

JOHN J. BURNS
ATTORNEY GENERAL

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Attorneys for the State of Alaska

**UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA**

STATE OF ALASKA,)	
)	
Plaintiff,)	No. 3:91-CV-0083 (HRH)
)	
v.)	FORTY-FIFTH
)	JOINT NOTICE OF
EXXON CORPORATION, and EXXON)	EXPENDITURES FROM
SHIPPING COMPANY,)	THE INVESTMENT FUND
)	
Defendants.)	
_____)	

The United States and the State of Alaska (“the Governments”) jointly provide this notice of their expenditure of \$640,012 from the Koniag Sub-Account of the Exxon Valdez Oil Spill Investment Fund (“Investment Fund”). 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 United States and the State of Alaska 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 (“EVOS”). 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: 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 manage separately 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 EVOS Trustees 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. 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.¹

The Governments provide notice of this forty-fifth expenditure of \$640,012 from the Koniag Sub-Account previously approved by Resolution 01-08 which authorizes year nine of the annual October 15th Koniag payments.² Of the \$640,012 that is the subject of this Notice, the entire amount will be provided to the United States.

The Trustee Council has not met since the Governments' filing on May 17, 2011 of their Forty-Fourth Joint Notice of Expenditures. The Governments will submit the meeting notes for the April 19, 2011 meeting once they have been approved by the Trustee Council.

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.

² The Trustee Council unanimously authorized these funds at its January 16, 2001 meeting in Resolution 01-08. Resolution 01-08 is included as Attachment A pp. 29-39 to the Forty-First Joint Notice at Docket No. 303. In addition, at its April 19, 2011 meeting the Trustee Council unanimously authorized \$42,400 in funds for an amendment to Hollmen project 10100839 in Resolution 11-06. This amount was included in the the Forty-Fourth Joint Notice at Docket No. 307, and Resolution 11-06 was appended to the Notice at Attachment A, pp.4-6. Resolution 11-06 erroneously directed the funds to be distributed to the United States Geological Survey; the correct distributing agency is the Alaska Department of Fish and Game. The Trustee Council executed Resolution 11-10, which serves to correct the administrative error in Resolution 11-06 and is appended to this Notice at Attachment A, pp. 3-9. This error does not impact the expenditure of funds.

RESPECTFULLY SUBMITTED this 30th day of August, 2011 at Anchorage, Alaska.

FOR THE STATE OF ALASKA

JOHN J. BURNS
ATTORNEY GENERAL

By: s/JENNIFER L. SCHORR
Assistant Attorney General
State of Alaska
Department of Law
1031 West Fourth Avenue, Suite 200
Anchorage, Alaska 99501-1994
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Alaska Bar #0811082

FOR THE UNITED STATES

s/ERIKA M. ZIMMERMAN (consent)
Trial Attorney
Environmental Enforcement Section
Environment & Natural Resources Division
United States Department of Justice
c/o NOAA/Damage Assessment
7600 Sand Point Way, NE
Seattle, Washington 98115
Telephone: (206) 526-6608
Facsimile: (907) 526-6665
Email: Erika.Zimmerman@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of August, 2011, a copy of the foregoing, FORTY-FIFTH JOINT NOTICE OF EXPENDITURES FROM THE INVESTMENT FUND, was served by the Court's Electronic Case Management system upon all persons registered to receive filings in this matter and also by U.S. mail, first class, postage paid, upon the following:

James F. Neal
Neal & Harwell
2000 One Nashville Place
150 Forth Avenue North
Nashville, Tennessee 37219

Erika M. Zimmerman
U.S. Department of Justice
c/o NOAA/Damage Assessment
7600 Sand Point Way NE
Seattle, Washington 98115

Patrick Lynch
O'Melveny & Meyers
400 South Hope Street
Los Angeles, California 90071

Douglas J. Serdahely
Patton Boggs LLP
601 West 5th Avenue, Suite 700
Anchorage, Alaska 99501

Christine O'Sullivan
AK Dept. of Fish & Game
PO Box 115526
Juneau, Alaska 99811-5526

