concern for damaged resources and the human services injured by the Exxon Valdez oil spill.

I, like Mr. Mullins, had been affiliated with the Trustee Council, especially through the developing GEM program, for several years. And although we've been listed as principal investigators of former projects, a listing as co-project coordinators is a truer representation of our activities, of our project activities.

And some of you already know that we work cooperatively with a group of science and resource manager/collaborators, all of whom have particular expertise with the Prince William Sound marine ecosystem and fisheries resources. We are extremely grateful for all of their time, their contributions and dedication to our collaborative efforts and the Trustee Council for its support.

We responded to the FY '06 invitation by way of commercial fishing, which you recognize as a human service negatively impacted by EVOS. In view of the number of people involved in all phases of the industry and the damage sustained by the fisheries' resources upon which we depend, com fishing in Prince William Sound, especially here in Cordova, was the most negatively affected human service period throughout all of the spill impacted area.

Further, since the economy of Cordova is based upon com fishing, our entire town was negatively impacted by EVOS. And for years this continues.

And I would like to bring up just a brief mention that we received a letter of support from the City of Cordova, the mayor, the city council, and a subcommittee on fisheries, in support of the work that we've undertaken to realize application of the results for the benefit of improved management here in Prince William Sound.

And I sent a copy of the letter to Gail, I don't know if she distributed it to the other.....

MS. PHILLIPS: It is in their packets.

MR. ADAMS: Thank you, Gail. So there is support for this type of work.

Dr. Cooney mentioned the Sound ecosystem assessment that you funded from '94 to '99. This provided the means to investigate how this Prince William Sound ecosystem functioned with respect to the survival of juvenile herring and juvenile pink salmon. This was a very worthy and a valuable contribution to rectifying our victimization by the oil spill. And I'm talking ours as the industry. Victimization of the commercial fishing industry by EVOS.

And this was to help in restoring our damaged industry and the resource dependent communities consequently. However, fishermen and communities are not necessarily academically inclined. We're not dealing with Princeton, New Jersey here. This is a hands on community and we seek the utilization and the application of the science, application of the results.

We can't do much with a journal that's published and sitting on a shelf. We have to have application as a damaged resource -- pardon me, as a damaged service. What good does it do us to have a published journal sitting on the shelf if we can't go the extra step and utilize that information for actual improvement in management?

At the 2003 annual symposium, we made a presentation that called attention to the unachieved goals of SEA. That dealt with application of the SEA results for improved management. Especially to improve salmon return forecasting. Now there was a decision by staff and EVOS trustees of the time not to take this step and produce management tangibles, a benefit to the industry and the community. And that happened around the time when the Trustee Council was embarking upon the GEM plan. They redirected the efforts and left the goal of applying the results of SEA dangling. They were never achieved.

So this is where we came in it. For several years we sought to resolve this dilemma. We've conducted a series of community needs assessment workshops. We did five workshop assessment -- these assessment in this community over the course of two years. And improved salmon forecasting is still a high priority need, still recognized as a need.

We in PWSFRAP continue our efforts to build the bridges between the industry and science. We've been moderately successful and have made progress planning for the implementation of the pink salmon survival model developed within the SEA program. The model has utility for improving pink salmon forecasting and other applications. We seek application to SEA ecosystem insights.

Both GEM, your GEM, both the Trustee Council's GEM and your restoration plan recognize it is essential to take an ecosystem approach in dealing with the recovery of damaged resources and human services. We are doing exactly that for commercial fishing, which you recognize as a damaged service, by seeking implementation of the SEA pink salmon survival model, right. This is in line with what you say is important to you.

However, I want to make it clear that our focus is not entirely pink salmon, we're concerned about fisheries. You know, we're not putting ourselves in a box. It's just the pink salmon survival model happens to be the issue right now that we're working with and we've made progress on.

By maintaining our collaborative team, a very modest office presence in Cordova and the website, which we've called to your attention, will continue to be the interface between industry, science and the Trustee Council. This is an example, an excellent example, of community involvement within your process. We urge your consideration for support of the proposal which we have addressed to you in the FY '06 invitation.

We have made progress. You've let us down once before by not realizing the importance of developing tangibles for improved management. It remains to be seen what you're going to do now. This is an important issue to the community. It's recognized, it's supported by the community, and a decision is before you. Thank you.

CHAIRWOMAN PEARCE: Thank you. I'm going to take this opportunity to recognize the representative to the state legislature for this area, Mr. Bill Thomas. It's not often, Bill, that legislators come to EVOS meetings and we are very pleased to have you here. And pleased that your constituency gets to see you come. Thanks for being with us. Second row?

MAYOR JOYCE: Good morning. My name is Tim Joyce, I'm the mayor in Cordova. And I want to welcome the members of the Trustee Council and the PAG and all their support staff to Cordova on behalf of the city and myself. I hope your stay is enjoyable and that your gathering is beneficial for all that are here.

I want to start out my remarks with some of the issues that still linger from the disaster that occurred in March of 1989, and that was the Exxon Valdez oil spill. The modern Prince William Sound herring fishery started in 1978. In its first year, that fishery was worth in ex-vessel prices about 1.6 million dollars. In 1988 the herring fishery was worth 12.2 million dollars. The herring season was closed in 1989 because of the Exxon Valdez oil spill and then started again in 1990, reaching a value of 12.3 million dollars in 1992.

In 1993 the herring population collapsed and that fishery was closed and still remains closed today. The reasons for this collapse are still being debated but I think you'll hear some compelling arguments later today that the Exxon Valdez oil spill played a major role in that collapse.

This herring fishery was an economic stimulus to Cordova. It provided employment and income in the early spring. The majority of the commercial fleet staged in Cordova prior to going to the fishing grounds. A lot of money was spent in Cordova by those commercial fishers. Cordova no longer reaps any benefit from that once healthy resource and there is no bright light at the end of the tunnel for this fishery. Cordova's economy has suffered for over 10 years from that resource failure and continues to suffer today.

The salmon fishery also suffered during those -- post EVOS period. We are fortunate to some degree that we have a large salmon hatchery program that has been able to provide fishing opportunities while many of those impacted stocks were trying to recover. But even still, the economic loss to this community from the resource decline was considerable.

For example, the city received more than a million dollars annually in raw fish tax prior to 1989. Since 1989, the 1989 oil spill, that amount has averaged less than \$500,000 a year.

There has been a 32 percent decline in the number of active salmon fisher from 1990 to 2004. Since the year 2000, there has been a 19 percent decline in the number of business licenses issued by the city. There remain lingering effects from the Exxon Valdez oil spill and in economic terms, they are measurable.

The city is trying to diversify our economy since we have seen how devastating it can be when heavy reliance is placed on one industry. Commercial fishing will remain our primary industry for a long time to come though, we know that. We also want to be prepared for the future. With those two ideas in mind, I would like to talk to you about two projects which will address both of them.

As most of you know, the city is in the process of planning and designing a facility called the Cordova Center. We are very excited about what this facility can do for this city and it has a lot of community support.

This building will house a library and museum, both of which will have some areas dedicated to the Exxon Valdez oil spill. The library will provide access to oil spill research and information. The museum will have displays of the oil spill, its effects, and the things that have changed since then to prevent future oil spills.

This building will also have an education and training rooms for things such as the classroom time needed for oil spill responders. There will also be a large meeting room and conference rooms that would allow groups such as the Exxon Valdez Trustee Council and the PAG to meet and disseminate the information to the citizens of Prince William Sound that were most impacted by the Exxon Valdez oil spill.

Meeting in the Prince William Sound community should be the norm rather than the exception. This is where it matters the most and people here are interested in what has had such a profound effect on their lives. This building will also contain an emergency response center that could function as a vital link in any large emergency in Cordova or Prince William Sound.

All of these functions will contribute to stimulating the economy of Cordova. We will build this facility and we hope that the Exxon Valdez Oil Spill Trustee Council will be a contributor and a partner in those portions of this building that relate to research, monitoring, and restoration of Prince William Sound.

I also need to mention that we have received support from Senator Stevens and Senator Murkowski, Congressman Young, as well as the governor in recent years with financial donations. The governor has a million dollars this year in his capital budget for this building. We received \$25,000 last year from the state legislature. We have received two and a half million dollars from the congressional delegation.

Another area where the Exxon Valdez Oil Spill Trustee Council can make a difference in the restoration of our resources is in the providing an equal playing field for our fish processing industry. In 1988 there were major fin fish processors in Prince William Sound. In 2004 there were 10. We cannot attract additional processing capacity into our town. Whether it is from new players or simply by creating secondary products through value added lines, primary because of the high cost of electricity. If the cost of processing is reducing through lower electrical costs, some of the savings might translate into higher ex-vessel prices to the commercial fleet.

I mentioned earlier the reduced amount of raw fish tax we now receive. Fewer processors, low prices, and low value products lessen the amount of raw fish tax collected.

Cordova went the extra mile to reduce the amount of hydrocarbon pollution in our air when we built and installed the Power Creek hydroelectric facility. We have reduced the consumption of diesel fuel in this community by over a million gallons annually.

However, the outstanding debt from the construction of that facility has required high electrical rates which are crippling the economic expansion of industry in this community. Fish processors in this city have such narrow margins that an increase of just a few pennies a kilowatt hour could make a difference on whether their doors stay open or closed and certainly affects the amount of product that they can process.

For example, fish processor electrical rates in Seward are approximately 11 cents per kilowatt hour. In Valdez, it's about 16 cents per kilowatt hour. In Whittier, about 17 cents per kilowatt hour. In Cordova, it's 23 cents per kilowatt hour. If our rates have to increase to pay off our debt and it becomes cheaper to ship those fish to another location to process, then damage to Cordova will increase again.

Finally, I would like to bring to your attention, to S711, which was passed by the 106th Congress, second session. This act allowed for the investment of joint federal and state funds from the civil settlement of damages from the Exxon Valdez oil spill and for other purposes.

I'm going to read you a section, E2, of this act. This section says, and I quote, all other funds remaining on October 1st of 2002 and the associated earnings shall be used to fund a program consisting of: A, marine research, including applied fisheries research; B, monitoring; and C, restoration other than habitat acquisition which may include community and economic restoration projects and facilities including projects proposed by the communities of the EVOS region or the fishing industry consistent with the consent decree.

Thank you for your time. I hope you have a productive and informational meeting and please enjoy your stay while you're here in Cordova.

CHAIRWOMAN PEARCE: Thank you, Mr. Mayor. Yes, Mr. Balsiger.

