

MICHAEL C. GERAGHTY  
ATTORNEY GENERAL

JENNIFER L. SCHORR  
Assistant Attorney General  
State of Alaska  
Department of Law  
1031 West Fourth Avenue, Suite 200  
Anchorage, Alaska 99501-1994  
Telephone: (907) 269-5274  
Facsimile: (907) 278-7022  
Email: [jennifer.schorr@alaska.gov](mailto:jennifer.schorr@alaska.gov)

Attorneys for the State of Alaska

**UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA**

STATE OF ALASKA,	)	
	)	
Plaintiff,	)	No. 3:91-CV-0083 (HRH)
	)	
v.	)	<b>FIFTY-THIRD</b>
	)	<b>JOINT NOTICE OF</b>
EXXON CORPORATION, and EXXON	)	<b>EXPENDITURES FROM</b>
SHIPPING COMPANY,	)	<b>THE INVESTMENT</b>
	)	<b>FUND</b>
Defendants.	)	
_____	)	

The United States and the State of Alaska (“the Governments”) jointly provide this notice of their expenditure of \$706,990 from the Exxon Valdez Oil Spill Investment Fund (“Investment Fund”). The entire expenditure is from the Koniag Sub-Account of the Investment Fund. The Governments’ natural resource trustee agencies will use these funds for purposes consistent with the Memorandum of Agreement and Consent Decree

FIFTY-THIRD JOINT NOTICE OF  
EXPENDITURES FROM INVESTMENT FUND  
(Case 3:91-CV-0083 (HRH))

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.<sup>1</sup>

The Governments provide notice of this fifty-third expenditure of \$706,990 from the Koniag Sub-Account previously approved by Resolution 01-08, which authorizes year

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<sup>1</sup> 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.

eleven of the annual October 15th Koniag payments.<sup>2</sup> The entire amount that is the subject of this Notice will be provided to the United States.

The Trustee Council has not met since the Governments' filing on July 18, 2013 of their Fifty-Second Joint Notice of Expenditures. The Governments will submit the meeting notes for the February 21, 2013 meeting once they have been approved by the Trustee Council.

RESPECTFULLY SUBMITTED this 31st day of July, 2013 at Anchorage, Alaska.

FOR THE STATE OF ALASKA

MICHAEL C. GERAGHTY  
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  
Telephone: (907) 269-5274  
Facsimile: (907) 278-7022  
Email: [jennifer.schorr@alaska.gov](mailto:jennifer.schorr@alaska.gov)  
Alaska Bar #0811082

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<sup>2</sup> 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.

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](mailto:Erika.Zimmerman@usdoj.gov)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 31st day of July, 2013, a copy of the foregoing FIFTY-THIRD JOINT NOTICE OF EXPENDITURES FROM THE INVESTMENT FUND, together with attachment A thereto, was served by U.S. mail, first class, postage paid, on the following:

James F. Neal Neal & Harwell 2000 One Nashville Place 150 Fourth Avenue North Nashville, TN 37219	Douglas J. Serdahely Patton Boggs LLP 601 W. 5 <sup>th</sup> Avenue, Suite 700 Anchorage, AK 99501	Patrick Lynch O'Melveny & Meyers 400 South Hope Street Los Angeles, CA 90071
Christine O'Sullivan AK Dept. of Fish & Game PO Box 115526 Juneau, AK 99811-5526	John F. Clough III Clough & Associates PO Box 211187 Auke Bay, AK 99821- 1187	Cherri Womac AK Dept. of Fish & Game Exxon Valdez Oil Spill Trustee Council Office 4210 University Drive Anchorage, AK 99508- 4650
Erika M. Zimmerman U.S. Department of Justice c/o NOAA/Damage Assessment 7600 Sand Point Way NE Seattle, WA 98115		

/s/Jennifer L. Schorr, AAG



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

Department of Law

CIVIL DIVISION

1031 West 4th Avenue, Suite 200  
Anchorage, Alaska 99501  
Main: 907.269.5100  
Fax: 907.276.3697

July 25, 2013

VIA EMAIL

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 \$706,990 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 expenditure is 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: \$706,990 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

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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

This transfer should take place when most financially advantageous, preferably on or before September 1, 2013. 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*  
Christine O'Sullivan, Alaska Department of Fish and Game, *via email*  
Barbara Mason, Alaska Department of Fish and Game, *via email*  
Carol Petraborg, Alaska Department of Fish and Game, *via email*  
Bronze Ickes, Alaska Department of Revenue, *via email*  
Bob Mitchell, Alaska Department of Revenue, *via email*  
Bruce Nessler, 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*