John F. Clough III
Clough & Associates
PO Box 211187
Auke Bay, Alaska 99821-1187

Cherri Womac
AK Dept. of Fish & Game
Exxon Valdez Oil Spill Trustee Council Office
441 West 5th Avenue, Suite 500
Anchorage, Alaska 99501

s/Jessica Erickson

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

SEAN PARNELL, GOVERNOR

Environmental
1031 WEST 4th AVENUE,
SUITE 200
ANCHORAGE, ALASKA

August 29, 2011

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 \$640,012 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). The entire amount will be expended from the Koniag Sub-Account. 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 accounts described below:

United States

Amount: \$640,012 from the Koniag Sub-Account

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

Mr. Gary Bader
Treasury Division, Department of Revenue

Page 2
August 29, 2011

Beneficiary Bank

account: 021030004
name: Treasury, NYC

OBI Text

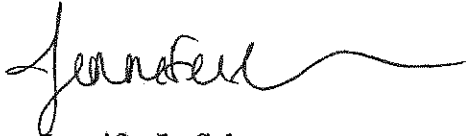
Natural Resource Damage Assessment Restoration Fund 14X5198
EVOS Exxon Valdez, Civil Settlement, FY06 Joint Funds

Beneficiary Reference

A91-082Civil

The transfer should take place when most financially advantageous, preferably on or before September 15, 2011, or as soon thereafter as possible. If you have any questions, please call Elise Hsieh at (907) 265-9330.

Sincerely,



Jennifer L. Schorr
Assistant Attorney General
State of Alaska



Erika M. Zimmerman
Environmental Enforcement Section
Environment & Natural Resources Division
U.S. Department of Justice
United States of America

cc: Regina Belt, U.S. Department of Justice, *via email*
Jeff Hoover, Alaska Department of Fish and Game, *via email*
Christine O'Sullivan, Alaska Department of Fish and Game, *via email*
Barbara Mason, Alaska Department of Fish and Game, *via email*
Bronze Ickes, Alaska Department of Revenue, *via email*
Bob Mitchell, Alaska Department of Revenue, *via email*
Alexander Sadighi, Alaska Department of Revenue, *via email*
Bruce Nesslage, Department of the Interior, *via email*
Cherri Womac, Exxon Valdez Oil Spill Trustee Council Restoration Office, *via email*
Linda Kilbourne, Exxon Valdez Oil Spill Trustee Council Restoration Office, *via email*

RESOLUTION 11-10 AMENDING RESOLUTION 11-06 OF THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL REGARDING AUTHORIZATION FOR ADDITIONAL FUNDS FOR PROJECT 10100839-A

We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council ("Trustee Council"), find as follows:

At its April 19, 2011 meeting, the Trustee Council unanimously authorized funds for an amendment to Hollmen project 10100839, Evaluating Injury to Harlequin Ducks, in the amount of \$38,900 plus applicable General Administration (GA) for federal fiscal year 2011, as reflected in Resolution 11-06. Resolution 11-06 erroneously directed the funds to be distributed to the United States Geological Survey; the correct distributing agency for this project is the Alaska Department of Fish and Game. Designation of a distributing agency typically falls under the administrative purview of the Trustee Council staff and therefore the Trustee Council did not designate a distributing agency at the April 19th meeting.

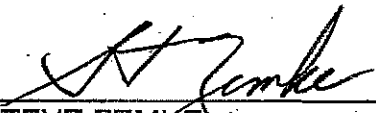
This Resolution serves to correct the error in Resolution 11-06. The funds for Hollmen project 10100839 are to be distributed according to the following schedule:

Alaska Department of Fish & Game (includes 9% GA)	\$42,400
TOTAL TO STATE OF ALASKA	\$42,400
TOTAL APPROVED	\$42,400

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 available additional funds for Hollmen Project 10100839, Evaluating Injury to Harlequin Ducks from the appropriate account designated by the Executive Director.

//// // ////

The funds for this project were approved by the Council at its meeting of April 19, 2011 held in Anchorage, Alaska as affirmed by our signatures affixed below.