DR. BALSIGER: Madam Chair, I wonder if perhaps for all of the topics, but this in particular with all those data in it, if we could have a copy of that.

MAYOR JOYCE: Certainly. I will do that.

DR. BALSIGER: Thank you.

CHAIRWOMAN PEARCE: And I was going to make a request actually that we spread -- I know we don't usually in our minutes spread the public comments but since we are in Cordova and we have so many people, I'd like to do that today, if it's all right. If no one objects?

DR. BALSIGER: What do you mean spread? I don't understand.

CHAIRWOMAN PEARCE: On the minutes, actually spread the public comments.

MS. PHILLIPS: Include it.

CHAIRWOMAN PEARCE: Which we don't usually do. We usually just say people from Cordova spoke but I'd like to actually have the minutes include the actual words that they said.

MR. BALSIGER: I just didn't understand spread.

CHAIRWOMAN PEARCE: Spread.

DR. BALSIGER: I'm all for spreading.

(Laughter)

CHAIRWOMAN PEARCE: I'm back in the legislature for awhile. Anyone else in the second row?

(No audible responses)

CHAIRWOMAN PEARCE: What about the back row? Yes, sir. Then we'll come over to this side.

MR. KLINE: My name is Tom Kline, I'm a research scientist here in Cordova and I was funded quite well by the Exxon Valdez Oil Spill Trustee Council in research. I was one of the principal investigators in the Sound Ecosystem Assessment program and currently I'm an investigator in the US GLOBEC that's taking place just outside of Prince William Sound, which to some extent is an extension of some of the work that we did in the SEA

program.

What I'd really like to say is what -- the stuff that came ahead of me was, I agree with it completely in terms of the fisheries research questions. And the impetus for the long term funding program called GEM was a realization that things taking place in the ocean take place over long periods of time and that without careful monitoring of the ocean conditions we'll never be able to really manage our fisheries resources correctly.

For example, one of the projects funded by the Trustees, by Paul Anderson and company, showed that there was a major change in the species composition in the late 1970's. Other research done at the University of Washington show that there were thermal changes in the entire North Pacific that took place at the same time. That the ocean went from a cold period to a warm period and that may account for some of these differences in species composition.

It's these kind of long term changes that we need to understand in order to be able to manage fisheries correctly. Understand why the king crab fishery collapsed. You know, it was not necessarily induced by fishing but there was an innatural [sic] process involved. And the GEM program is to try to address that issue, to get the right kind of sampling and monitoring needed to understand what's going on. Thank you very much.

CHAIRWOMAN PEARCE: On this side, and I see some hands.

MS. KOHLER: Good morning, ladies and gentlemen. My name is Meera Kohler and I'm the Chairman of the Board of the Prince William Sound Science Center. I was a long time resident of Cordova from 1976 through 1990, left the year after the oil spill. And my departure actually was probably fairly typical of the travail and turmoil that occurred in Cordova after the oil spill. I think all of us here in Cordova felt the impact of the oil spill.

Both the science center, the Prince William Sound Science Center, and the EVOS Trustee Council were born out of that same disaster and we both serve the same purpose in life, which is to try and find out what we had before it was so brutally disrupted by the spill. Unfortunately what we found was that in 1989 when the spill occurred, very little was known about Prince William Sound and all the very complex ecosystems that combine in making the most spectacular country in the world.

We've come a long way since then. Working together, I believe that we have forged some steps into truly what has been the unknown. I would like to recognize that looking around this room, I see a number of people that have been part of the science center since its very beginning and probably part of the EVOS Trustee Council as well.

If you could just, by a show of hands, show who the current board members are and previous board members of the science center, I think we're going to find that about 15 or 20 people in this room are actually very intricately involved at the science center and have been since 1989 when it was first formed. Board members?

UNIDENTIFIED SPEAKER: Previous?

MS. KOHLER: Previous and current. So we have, as you can see amongst your own public advisory council, a large number of people that have been directly involved with the science of the Sound for lo these many years. We have pioneered concepts in this little tiny research institution that have been ground breaking.

I'd like to recognize Dr. Gary Thomas who led the science center for many years. And the science that he has fostered over here has established parameters that are now being tested by other parts of the country and other parts of the world. So we have done some remarkable things here.

And I think that working with the Trustee Council has been one of the real major pluses that has also evolved of the last many years. We were an integral part of the SEA program. We have pioneered the Nowcast/Forecast program. We are doing oceanographic studies that are second to none in the world.

So I encourage you to continue to work with us as we continue to pioneer those paths and hope that our mark on history will be that should a disaster like the 1989 Exxon Valdez oil spill

ever happen again, we will be prepared. And we will be prepared because of the forward thinking science that's being developed right here in this little tiny community that we are very proud of. Thank you very much.

CHAIRWOMAN PEARCE: Walt.

MR. PARKER: Thank you, Madam Chairman. Walter Parker. I'm finishing up nine years on the science center board now. The reason I came on the board in 1996 was I listened to a presentation on the SEA program at the Alaska Division of the American Association of Science and that was the best I had heard in a long, long time. I've been working Alaska fisheries, game problems since I entered the University of Alaska in 1946.

And the Cordova fishermen, when I worked with them after statehood on the Board of Fish and Game, working on the law of the sea for 15 years and other things, we were always the leaders in coming up with regional solutions to management.

And that is carried through now that their grandfathers that I worked with are -- some of the children are -- that are still carrying that through. But believe me, what has gone on here financed by EVOS money in the 90's that had been building through SEA and the continuations is the very -- it's the closest to weighing the basis for ecosystem based management that I have seen.

And of course ecosystem based management is the new term that we all throw about, following around the President's council on the oceans, why we talked a lot about it but nobody is defining it. What I'm saying is, that here in Prince William Sound I think we've probably come the closest to defining it because of the work in the 90's of any place. So thank you.

CHAIRWOMAN PEARCE: Anyone else? Yes, please.

MR. BACKUS: Good morning. My name is Ed Backus, I'm the Vice President for fisheries at Ecotrust. I'm also a first Vice Chair of the board of the Prince William Sound Science Center and I'm chair of a research committee at the Science Center. Ecotrust has a Copper River program, RJ Kopchak is our program director here in Cordova.

And we also have a North Pacific scale program State of the Salmon. Not to continue the drum beat around the themes of the Science Center, and I'm glad my elders have come before me, but I want to talk about partnerships here and some of the cutting edge work that the Science Center is doing.

Before I do that though I would like to give a strong endorsement to Ken Adams' group. A lot of us at the Science Center, on the board, are very acutely aware of the practical applications issues that have arisen out of our work and indeed if it wasn't from the Science Center genesis in the late 80's, coincidentally the same year as the oil spill, we wouldn't have these opportunities in front of us to work on these application issues.

But I wanted to point out in particular the ocean observing system process which is developing and the Science Center's work on the Nowcast/Forecast program, which is now characterized as an ocean observing system, is definitely -- it's the pilot leader project for Alaska and I dare say that in terms of ecosystem management approaches, the Prince William Sound work is a leadership position nationally in the ocean observing system nationwide.

But in terms of basic research, monitoring, and applied science, I think we're all looking for practical applications to our work in commercial resources. And just yesterday Tom Kline, who gave us a presentation to -- the Science Center board met yesterday and Tom gave us a very interesting presentation on some of his recent work that looks at some of the physical forcings that may be driving these radical fluctuations in pink salmon populations.

So Monday and Tuesday of the coming week there's a biological workshop that's looking at the -- how to inject the biological component to the ocean observing system, which is right now in its remote site sensors, a physical measurement process.

But my point here is that the board is looking at how this science center is going to build its investments toward future programs in infrastructure science and who we're going to expand

and enrich the programs of the Science Center. And we very much look forward to a future partnership with the Trustee Council in this endeavor and its applications to the communities and the economies of the Prince William Sound. So thank you.

CHAIRWOMAN PEARCE: Thank you. Anyone else? What about on this side? Yes, ma'am.

MS. GIBBONS: Good morning. My name is Jennifer Gibbons and I'm the Director of the Eyak Preservation Council. And I'm pleased to, on behalf of our community, again welcome you all, the Council, to Cordova and also the Public Advisory Committee.

I want to take one moment before I make my comments to also endorse Ken Adams and his group. I think they're doing very important work and deserve continued support.

I'm here this morning on behalf of the Eyak Preservation Council and our founder, Dune Lankard, he's an Eyak Athabascan person of the Eagle Clan and a commercial fisherman at Prince William Sound. EPC is dedicated to the protection of the inherent rights of the Eyak Nation of the Copper River Delta. And our work focuses on cultural and environmental conservation. The thread that unites our work is wild salmon and wild salmon habitat. Our friends and partners include Native people, fishermen, local business people, and especially the youth of Cordova.

I'm here today to express our concern regarding the reopener clause. And I understand that the Trustee Council may feel that it is not necessarily your role or position to pursue the reopener, however, we urge you to consider your role as stewards of oil spill recovery in Prince William Sound. Your silence on the issue of the reopener rings loud in our ears. And we the members of this community intend to take every available and appropriate action to pursue the reopener.

Restoration is needed in Prince William Sound and we need at least your public voice in support of this effort that is so essential to our community. Thank you.

CHAIRWOMAN PEARCE: Anyone else? Yes, sir.

MR. PATRICK: Ms. Chairman, I'm Vince Patrick. It's been a long time since I worked on the SEA project and lived in Cordova during the early 90's up through 2000. And during these days, I've been working with Ken Adams and Ross Mullins in getting the PWSFRAP operation up and running since its earliest days. And that's been one of my primary focuses since 2000.

Today I want to talk to you about some of the things that have been talked about but looked at in just a little bit different perspective. We've been together for 13 years working on oil spill related issues in the region and frequently we come before you at a time like this and emphasis one or another issue to bring to your attention among all the other issues that are on your plate.

However at this point in our shared history, more generally in the history of Alaska since statehood, the question of a local issue may be time to be set aside at least temporarily.

At this time the top priority, something that's important to all of us, is not one of our local issues but it's you the Trustee Council. What you do and what your sister organizations do, in particular RCAC and OSRI. This is because we're the threshold of decisions and choices that will be made. Among these are options with directions with the likelihood of making all that you have done and all that your organization stands for literally irrelevant.