STEVE ZEMKE
Alternate Trustee
Chugach Nation Forest
U.S. Department of Agriculture

JOHN J. BURNS
Attorney General
Alaska Department of Law

KIM ELTON
Senior Advisor to the Secretary
for Alaska Affairs
U.S. Department of the Interior

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

CORA CAMPBELL
Commissioner
Alaska Department of Fish and Game

LARRY HARTIG
Commissioner
Alaska Department of Environmental
Conservation

Attachment: Resolution 11-06

The funds for this project were approved by the Council at its meeting of April 19, 2011 held in Anchorage, Alaska as affirmed by our signatures affixed below.

STEVE ZEMKE
Alternate Trustee
Chugach Nation Forest
U.S. Department of Agriculture

Jennifer Burns
for JOHN J. BURNS
Attorney General
Alaska Department of Law

KIM ELTON
Senior Advisor to the Secretary
for Alaska Affairs
U.S. Department of the Interior

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

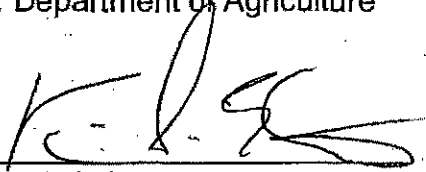
CORA CAMPBELL
Commissioner
Alaska Department of Fish and Game

LARRY HARTIG
Commissioner
Alaska Department of Environmental
Conservation

Attachment: Resolution 11-06

The funds for this project were approved by the Council at its meeting of April 19, 2011 held in Anchorage, Alaska as affirmed by our signatures affixed below.

STEVE ZEMKE
Alternate Trustee
Chugach Nation Forest
U.S. Department of Agriculture



KIM ELTON
Senior Advisor to the Secretary
for Alaska Affairs
U.S. Department of the Interior

JOHN J. BURNS
Attorney General
Alaska Department of Law

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

CORA CAMPBELL
Commissioner
Alaska Department of Fish and Game

LARRY HARTIG
Commissioner
Alaska Department of Environmental
Conservation

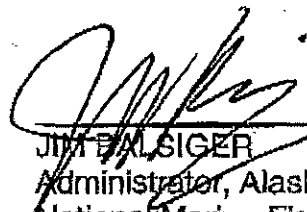
Attachment: Resolution 11-06

The funds for this project were approved by the Council at its meeting of April 19, 2011 held in Anchorage, Alaska as affirmed by our signatures affixed below.

STEVE ZEMKE
Alternate Trustee
Chugach Nation Forest
U.S. Department of Agriculture

JOHN J. BURNS
Attorney General
Alaska Department of Law

KIM ELTON
Senior Advisor to the Secretary
for Alaska Affairs
U.S. Department of the Interior



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

CORA CAMPBELL
Commissioner
Alaska Department of Fish and Game

LARRY HARTIG
Commissioner
Alaska Department of Environmental
Conservation

Attachment: Resolution 11-06

The funds for this project were approved by the Council at its meeting of April 19, 2011 held in Anchorage, Alaska as affirmed by our signatures affixed below.

STEVE ZEMKE
Alternate Trustee
Chugach Nation Forest
U.S. Department of Agriculture

JOHN J. BURNS
Attorney General
Alaska Department of Law

KIM ELTON
Senior Advisor to the Secretary
for Alaska Affairs
U.S. Department of the Interior

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

Cora Campbell

CORA CAMPBELL
Commissioner
Alaska Department of Fish and Game

LARRY HARTIG
Commissioner
Alaska Department of Environmental
Conservation

Attachment: Resolution 11-06

The funds for this project were approved by the Council at its meeting of April 19, 2011 held in Anchorage, Alaska as affirmed by our signatures affixed below.


STEVE ZEMKE
Alternate Trustee
Chugach Nation Forest
U.S. Department of Agriculture

JOHN J. BURNS
Attorney General
Alaska Department of Law

KIM ELTON
Senior Advisor to the Secretary
for Alaska Affairs
U.S. Department of the Interior

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

CORA CAMPBELL
Commissioner
Alaska Department of Fish and Game



LARRY HARTIG
Commissioner
Alaska Department of Environmental
Conservation

Attachment: Resolution 11-06