However you hold in your hands some control over whether that future is one in which not only you the Council but all that you stood for becomes extinct or survives and remains relevant to this community. I mentioned statehood because it is an effective one word descriptor of the point here, specifically the work of the Trustee Council since '92 and its restoration program has been about the recovering restoration, something that is quite a bit more than just the marine ecosystem. It's even more than just a pristine marine ecosystem. You have worked these 13 years for restoration and recovery of an ecosystem as a natural resource as described in the Alaska Constitution.

All the money, policy, and economic and social aspects of the restoration program that in isolation just seemed baffling -- nothing seemed to add together -- made perfect sense in the context of Alaska statehood and the statutes that were passed after statehood. A good example is restoration services and that's one of the things that was talked about here.

As you well know the constitution of statehood were a response to external control of internal affairs in the days of the territory. Of being in effect a calling. A big gripe was fisheries. My reading history is that statehood worked well for the problems that were known. It didn't work so well for problems that were new. And a good example is one that Ross Mullins mentioned.

The ones that were known, the fisheries problem, we had the initiation of optimal escapement and then the introduction of salmon enhancement. And the Alaska fisheries are the envy of the world, they're the only sustaining -- every time everybody says something about collapsed fisheries they have to say, except in Alaska. But then they don't say why.

It didn't work so well when things were a surprise. The pipeline. And I believe it was just in this building in 1977, the session that Ross was talking about, there was a conference in which Senator Chancy Croft presented a incentive legislation for double hull tankers in Prince William Sound before the tanker trade started. President Carter's representative Barbara Heller nixed it. Said we would have federal uniform standards.

The keynote speaker at the end of that conference was Senator Keith Specking, who in that conference predicted the Exxon Valdez oil spill. He described a collision on Bligh Reef in a very colorful way. Specking was clearly irritated, at least that's my reading of the text. It didn't work so well for that.

Today we're less than four years away from the anniversary of statehood and things are looking a little similar. April 15th, around there, was the introduction or the release of the Ocean Policy Commission. While that was celebrated as a refocus on ocean issues, it came in conjunction with the introduction of legislation for offshore aquaculture in EEZ and lease sales. That Ocean Policy Commission has posed a policy framework, an national management regime, an oceanal policy trust fund, exemptions from the Magnuson-Stevens Act for an investment and leasing of EEZ. Huh? That seems a little familiar.

We can go through some of the details but I'll spare you that, you probably know them. That is not to say that the offshore aquaculture is inconsistent with some of the things that statehood stands for. Some of the documents describe the Japanese system of cooperatives and they're very much in line with what this region did when they started the regional associations for hatcheries. So there's some common ground in how one might pursue it.

But what is at question is in the statehood concept of ecosystems, there's three organizations that come to my mind in the state that are sustaining the ecosystems that stand to support and sustain the ecosystems in the statehood concept. They are the Trustee Council, RCAC, and OSRI.

Those three, everything they do, all of their mission statement is geared around the statehood concept of a commons and common knowledge supporting the proper exploitation of that commons in a democratic decision making process, the Board of Fish, RPT's, Alaska's Department of Fish and Game as set up with statehood.

My request to you today is that as we go through the celebration of the writing of the Constitution and we approach the celebration of the anniversary of statehood that the Trustee Council stay the course. That it be there to continue to support the R&D, to be the R&D arm, the resource for the communities, for the fisheries, for ecosystems as a common. To preserve the naturally evolved ecosystem as an economic asset. Without you there's -- you are the biggest player of the three.

You can just walk away from it. You can close the door. I would read that closing of the door as one of two sides in this issue. There's division that's present in the Ocean Policy Commission and the offshore aquaculture legislation for the EEZ. If you walk away from the

communities, it looks to me like that is going to dominate. But if you stay the course, it gives these communities a chance to prepare themselves and to gear up for these changes and to be a player in the markets and in the world and to preserve their ecosystem in its naturally evolved state as a working asset and a part of the coastal community finds. Thanks.

CHAIRWOMAN PEARCE: Thank you. Anyone else? Public testimony?

(No audible responses)

CHAIRWOMAN PEARCE: Is there anyone -- I'm sorry.

MS. LANGE: Hello. Thank you for coming to Cordova. My name is Sylvia Lange. I'm a lifetime resident of Cordova and an expert at absolutely nothing except perhaps living in Cordova. My parents are from the area. My father was born on an island in Prince William Sound. My mother in Katella. I was raised fishing in the Sound and on the flats.

I got my first gear license in 1966 and was issued a limited entry permit in 1971. I had a seine fishery or seine boat and all female crew at one point actually in Prince William Sound in the early 80's and much of the 80's. I'm now a mother of three children that we're raising here in Cordova.

I bring this up because -- and I wanted to tell you my story not because I like talking about myself but because I heard this expression talked amongst some folks about EVOS and Cordova as to how come we haven't heard from Cordova. And why is it only about science and/or land acquisition? And why haven't we heard from the community of Cordova asking for things?

And I think as a community we are not used to asking for things. We're not -- we've been -- we're pretty used to adversity in this town and we're used to doing things on our own and for ourselves. Because Cordova was actually a pretty self contained town prior to the spill. I was raised in a town that didn't have a lot of money, that is Cordova. And then during the early 80's we kind of capitalized because the fishery was doing so well. And then it all sort of dropped out.

But we are completely traumatized by the oil spill. And we didn't know what to do with that trauma. And I think we've been in a bit of a fugue state since then. It's the only way I can explain it. And I'm really pleased that we have these experts here in science that can kind of pick up the mantle and do some things for us. But as a community, we need some other things right now and one of them is the Cordova Center. And so I thought I should speak about what that would do for Cordova.

As I said myself, my husband and I, were impacted personally by the spill because we had sold out our salmon fishery licenses and everything the year before to build a larger vessel, which would partake in crab tendering and herring, all of which were vastly impacted. Then there were various other things with IFQ's and the whole salmon downturn that made us have to move out west with our boat. So we did crab. And we've now sold out of crab because that has changed also with the rationalization. And we just bought a local business.

So we also bought a salmon cannery that was part of the bankruptcy of Chugach Alaska Corporation in 1992, which we thought was the bottom. We thought 1992 was the bottom. Absolutely nobody would touch that cannery and we didn't want to see it fall into the sea. It was too important to Cordova. It was a relic of the old -- the terminus of the Copper River Railroad. It was historically significant, it was sentimentally significant to me and it was significant to the community because was another fish processing plant that was going to close down.

So we purchased that in '92 as part of Chugach's bankruptcy. And we actually purchased it as a home and warehouse, a place to live, and then we found out soon that we had to operate it to make ends meet. So operated it through that year, thinking that was the bottom. But honestly, that wasn't the bottom. It continued to flat line, Cordova's economy flat lined for years and years.

And I think there's now a new optimism happening in our town. And the possibility exists of -- I think we've also gone back to the town that I grew up in, which is a town that didn't have very much money but survived quite well. We were subsistence oriented and we made enough

money fishing. And if we didn't, the canneries kind of pulled you through with some purchase orders through the winter. But you know the 80's were kind of an anomaly in that it actually gave us some money.

I think we're stabilizing once again. We've regained our community. We lost our community for about 10 years or so, where neighbors were no longer speaking. There was all of this business over the oil spill and it truly disrupted families, disrupted our community to the core. And I think we're back again. I mean I really feel it for the first time, we've re-established our sense of community and we're starting to look at projects that will enhance our sense of community, our ability to make a living, and diversify our economy.

And the Cordova Center is one of those components and it's a really important component to our community and I wholeheartedly support it and I hope you give it every possible consideration that you can. And I also am happy to answer any questions about Cordova, since I am the expert. Thank you.

CHAIRWOMAN PEARCE: Are there any others here in Cordova who want to testify?

(No audible responses)

CHAIRWOMAN PEARCE: Is there anyone on the teleconference network who wants to do public testimony?

(No audible responses)

CHAIRWOMAN PEARCE: Hearing none, we will close the public testimony and go to the Executive Director's report. Madam Executive Director.

Exxon Valdez Oil Spill Trustee Council

441 W. 5th Ave., Suite 500 • Anchorage, Alaska 99501-2340 • 907/278-8012 • fax 907/276-7178



TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska

August 5, 2005

DRAFT

DRAFT

Chaired by: Scott Nordstrand
Trustee Council Member

Trustee Council Members Present:

Joe Meade, USFS
Drue Pearce, DOI
James Balsiger, NMFS *

McKie Campbell, ADF&G
Kurt Fredriksson, ADEC
•Scott Nordstrand, ADOL

- Chair
- * Peter Hagen alternate for James Balsiger

Meeting convened at 7:50 a.m., August 5, 2005 in Anchorage at the EVOS Conference Room.

1. Approval of the Agenda

APPROVED MOTION: Approved the August 5, 2005 agenda

Motion by Pearce, second by Fredriksson

Public comment period began at 7:50 a.m.

There was no public comment.

Public comment period closed at 7:50 p.m.

2. Executive Session

APPROVED MOTION: Motion to move to Executive Session to discuss personnel matters

Motion by Fredriksson, second by Campbell

Off the record 7:53 a.m.

Meeting adjourned during Executive Session without coming back into open session at 8:40 a.m.

Motion by Campbell, second by Pearce

Exxon Valdez Oil Spill Trustee Council

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TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska

August 10, 2005

DRAFT

DRAFT

Chaired by: Drue Pearce
Trustee Council Member

Trustee Council Members Present:

Joe Meade, USFS
• Drue Pearce, DOI
James Balsiger, NMFS *

McKie Campbell, ADF&G
Kurt Fredriksson, ADEC
Scott Nordstrand, ADOL

- Chair
- * Peter Hagen alternate for James Balsiger

Meeting convened at 9:08 a.m., August 10, 2005 in Anchorage at the EVOS Conference Room.

1. Approval of the Agenda

APPROVED MOTION: Approval of the revised August 10, 2005 agenda: moving discussion of the Interim Action Plan to earlier on the agenda, moving Executive Session to the last item, and moving PAC meeting report from Executive Director's report to PAC dialogue.

Motion by Campbell, second by Nordstrand

2. Approval of June 11, 2005 meeting notes

APPROVED MOTION: Approval of June 11, 2005 meeting notes with the following revisions: remove notation of attachments A, B, and C referred to in Items 1, 2 and 3; change Attachment D to A; indicate 11 public comments were received instead of 11 comments from Cordova residents; and amend Item 7 to reflect that the Trustees asked EVOS staff to work with liaisons to review quarterly, annual and final reports and to address procedures for overdue reports.

Federal Trustees

U.S. Department of the Interior
U.S. Department of Agriculture
National Oceanic and Atmospheric Administration

State Trustees

Alaska Department of Fish and Game
Alaska Department of Environmental Conservation
Alaska Department of Law

Motion by Fredriksson, second by Campbell

APPROVED MOTION: Approve adopting public comment portion of the June 11, 2005 meeting transcript as a part of the June 11, 2005 meeting notes.

Motion by Fredriksson, second by Meade

Public comment period began at 9:20 a.m.

Five individuals offered public comment.

Public comment period closed at 9:45 a.m.

Public Advisory Committee (PAC) and Trustee Council dialogue began at 9:48 a.m.

Dr. John Gerster, Chairman, gave a summary of the June 11 PAC meeting and July 19 briefing. Additional comments were offered by six other PAC members: Stacy Studebaker, Co-chair; Jason Brune; Torie Baker; Ed Zeine; Pat Lavin; and Brenda Norcross.

PAC Dialogue closed at 11:05 a.m.

Off the record 11:08 a.m.

On the record 11:25 a.m.

3. Removal of 10-year budget survey item from agenda

APPROVED MOTION: Motion to remove the 10-year budget survey from the agenda.

Motion by Campbell, second by Nordstrand

Off the record 12:10 p.m.

On the record 12:27 p.m.

4. Public Advisory Committee

APPROVED MOTION: Motion to request the Secretary of the Department of Interior to remove inactive member Bob Patterson from the Public Advisory Committee.

Motion by Nordstrand, second by Campbell

APPROVED MOTION: Motion to request the Secretary of the Department of Interior to appoint Kurt Eilo and Vern McCorkle to the remaining 2004-2006 term of the Public Advisory Committee.

Motion by Hagen, second by Fredriksson

5. Anchor River small parcels

APPROVED MOTION: Motion to approve funding \$175,000 toward the purchase of two Anchor River parcels (Jacobs and Mutch properties).

Motion by Meade, second by Nordstrand

6. Revision for filing past final reports

APPROVED MOTION: Motion to approve having the EVOS staff finalize overdue final reports, without providing five copies to the delinquent reporting Principle Investigator and to work with the agency liaisons to revise the Policies and Procedures for submission of future final reports.

Motion by Meade, second by Hagen

Off the record 1:29 p.m.

On the record 1:52 p.m.

7. Interim Guidance Document

APPROVED MOTION: Motion to adopt the August 9, 2005, 2:21 p.m. version of the Interim Guidance Document, August 2005 through December 2006.

Motion by Campbell, second by Nordstrand

8. Small Parcel paper

APPROVED MOTION: Motion to approve adopting Small Parcel Process document without inclusion of reference to specific employees within the sponsoring agencies.

Motion by Campbell, second by Fredriksson

9. ARLIS-060550 Budget

APPROVED MOTION: Motion to approve the ARLIS-060550 budget request of \$139,600.

Motion by Campbell, second by Hagen

10. Ben-David-060781 and Keifer-060792 proposals

FAILED MOTION: Motion to approve the Ben-David-060781 and Keifer-060792 proposals.

Motion by Campbell, second by Fredriksson

11. Bodkin-060788 proposal

FAILED MOTION: Motion to approve the Bodkin proposal.

Motion by Hagen, second by Nordstrand

12. Jacobs-060783 proposal

APPROVED MOTION: Motion to approve funding the Jacobs-060783 project, for \$501,400.44 as part of the FY 2006 Work Plan contingent upon the receipt of a revised proposal which satisfactorily addresses the concerns raised during the scientific and technical STAC review process. Specifically, the revised proposal shall provide a more detailed plan to engage contributing scientists that have expertise and experience with the EVOS affected resources and location. This revision will also include the identification of appropriate experts as well as budget revisions that provide for adequate compensation and a plan for necessary coordination. Integral is to be asked also to fund the public workshops element of its proposal while staying within the requested budget and to use the annual science symposium sponsored by the Trustee Council as a venue for one of the proposed workshops.

Motion by Fredriksson, second by Meade

13. Adams-060784 proposal

WITHDRAWN MOTION: Motion to fund Adams-060784.

Motion by Campbell, second by Nordstrand

Off the record 4:00 p.m.

On the record 4:15 p.m.

WITHDRAWN MOTION: Motion requesting the EVOS staff to work with the Pls to modify the proposal to meet the Trustee Council's objectives and needs, and develop a maintenance budget for consideration at the next Trustee meeting.

Motion by Meade, second by Hagen

APPROVED MOTION: Motion to provide Adams-060784 an opportunity to modify their proposal working with the EVOS Executive Director, staff and STAC and resubmit.

Motion by Meade, second by Campbell

14. Esler-060777, Hoover-Miller-060789, Irons-060787, Rusanowski-060785, and Short-060786 proposals

FAILED MOTION: Motion to fund Esler-060777, Hoover-Miller-060789, Irons-060787, Rusanowski-060785 and Short-060786.

Motion by Campbell, second by Hagen

15. Bickford-060782 proposal

APPROVED MOTION: Motion to approve Bickford-060782, \$52,211.

Motion by Campbell, second by Pearce

16. Out-year funding of FY 04 and 05 projects

APPROVED MOTION: Motion to approve FY 06 funding for projects: Ballachey-040775, \$34,900; Batten-040624, \$135,200; Bechtol-040693, \$56,000; Bishop-

040635, \$151,390; Bodkin-040620, \$6,500; Cokelet-040699, \$145,900; DeLorenzo-040210, \$133,200; Finney-040703, \$81,117; Heintz-040706, \$14,000; Honnold-040707, \$86,800; Nelson-040290, \$22,200; Okkonen-040614, \$31,455; Rice-040620, \$29,100; Schneider-040610, \$63,000; Thorne-040725, \$108,943; Walker-040726, \$149,700; Weingartner-040340, \$64,950; Willette-040670, \$27,900; Woody-040712, \$152,632; Baird-050743, \$28,900; Bodkin-050750, \$104,400; Hoover-Miller-050749, \$130,300; Irons-050751, \$32,700; Matkin-050742, \$22,300; Otis-050769, \$89,400; Rice-050794, \$30,783.56; Saupe-050764, \$201,900; Short-050763, \$58,900; Willette-050765, \$65,900. The funding of these projects is contingent on receipt by the EVOS staff of annual reports in the proper format.

Motion by Nordstrand, second by Fredriksson

17. Defer action on the EVOS Administrative Budget-060100

APPROVED MOTION: Approve motion deferring action on the EVOS Administrative Budget-060100 until a subcommittee of trustees, trustee representatives, and EVOS staff reviews it. The budget is to be brought back to the Trustee Council by mid-late September, 2005.

Motion by Campbell, second by Nordstrand

18. Executive Session

APPROVED MOTION: Approved motion to move to executive session to discuss personnel issues.

Motion by Nordstrand, second by Campbell

EXECUTIVE SESSION
Off the record: 4:49

Meeting adjourned following Executive Session at 6:18 p.m.

Motion by Fredriksson

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WILLIAM D. BRIGHTON
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ATTORNEYS FOR THE UNITED STATES

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EXXON CORPORATION, EXXON SHIPPING
COMPANY, and EXXON PIPELINE COMPANY,
et al., in personam, and the T/V
EXXON VALDEZ, in rem,

Defendants.

No. A91-082 Civil (HRH)

THIRTEENTH JOINT NOTICE
OF EXPENDITURE FROM
THE INVESTMENT FUND
AND FROM MONIES
PREVIOUSLY DISBURSED

The United States and the State of Alaska ("the Governments")
jointly provide notice of the expenditure of \$2,897,392.63 from the
EXXON VALDEZ Oil Spill Investment Fund ("Investment Fund") --
\$2,458,314.63 from the Research Investment Sub-Account and
\$439,078.00 from the Koniag Investment Sub-Account -- and

THIRTEENTH JOINT NOTICE OF
EXPENDITURES FROM INVESTMENT FUND
AND FROM MONIES PREVIOUSLY DISBURSED -1-

\$15,750.50 from the Department of the Interior's Natural Resource Damage Assessment and Restoration Fund (monies previously disbursed). The Governments' natural resource trustee agencies will use these funds for purposes consistent with the Memorandum of Agreement and Consent Decree entered by this Court in *United States v. State of Alaska*, No. A91-081 CIV (D. Alaska) on August 28, 1991 ("MOA").

On September 25, 1991 the State of Alaska and the United States settled their claims against the Exxon Corporation, Exxon Shipping Company, Exxon Pipeline Company, and the T/V EXXON VALDEZ arising from the EXXON VALDEZ oil spill. All funds resulting from these settlements were subsequently ordered by this Court to be placed in an interest-bearing account in the Court Registry Investment System ("CRIS") administered through the United States District Court for the Southern District of Texas.

On June 7, 2000 this Court entered its Third Amended Order for Deposit and Transfer of Settlement Proceeds ("Third Amended Order"). The Third Amended Order allows the Governments the option of investing the money in an account outside the United States Treasury. On September 29, 2000, upon application by the Governments, the Court entered an Order Re: Transfer of Funds from the Exxon Valdez Liquidity Account and the Reserve Fund to an Investment Fund Within the Alaska Department of Revenue, Division of Treasury, authorizing transfer of settlement proceeds to an account within the State. On October 5, 2000 all funds and securities were transferred from the CRIS to the Investment Fund. The Third Amended Order further allows the Governments to establish

separate sub-accounts within the primary account "as the Trustee Council determines appropriate." On October 1, 2002 three sub-accounts were created in the Investment Fund, to wit: the Research Investment Sub-Account, the Habitat Investment Sub-Account, and the Koniag Investment Sub-Account. These sub-accounts were established to carry out the Trustee Council's decision in its Resolution of March 1, 1999 to separately manage the remaining assets of the Joint Trust Funds for the specific purposes of funding a long term research and monitoring program, the acquisition of lands along the Karluk River and the establishment of a fund to purchase small parcels of land that may become available in the future.

Paragraph 27 of the Third Amended Order provides that "funds in an Investment Fund shall remain on deposit in that Fund until such time as the Exxon Valdez Oil Spill Trustee Council unanimously resolve to expend all or part of the funds." The funds may then be expended, for purposes consistent with the MOA, upon the joint notification of the Governments to the Investment Fund and the Court.^{1/} The notification is to inform the Court of the proposed uses of the funds in the same manner and to the same extent as was the Governments' practice when the funds were in the registry of the Court.

The Governments provide notice of this thirteenth expenditure from the Investment Fund and from monies previously disbursed for:

^{1/} A copy of the notice provided to the Investment Fund pursuant to paragraph 27 of the Third Amended Order for Deposit and Transfer of Settlement Proceeds is appended to this Notice as Attachment A, pp. 1-2.

necessary natural resource damage assessment and restoration activities during federal fiscal years 2005 and 2006;^{2/} and (2) payment of \$439,078.00 to Koniag, Inc. (third of multiple payments) for a non-development easement on lands it owns on Kodiak, including lands along the Karluk River.^{3/} Of the \$2,913,143.13 that is the subject of this notice, \$1,722,197.50 will be provided to the United States and \$1,190,945.63 will be provided to the State of Alaska.


A complete summary of the Trustee Council's activities since approval of the settlement was appended to our Second Application, filed January 19, 1993, as Attachment B, and interim updates of activities appeared as Attachments to each of the Governments' Third through Sixth, Eighth through Twelfth, Fifteenth, Nineteenth, Twenty-First, Twenty-Second, Twenty-Fourth through Twenty-Ninth, Thirty-First, and Thirty-Third through Forty-Fifth applications for disbursement, the Fifth through Seventh and Tenth through the Fourteenth Joint Notices of Expenditure From Settlement Account Monies Previously Disbursed, and the First, Second, Fourth, Seventh through the Amended Twelfth Joint Notices of Expenditures from

^{2/} The resolution of the Trustee Council documenting its unanimous agreement, at its June 11, 2005 meeting, to expend \$15,750.50 to supplement funds needed to implement the FY 2005 Work Plan and, at its August 10, 2005 meeting, to expend \$2,458,314.63 to implement the FY 2006 Work Plan is appended to this Notice at Attachment A, pp. 3-10.

^{3/} The resolution evidencing the Trustee Council's approval for the purchase of this easement appeared as part of the Sixth Joint Notice Of Expenditures From Settlement Account Monies Previously Disbursed at Attachment A, pp. 32-43. A description of the non-development easement may be found in the Third Joint Notice Of Expenditures From Investment Fund.

Investment Fund. The Trustee Council has met three times since the last summary was provided to the Court. Appended to this Notice at Attachment B are the meeting notes for those three meetings.^{4/}

RESPECTFULLY SUBMITTED this 9th day of September, 2005 at Anchorage, Alaska.

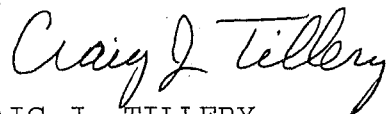

REGINA R. BELT

ATTORNEY FOR THE UNITED STATES

DATED: 9/9/05

DAVID A. MARQUEZ
Attorney General
State of Alaska

By:

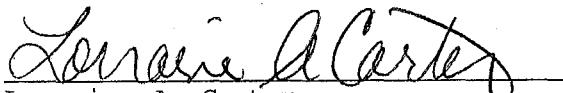

CRAIG J. TILLERY
Assistant Attorney General
1031 West Fourth Avenue Ste. 200
Anchorage, Alaska 99501-1994
Telephone: (907) 269-5274

ATTORNEYS FOR THE STATE OF ALASKA

^{4/} Attachment A to the meeting notes of the June 11 meeting (the public comments received by the Trustee Council at that meeting) is not included in this filing. That attachment (40 pages) is available upon request.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 9th day of September, 2005 a copy of the foregoing THIRTEENTH JOINT NOTICE OF EXPENDITURES FROM THE INVESTMENT FUND AND FROM MONIES PREVIOUSLY DISBURSED was served by United States mail, first class, postage paid, to the following: Craig Tillery, Tim Obst, James F. Neal, Esq., Craig O'Connor, Douglas J. Serdahely, Esq., Barry Roth, John F. Clough III, Esq., and Patrick Lynch, Esq.


Lorraine A. Carter

STATE OF ALASKA

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL

FRANK H. MURKOWSKI,
GOVERNOR

1031 WEST 4TH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501-1994
PHONE: (907)269-5100
FAX: (907)276-3697

September 9, 2005

Mr. Gary Bader
Chief Investment Officer
Treasury Division, Dept. of Revenue
P.O. Box 110405
Juneau, AK 99811-0405

Re: Exxon Valdez Oil Spill Investment Fund

Dear Mr. Bader:

The Exxon Valdez Trustee Council has unanimously determined to expend \$2,913,143.13 in joint trust funds for restoration purposes consistent with the terms of the Memorandum of Agreement and Consent Decree entered by the federal district court in *United States v. State of Alaska*, No. A91-081 CIV (D. Alaska) on August 28, 1991. Of this amount, \$2,458,314.63 will come from the Research Investment Sub-Account and \$439,078.00 will come from the Koniag Investment Sub-Account. These joint trust funds are currently held by the State of Alaska in the Exxon Valdez Oil Spill Investment Fund and invested by the Treasury Division, Alaska Department of Revenue. Under the terms of the Reimbursable Services Agreement between the Alaska Department of Fish and Game and the Alaska Department of Revenue, please transfer the following amounts from cash held in the Exxon Valdez Oil Spill Investment Fund to the account described below:

State of Alaska

Amount: \$1,190,945.63
State of Alaska
Exxon Valdez Settlement Account
GeFONSI 33070
Account 22177

Mr. Gary Bader
Treasury Division, Dept. of Revenue

September 9, 2005
Page 2

United States

Amount: \$1,706,447.00

Beneficiary

account: 14X5198

name: Natural Resource Damage Assessment and Restoration Fund
(NRDAR)

Beneficiary

account: 14010001

name: Department of the Interior
Financial Management Services National Business Center

Beneficiary Bank

account: 021030004

name: Treasury, NYC

OBI Text

Natural Resource Damage Assessment Restoration Fund 14X5198
EVOS Exxon Valdez, Civil Settlement, FY06 Joint Funds

Beneficiary Reference

A91-082Civil

The transfer should take place when most financially advantageous, but no later than September 15, 2005 or as soon thereafter as possible. If you have any questions, please call Craig Tillery at (907) 269-5274.

Sincerely,

Craig J. Tillery
Assistant Attorney General
State of Alaska

Regina R. Belt
Environmental Enforcement Section
Environment & Natural Resources Division
U.S. Department of Justice
United States of America

cc: Kevin Buckland
Bob Mitchell

**RESOLUTION 06-01 OF THE
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
REGARDING THE FY 2006 WORK PLAN AND
PROJECT 040708 (FY 05) ADDITIONAL FUNDS**

We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council do hereby certify that, in accordance with the Memorandum of Agreement and Consent Decree entered as settlement of United States of America v. State of Alaska, No. A91-081 Civil, U.S. District Court for the District of Alaska, and after public meetings, unanimous agreement has been reached to expend funds received in settlement of State of Alaska v. Exxon Corporation, et al., No. A91-083 CIV, and United States of America v. Exxon Corporation, et al., No. A91-082 CIV, U.S. District Court for the District of Alaska, for necessary natural resource damage assessment and restoration activities for fiscal years 2005 and 2006, as described in Attachment A. The monies are to be distributed according to the following schedule:

FY 2005 Fund Distribution

SUBTOTAL TO STATE OF ALASKA	\$ 0.00
U.S. Department of the Interior	\$ 14,388.00
National Oceanic & Atmospheric Administration	\$ 1,362.50
SUBTOTAL TO UNITED STATES OF AMERICA	\$ 15,750.50
FY 05 TOTAL APPROVED	\$ 15,750.50

FY 2006 Fund Distribution

Alaska Department of Fish & Game	\$ 1,190,945.63
SUBTOTAL TO STATE OF ALASKA	\$ 1,190,945.63
U.S. Department of the Interior	\$ 336,691.00

National Oceanic & Atmospheric Administration

\$ 930,678.00

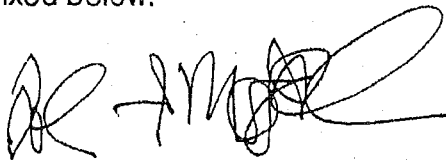
SUBTOTAL TO UNITED STATES OF AMERICA

\$ 1,267,369.00

Funds must be spent in accordance with the following conditions: (1) If a Principal Investigator (PI) has an overdue report or manuscript from a previous year, no funds may be expended on a project involving the PI unless the report is submitted or a schedule for submission is approved by the Executive Director; (2) a project's lead agency must demonstrate to the Executive Director that requirements of the National Environmental Policy Act (NEPA) are met before any project funds may be expended (with the exception of funds spent to prepare NEPA documentation); and (3) a PI for each project must submit a signed form to the Executive Director indicating his or her agreement to abide by the Trustee Council's data and report requirements before any project funds may be expended.

By unanimous consent, we hereby request the Alaska Department of Law and the Assistant Attorney General of the Environmental and Natural Resources Division of the United States Department of Justice to take such steps as may be necessary to make funds available for the following: Continuing projects from FY 2004 and FY 2005 for FY 2006 in the amount of \$2,266,474.56; and funds in the amount of \$191,840.07 for FY 06 projects, for a total of \$2,458,314.63 for Fiscal Year 2006, approved by the Trustee Council at its August 10, 2005 meeting; and to make an additional \$15,750.50 in funds available for Fiscal Year 2005, approved by the Trustee Council at its June 11, 2005 meeting; for a total of \$2,474,065.13 from the appropriate account(s) designated by the Executive Director.

Approved by the Council at its meeting of August 10, 2005 held in Anchorage,
and its meeting of June 11, 2005 held in Cordova, Alaska, as affirmed by our signatures
affixed below.



JOE L. MEADE
Forest Supervisor
Forest Service Alaska Region
U.S. Department of Agriculture

SCOTT NORDSTRAND
Deputy Attorney General
State of Alaska

DRUE PEARCE
Senior Advisor to the Secretary
for Alaska Affairs
U.S. Department of the Interior

JAMES W. BALSIGER
Administrator, Alaska Region
National Marine Fisheries Service
U.S. Department of Commerce

McKIE CAMPBELL
Commissioner
Alaska Department of Fish and Game

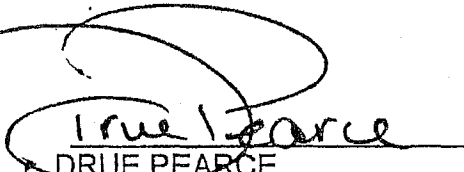
KURT FREDRIKSSON
Commissioner
Alaska Department of Environmental
Conservation

Attachment A (Spreadsheet Reflecting Funding Distribution for FY '06 Work Plan and
Supplemental Funds for FY '05 Work Plan)

Approved by the Council at its meeting of August 10, 2005 held in Anchorage,
and its meeting of June 11, 2005 held in Cordova, Alaska, as affirmed by our signatures
affixed below.


JOE L. MEADE
Forest Supervisor
Forest Service Alaska Region
U.S. Department of Agriculture

SCOTT NORDSTRAND
Deputy Attorney General
State of Alaska



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Senior Advisor to the Secretary
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McKIE CAMPBELL
Commissioner
Alaska Department of Fish and Game

KURT FREDRIKSSON
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Attachment A (Spreadsheet Reflecting Funding Distribution for FY '06 Work Plan and
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Forest Service Alaska Region
U.S. Department of Agriculture



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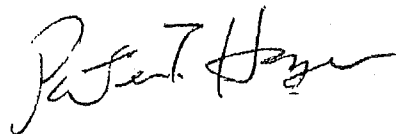
Attachment A (Spreadsheet Reflecting Funding Distribution for FY '06 Work Plan and Supplemental Funds for FY '05 Work Plan)

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JOE L. MEADE
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Forest Service Alaska Region
U.S. Department of Agriculture

SCOTT NORDSTRAND
Deputy Attorney General
State of Alaska

DRUE PEARCE
Senior Advisor to the Secretary
for Alaska Affairs
U.S. Department of the Interior

for 

JAMES W. BALSIGER
Administrator, Alaska Region
National Marine Fisheries Service
U.S. Department of Commerce

McKIE CAMPBELL
Commissioner
Alaska Department of Fish and Game

KURT FREDRIKSSON
Commissioner
Alaska Department of Environmental
Conservation

Attachment A (Spreadsheet Reflecting Funding Distribution for FY '06 Work Plan and Supplemental Funds for FY '05 Work Plan)

Approved by the Council at its meeting of August 10, 2005 held in Anchorage,
and its meeting of June 11, 2005 held in Cordova, Alaska, as affirmed by our signatures
affixed below.

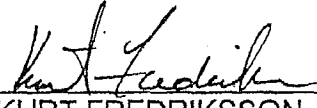
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McKIE CAMPBELL
Commissioner
Alaska Department of Fish and Game



KURT FREDRIKSSON
Commissioner
Alaska Department of Environmental
Conservation

Attachment A (Spreadsheet Reflecting Funding Distribution for FY '06 Work Plan and
Supplemental Funds for FY '05 Work Plan)

Resolution 0601
June 11, 2005 and August 10, 2005 TC Approval of
FY 06 Work Plan and Supplemental Funds for
FY 05

Project Number	Project	Allocation FY 2005	Allocation for FY 2006 from continuing projects	Allocation for new FY 2006 Projects	agency	Date Approved
40210	DeLorenzo-Youth Area Watch		\$ 133,200.00		ADFG	10-Nov-03
40340	Weingartner-Alaska Coastal Current		\$ 64,950.00		ADFG	10-Nov-03
40610	Schneider-Kodiak Archipelago		\$ 63,000.00		ADFG	10-Nov-03
40614	Okkonen-Monitoring Program in the NE Pacific Ocean		\$ 31,455.00		ADFG	10-Nov-03
40670	Willette-Monitoring ACC Dynamics		\$ 27,900.00		ADFG	9-Feb-04
40693	Bechtol-Parameters in the N. Gulf of AK		\$ 56,000.00		ADFG	1-Mar-04
40703	Finney-Marine-terrestrial Linkages		\$ 81,117.00		ADFG	10-Nov-03
040703-A	Honnold-Marine-derived Nutrients on Sockeye Salmon		\$ 86,800.00		ADFG	10-Nov-03
40726	Walker-Marine Derived Nutrients		\$ 149,700.00		ADFG	10-Nov-03
50743	Baird-Connecting with Coastwalk		\$ 28,900.00		ADFG	23-Aug-04
40699	Cokelet-AK Marine Highway System Ferries		\$ 23,200.00		ADFG/NOAA	10-Nov-03
50746	Hoover-Miller-Harbor Seal Monitoring		\$ 130,300.00		ADFG	23-Aug-04
50765	Willette-Salmon Smolt Monitoring		\$ 65,900.00		ADFG	9-Feb-04
50769	Otis-Temporal Stability of Fatty Acids		\$ 25,900.00		ADFG	23-Aug-04
50794	Rice-PWS Herring Populations: An Updated Synthesis		\$ 30,783.56		ADFG	3-May-05
60550	EVOS - ARLIS			\$ 139,629.07	ADFG	10-Aug-05
60782	Bickford - Herring Larval Drift			\$ 52,211.00	ADFG	10-Aug-05
	Total to ADFG for the FY 2006 Work Plan		\$ 999,105.56	\$ 191,840.07	ADFG	
040620-2	Bodkin-Lingering Oil and Sea Otters		\$ 6,500.00		DOI	10-Nov-03
40708	Irvine-Lingering Oil on Boulder-Armored Beaches	\$ 14,388.00	\$ 5,559.00		DOI	10-Nov-03
40712	Woody-Nutrient-Based Resource Management		\$ 152,632.00		DOI	10-Nov-03
40775	Ballachey-Oil Exposure in Sea Otters		\$ 34,900.00		DOI	14-May-04
50750	Bodkin-GEM Nearshore Monitoring Plan		\$ 104,400.00		DOI	23-Aug-04
50751	Irons-Marine Bird Abundance		\$ 32,700.00		DOI	23-Aug-04
	Total to DOI for the FY 2006 Work Plan	\$ 14,388.00	\$ 336,691.00		DOI	
40290	Nelson-Hydrocarbon Database		\$ 22,200.00		NOAA	10-Nov-03
40620	Rice-Lingering Population Status		\$ 29,100.00		NOAA	10-Nov-03
40624	Batten-CPR data		\$ 135,200.00		NOAA	10-Nov-03
40635	Bishop-Top-down and Bottom-up Processes		\$ 151,390.00		NOAA	10-Nov-03
40699	Cokelet-AK Marine Highway System Ferries		\$ 122,700.00		NOAA/ADFG	10-Nov-03
40706	Heintz-Energy Allocation		\$ 14,000.00		NOAA	10-Nov-03
40708	Irvine-Lingering Oil on Boulder-Armored Beaches	\$ 1,362.50	\$ 545.00		NOAA	10-Nov-03
40725	Thorne-Seafood Waste Discharge		\$ 108,943.00		NOAA	10-Nov-03
50742	Matkin-Monitoring Killer Whales 2005-2007		\$ 22,300.00		NOAA	23-Aug-04
50763	Short-Monitoring of Anthropogenic Hydrocarbons		\$ 58,900.00		NOAA	23-Aug-04
50764	Saupe-ShoreZone Mapping - Kodiak		\$ 201,900.00		NOAA	23-Aug-04
50769	Otis-Temporal Stability of Fatty Acids		\$ 63,500.00		NOAA	23-Aug-04
	Total to NOAA for the FY 2006 Work Plan	\$ 1,362.50	\$ 930,678.00		NOAA	
Res 0601	Total Work Plan as of August 10, 2005	\$ 15,750.50	\$ 2,266,474.56	\$ 191,840.07		
		FY 2005	FY 2006 - Cont	FY 2006		
	TOTAL for Resolution 0601	\$ 2,474,065.13				

Exxon Valdez Oil Spill Trustee Council

441 W. 5th Ave., Suite 500 • Anchorage, Alaska 99501-2340 • 907/278-8012 • fax 907/276-7178



TRUSTEE COUNCIL MEETING NOTES

Cordova, Alaska

June 11, 2005

Chaired by: Drue Pearce
Trustee Council Member

Trustee Council Members Present:

Joe Meade, USFS
• Drue Pearce, DOI
James Balsiger, NMFS

McKie Campbell, ADF&G
Kurt Fredriksson, ADEC
Scott Nordstrand, ADOL

• Chair

The joint Trustee Council and Public Advisory Committee meeting convened at 10:05 a.m., June 11, 2005 at the Native Village of Eyak Masonic Hall, 500 First Street, Cordova, Alaska.

1. Approval of the Agenda

APPROVED MOTION: Approved the June 11, 2005 agenda

Motion by Nordstrand, second by Campbell

2. Approval of February 4, 2005 meeting notes

APPROVED MOTION: Approved the February 4, 2005 meeting notes

Motion by Balsiger, second by Fredriksson

3. Approval of May 3, 2005 meeting notes

APPROVAL MOTION: Approved the May 3, 2005 meeting notes

Motion by Fredriksson, second by Campbell

Public comment period began at 10:10 p.m.

Eleven public comments were received (Attachment A):

Attachment B

Page 1 of 13 Pages

Dr. Ted Cooney, Ross Mullins, Ken Adams, Mayor Tim Joyce, Dr. Tom Kline, Meera Kohler, Walt Parker, Ed Backus, Jennifer Gibbons, Dr. Vince Patrick, Sylvia Lange

Public comment period closed at 11:30 a.m.

4. Budget amendment request for Project 040707

FAILED MOTION: Motion requesting \$17,500 additional funding for FY 05 and \$17,500 for FY 06

Motion by Campbell, second by Meade

5. Budget amendment request for Project 040708

APPROVED MOTION: Motion to approve \$15,750.50 additional funding for FY 05 and \$6,104 for FY 06

Motion by Campbell, second by Meade

6. Budget amendment request for Project 050750

FAILED MOTION: Motion to approve \$40,000 additional funding

Motion by Meade, second by Campbell

7. Overdue reports

APPROVED MOTION: Motion to defer action on the overdue reports until the August 2005 Trustee Council meeting requesting the EVOS staff work with liaison staff look at the quarterly, annual, and final reports while reviewing the final report process and procedures and bring recommendations back to the Trustees

Motion by Campbell, second by Fredriksson

8. Asset Allocation

APPROVED MOTION: Motion to approve the proposed asset allocation

Motion by Campbell, second by Balsiger

Off the record 12:05 p.m.
On the record 12:25 p.m.

Presentations by Dr. MaryAnne Bishop, Nancy Bird and Dr. Richard Thorne,
Prince William Sound Science Center

Off the record 1:35 p.m.
On the record 1:50 p.m.

Dialogue with the Public Advisory Committee, Pat Norman participated by
teleconference

Meeting adjourned at 3:40 p.m. Motion by Nordstrand, second by Balsiger

Exxon Valdez Oil Spill Trustee Council

441 W. 5th Ave., Suite 500 • Anchorage, Alaska 99501-2340 • 907/278-8012 • fax 907/276-7178



TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska

August 5, 2005

DRAFT

DRAFT

Chaired by: Scott Nordstrand
Trustee Council Member

Trustee Council Members Present:

Joe Meade, USFS
Drue Pearce, DOI
James Balsiger, NMFS *

McKie Campbell, ADF&G
Kurt Fredriksson, ADEC
•Scott Nordstrand, ADOL

- Chair
- * Peter Hagen alternate for James Balsiger

Meeting convened at 7:50 a.m., August 5, 2005 in Anchorage at the EVOS Conference Room.

1. Approval of the Agenda

APPROVED MOTION: Approved the August 5, 2005 agenda

Motion by Pearce, second by Fredriksson

Public comment period began at 7:50 a.m.

There was no public comment.

Public comment period closed at 7:50 p.m.

2. Executive Session

APPROVED MOTION: Motion to move to Executive Session to discuss personnel matters

Motion by Fredriksson, second by Campbell

Off the record 7:53 a.m.

Attachment B

Page 4 of 13 Pages

Meeting adjourned during Executive Session without coming back into open session at 8:40 a.m.

Motion by Campbell, second by Pearce

Exxon Valdez Oil Spill Trustee Council

441 W. 5th Ave., Suite 500 • Anchorage, Alaska 99501-2340 • 907/278-8012 • fax 907/276-7178



TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska
August 10, 2005

DRAFT

DRAFT

Chaired by: Drue Pearce
Trustee Council Member

Trustee Council Members Present:

Joe Meade, USFS
• Drue Pearce, DOI
James Balsiger, NMFS *

McKie Campbell, ADF&G
Kurt Fredriksson, ADEC
Scott Nordstrand, ADOL

- Chair
- * Peter Hagen alternate for James Balsiger

Meeting convened at 9:08 a.m., August 10, 2005 in Anchorage at the EVOS Conference Room.

1. Approval of the Agenda

APPROVED MOTION: Approval of the revised August 10, 2005 agenda: moving discussion of the Interim Action Plan to earlier on the agenda, moving Executive Session to the last item, and moving PAC meeting report from Executive Director's report to PAC dialogue.

Motion by Campbell, second by Nordstrand

2. Approval of June 11, 2005 meeting notes

APPROVED MOTION: Approval of June 11, 2005 meeting notes with the following revisions: remove notation of attachments A, B, and C referred to in Items 1, 2 and 3; change Attachment D to A; indicate 11 public comments were received instead of 11 comments from Cordova residents; and amend Item 7 to reflect that the Trustees asked EVOS staff to work with liaisons to review quarterly, annual and final reports and to address procedures for overdue reports.

Attachment B

Page 6 of 13 Pages

Motion by Fredriksson, second by Campbell

APPROVED MOTION: Approve adopting public comment portion of the June 11, 2005 meeting transcript as a part of the June 11, 2005 meeting notes.

Motion by Fredriksson, second by Meade

Public comment period began at 9:20 a.m.

Five individuals offered public comment.

Public comment period closed at 9:45 a.m.

Public Advisory Committee (PAC) and Trustee Council dialogue began at 9:48 a.m.

Dr. John Gerster, Chairman, gave a summary of the June 11 PAC meeting and July 19 briefing. Additional comments were offered by six other PAC members: Stacy Studebaker, Co-chair; Jason Brune; Torie Baker; Ed Zeine; Pat Lavin; and Brenda Norcross.

PAC Dialogue closed at 11:05 a.m.

Off the record 11:08 a.m.
On the record 11:25 a.m.

3. Removal of 10-year budget survey item from agenda

APPROVED MOTION: Motion to remove the 10-year budget survey from the agenda.

Motion by Campbell, second by Nordstrand

Off the record 12:10 p.m.
On the record 12:27 p.m.

4. Public Advisory Committee

APPROVED MOTION: Motion to request the Secretary of the Department of Interior to remove inactive member Bob Patterson from the Public Advisory Committee.

Motion by Nordstrand, second by Campbell

APPROVED MOTION: Motion to request the Secretary of the Department of Interior to appoint Kurt Eilo and Vern McCorkle to the remaining 2004-2006 term of the Public Advisory Committee.

Motion by Hagen, second by Fredriksson

5. Anchor River small parcels

APPROVED MOTION: Motion to approve funding \$175,000 toward the purchase of two Anchor River parcels (Jacobs and Mutch properties).

Motion by Meade, second by Nordstrand

6. Revision for filing past final reports

APPROVED MOTION: Motion to approve having the EVOS staff finalize overdue final reports, without providing five copies to the delinquent reporting Principle Investigator and to work with the agency liaisons to revise the Policies and Procedures for submission of future final reports.

Motion by Meade, second by Hagen

Off the record 1:29 p.m.

On the record 1:52 p.m.

7. Interim Guidance Document

APPROVED MOTION: Motion to adopt the August 9, 2005, 2:21 p.m. version of the Interim Guidance Document, August 2005 through December 2006.

Motion by Campbell, second by Nordstrand

8. Small Parcel paper

APPROVED MOTION: Motion to approve adopting Small Parcel Process document without inclusion of reference to specific employees within the sponsoring agencies.

Motion by Campbell, second by Fredriksson

9. ARLIS-060550 Budget

APPROVED MOTION: Motion to approve the ARLIS-060550 budget request of \$139,600.

Motion by Campbell, second by Hagen

10. Ben-David-060781 and Keifer-060792 proposals

FAILED MOTION: Motion to approve the Ben-David-060781 and Keifer-060792 proposals.

Motion by Campbell, second by Fredriksson

11. Bodkin-060788 proposal

FAILED MOTION: Motion to approve the Bodkin proposal.

Motion by Hagen, second by Nordstrand

12. Jacobs-060783 proposal

APPROVED MOTION: Motion to approve funding the Jacobs-060783 project, for \$501,400.44 as part of the FY 2006 Work Plan contingent upon the receipt of a revised proposal which satisfactorily addresses the concerns raised during the scientific and technical STAC review process. Specifically, the revised proposal shall provide a more detailed plan to engage contributing scientists that have expertise and experience with the EVOS affected resources and location. This revision will also include the identification of appropriate experts as well as budget revisions that provide for adequate compensation and a plan for necessary coordination. Integral is to be asked also to fund the public workshops element of its proposal while staying within the requested budget and to use the annual science symposium sponsored by the Trustee Council as a venue for one of the proposed workshops.

Motion by Fredriksson, second by Meade

13. Adams-060784 proposal

WITHDRAWN MOTION: Motion to fund Adams-060784.

Motion by Campbell, second by Nordstrand

Off the record 4:00 p.m.

On the record 4:15 p.m.

WITHDRAWN MOTION: Motion requesting the EVOS staff to work with the PIs to modify the proposal to meet the Trustee Council's objectives and needs, and develop a maintenance budget for consideration at the next Trustee meeting.

Motion by Meade, second by Hagen

APPROVED MOTION: Motion to provide Adams-060784 an opportunity to modify their proposal working with the EVOS Executive Director, staff and STAC and resubmit.

Motion by Meade, second by Campbell

14. Esler-060777, Hoover-Miller-060789, Irons-060787, Rusanowski-060785, and Short-060786 proposals

FAILED MOTION: Motion to fund Esler-060777, Hoover-Miller-060789, Irons-060787, Rusanowski-060785 and Short-060786.

Motion by Campbell, second by Hagen

15. Bickford-060782 proposal

APPROVED MOTION: Motion to approve Bickford-060782, \$52,211.

Motion by Campbell, second by Pearce

16. Out-year funding of FY 04 and 05 projects

APPROVED MOTION: Motion to approve FY 06 funding for projects: Ballachey-040775, \$34,900; Batten-040624, \$135,200; Bechtol-040693, \$56,000; Bishop-

040635, \$151,390; Bodkin-040620, \$6,500;
Cokelet-040699, \$145,900; DeLorenzo-
040210, \$133,200; Finney-040703, \$81,117;
Heintz-040706, \$14,000; Honnold-040707,
\$86,800; Nelson-040290, \$22,200; Okkonen-
040614, \$31,455; Rice-040620, \$29,100;
Schneider-040610, \$63,000; Thorne-040725,
\$108,943; Walker-040726, \$149,700;
Weingartner-040340, \$64,950; Willette-
040670, \$27,900; Woody-040712, \$152,632;
Baird-050743, \$28,900; Bodkin-050750,
\$104,400; Hoover-Miller-050749, \$130,300;
Irons-050751, \$32,700; Matkin-050742,
\$22,300; Otis-050769, \$89,400; Rice-050794,
\$30,783.56; Saupe-050764, \$201,900; Short-
050763, \$58,900; Willette-050765, \$65,900.
The funding of these projects is contingent on
receipt by the EVOS staff of annual reports in
the proper format.

Motion by Nordstrand, second by Fredriksson

17. Defer action on the EVOS Administrative Budget-060100

APPROVED MOTION: Approve motion deferring action on the EVOS
Administrative Budget-060100 until a
subcommittee of trustees, trustee
representatives, and EVOS staff reviews it.
The budget is to be brought back to the
Trustee Council by mid-late September, 2005.

Motion by Campbell, second by Nordstrand

18. Executive Session

APPROVED MOTION: Approved motion to move to executive session
to discuss personnel issues.

Motion by Nordstrand, second by Campbell

EXECUTIVE SESSION
Off the record: 4:49

Meeting adjourned following Executive Session at 6:18 p.m.

Motion by Fredriksson

Motion by Fredriksson, second by Meade

13. Adams-060784 proposal

WITHDRAWN MOTION: Motion to fund Adams-060784.

Motion by Campbell, second by Nordstrand

Off the record 4:00 p.m.

On the record 4:15 p.m.

WITHDRAWN MOTION: Motion requesting the EVOS staff to work with the Pls to modify the proposal to meet the Trustee Council's objectives and needs, and develop a maintenance budget for consideration at the next Trustee meeting.

Motion by Meade, second by Hagen

APPROVED MOTION: Motion to provide Adams-060784 an opportunity to modify their proposal working with the EVOS Executive Director, staff and STAC and resubmit.

Motion by Meade, second by Campbell

14. Esler-060777, Hoover-Miller-060789, Irons-060787, Rusanowski-060785, and Short-060786 proposals

FAILED MOTION: Motion to fund Esler-060777, Hoover-Miller-060789, Irons-060787, Rusanowski-060785 and Short-060786.

Motion by Campbell, second by Hagen

15. Bickford-060782 proposal

APPROVED MOTION: Motion to approve Bickford-060782, \$52,211.

Motion by Campbell, second by Pearce

16. Out-year funding of FY 04 and 05 projects

APPROVED MOTION: Motion to approve FY 06 funding for projects: Ballachey-040775, \$34,900; Batten-040624, \$135,200; Bechtol-040693, \$56,000; Bishop-

040635, \$151,390; Bodkin-040620, \$6,500; Cokelet-040699, \$145,900; DeLorenzo-040210, \$133,200; Finney-040703, \$81,117; Heintz-040706, \$14,000; Honnold-040707, \$86,800; Nelson-040290, \$22,200; Okkonen-040614, \$31,455; Rice-040620, \$29,100; Schneider-040610, \$63,000; Thorne-040725, \$108,943; Walker-040726, \$149,700; Weingartner-040340, \$64,950; Willette-040670, \$27,900; Woody-040712, \$152,632; Baird-050743, \$28,900; Bodkin-050750, \$104,400; Hoover-Miller-050749, \$130,300; Irons-050751, \$32,700; Matkin-050742, \$22,300; Otis-050769, \$89,400; Rice-050794, \$30,783.56; Saupe-050764, \$201,900; Short-050763, \$58,900; Willette-050765, \$65,900. The funding of these projects is contingent on receipt by the EVOS staff of annual reports in the proper format.

Motion by Nordstrand, second by Fredriksson

17. Defer action on the EVOS Administrative Budget-060100

APPROVED MOTION: Approve motion deferring action on the EVOS Administrative Budget-060100 until a subcommittee of trustees, trustee representatives, and EVOS staff reviews it. The budget is to be brought back to the Trustee Council by mid-late September, 2005.

Motion by Campbell, second by Nordstrand

18. Executive Session

APPROVED MOTION: Approved motion to move to executive session to discuss personnel issues.

Motion by Nordstrand, second by Campbell

EXECUTIVE SESSION

Off the record: 4:49

Meeting adjourned following Executive Session at 6:18 p.m.

Motion by Fredriksson

RECEIVED

FILED
US DISTRICT COURT
DISTRICT OF ALASKA

SEP 12 2005

2005 SEP -9 PM 4:33

DAVID W. MÁRQUEZ
ATTORNEY GENERAL

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
3RD JUDICIAL DISTRICT
ANCHORAGE, ALASKA

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Attorneys for the State of Alaska

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

STATE OF ALASKA,)
)
Plaintiff,) No. A91-083 CIV (HRH)
)
v.) THIRTEENTH JOINT
) NOTICE OF
EXXON CORPORATION, and EXXON) EXPENDITURES FROM
SHIPPING COMPANY,) INVESTMENT FUND
) AND FROM MONIES
Defendants.) PREVIOUSLY
) DISBURSED

The State of Alaska and the United States (the "Governments") jointly provide notice of the expenditure of \$2,897,392.63 from the EXXON VALDEZ Oil Spill Investment Fund ("Investment Fund") -- \$2,458,314.63 from the Research Investment Sub-Account and \$439,078.00 from the Koniag Investment Sub-Account and \$15,750.50 from the Department of the Interior's Natural Resource Damage Assessment and Restoration Fund (monies previously disbursed). The Governments' natural resource trustee agencies will use these funds for purposes

1
2 consistent with the Memorandum of Agreement and Consent Decree entered by this
3 Court in *United States v. State of Alaska*, No. A91-081 CIV (D. Alaska) on August
4 28, 1991 ("MOA").

5 On September 25, 1991 the State of Alaska and the United States
6 settled their claims against the Exxon Corporation, Exxon Shipping Company,
7 Exxon Pipeline Company, and the T/V EXXON VALDEZ arising from the EXXON
8 VALDEZ oil spill. All funds resulting from these settlements were subsequently
9 ordered by this Court to be placed in an interest-bearing account in the Court
10 Registry Investment System ("CRIS") administered through the United States
11 District Court for the Southern District of Texas.
12

13
14 On June 7, 2000 this Court entered its Third Amended Order for
15 Deposit and Transfer of Settlement Proceeds ("Third Amended Order"). The Third
16 Amended Order allows the Governments the option of investing the money in an
17 account outside the United States Treasury. On September 29, 2000, upon
18 application by the Governments, the Court entered an Order Re: Transfer of Funds
19 from the Exxon Valdez Liquidity Account and the Reserve Fund to an Investment
20 Fund Within the Alaska Department of Revenue, Division of Treasury, authorizing
21 transfer of settlement proceeds to an account within the State. On October 5, 2000
22 all funds and securities were transferred from the CRIS to the Investment Fund. The
23 Third Amended Order further allows the Governments to establish separate sub-
24
25

26 THIRTEENTH JOINT NOTICE OF
EXPENDITURES FROM INVESTMENT FUND
AND FROM MONIES PREVIOUSLY DISBURSED

1 accounts within the primary account as the Trustee Council determines appropriate.
2
3 On October 1, 2002 three sub-accounts were created in the Investment Fund, to wit:
4 the Research Investment Sub-Account, the Habitat Investment Sub-Account, and the
5 Koniag Investment Sub-Account. These sub-accounts were established to carry out
6 the Trustee Council's decision in its Resolution of March 1, 1999 to separately
7 manage the remaining assets of the Joint Trust Funds for the specific purposes of
8 funding a long term research and monitoring program, the acquisition of lands along
9 the Karluk River and the establishment of a fund to purchase small parcels of land
10 that may become available in the future.
11

12 Paragraph 27 of the Third Amended Order provides that "funds in an
13 Investment Fund shall remain on deposit in that Fund until such time as the Exxon
14 Valdez Oil Spill Trustee Council unanimously resolve to expend all or part of the
15 funds." The funds may then be expended, for purposes consistent with the MOA,
16 upon the joint notification of the Governments to the Investment Fund and the
17 Court.¹ The notification is to inform the Court of the proposed uses of the funds in
18 the same manner and to the same extent as was the Governments' practice when the
19 funds were in the registry of the Court.
20
21
22

23
24 ¹ A copy of the notice provided to the Investment Fund pursuant to
25 paragraph 27 of the Third Amended Order for Deposit and Transfer of Settlement
26 Proceeds is appended to this Notice as Attachment A, pp. 1 - 2.

THIRTEENTH JOINT NOICE OF
EXPENDITURES FROM INVESTMENT FUND
AND FROM MONIES PREVIOUSLY DISBURSED

The Governments provide notice of this thirteenth expenditure from the Investment Fund and monies previously disbursed for: (1) necessary natural resource damage assessment and restoration activities during federal fiscal year 2005 AND 2006;² and (2) payment of \$439,078.00 to Koniag, Inc. (third of multiple payments) for a non-development easement on lands it owns on Kodiak, including lands along the Karluk River.³ Of the \$2,913,143.13 that is the subject of this notice, \$1,722,197.50 will be provided to the United States and \$1,190,945.63 will be provided to the State of Alaska.

A complete summary of the Council's activities since approval of the settlement was appended to our Second Application, filed January 19, 1993, as Attachment B, and interim updates of activities appeared as Attachments to each of the Governments' Third through Sixth, Eighth through Twelfth, Fifteenth, Nineteenth, Twenty-First, Twenty-Second, Twenty-Fourth through Twenty-Ninth, Thirty-First, and Thirty-Third through Forty-Fifth applications for disbursement, the Fifth through Seventh and Tenth through Fourteenth Joint Notices of Expenditure From Settlement Account Monies Previously

² The resolution of the Trustee Council documenting its unanimous agreement, at its June 11, 2005 meeting, to expend \$15,750.50 to supplement funds needed to implement the FY 2005 Work Plan and, at its August 10, 2005 meeting, to expend \$2,458,314.63 to implement the FY 2006 Work Plan is appended to this Notice at Attachment A, pp. 3-10.

³ The resolution evidencing the Trustee Council's approval for the purchase of this easement appeared as part of the Sixth Joint Notice of Expenditures From Settlement Account Monies Previously Disbursed at Attachment A, pp. 32 - 43. A description of the non-development easement may be found in the Third Joint Notice Of Expenditures From Investment Fund.

THIRTEENTH JOINT NOICE OF
EXPENDITURES FROM INVESTMENT FUND
AND FROM MONIES PREVIOUSLY DISBURSED

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE BRANCH
1031 W. FOURTH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 269-5100

1 Disbursed, and the First Second, Fourth, and Seventh through the Amended Twelfth Joint
2 Notice of Expenditures From Investment Fund. Since the last summary provided to the
3 Court, the Trustee Council has met three time. Appended to this Notice at Attachment B
4 are the meeting notes for those meetings.⁴

5
6 RESPECTFULLY SUBMITTED this 1st day of September, 2005 at
7 Anchorage, Alaska.

8 FOR THE STATE OF ALASKA

9
10 DAVID W. MÁRQUEZ
ATTORNEY GENERAL

11 By:

Craig J. Tillery
12 CRAIG J. TILLERY
13 Assistant Attorney General
14 State of Alaska
Department of Law
15 1031 West Fourth Avenue, Suite 200
16 Anchorage, Alaska 99501-1994
Telephone: (907) 269-5274
Facsimile: (907) 278-7022

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24 ⁴ Attachment A to the meeting notes of the June 11 meeting (the
25 public comments received by the Trustee Council at that meeting) is not included
in this filing. That attachment (40 pages) is available upon request.

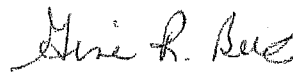
26 THIRTEENTH JOINT NOICE OF
EXPENDITURES FROM INVESTMENT FUND
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FOR THE UNITED STATES OF AMERICA
KELLY A. JOHNSON
Acting Assistant Attorney General
Environment & Natural Resources Division

WILLIAM D. BRIGHTON, Asst. Chief
Environmental Enforcement Section
Environment & Natural Resources Division
U.S. Department of Justice
Washington, D.C. 20530

By:



REGINA R. BELT
Environmental Enforcement Section
Environment & Natural Resources Division
U.S. Department of Justice
801 B Street, Suite 504
Anchorage, Alaska 99501-3657
(907) 271-3456

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 9th day of
September, 2005, copies of the foregoing
document and attachments were served
by U.S. mail, first class, postage prepaid,
on the following:

Regina R. Belt
James F. Neal
Douglas J. Serdahely
Patrick Lynch
John F. Clough III



9-9-05
Date

THIRTEENTH JOINT NOICE OF
EXPENDITURES FROM INVESTMENT FUND
AND FROM MONIES PREVIOUSLY DISBURSED