

TALIS J. COLBERG  
ATTORNEY GENERAL

CRAIG J. TILLERY  
DEPUTY ATTORNEY GENERAL

ELISE M. HSIEH  
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: Elise.Hsieh@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>THIRTY-FIRST JOINT</b>
	)	<b>NOTICE OF</b>
EXXON CORPORATION, and EXXON	)	<b>EXPENDITURES FROM</b>
SHIPPING COMPANY,	)	<b>THE INVESTMENT</b>
	)	<b>FUND AND FROM</b>
Defendants.	)	<b>MONIES PREVIOUSLY</b>
	)	<b>DISBURSED</b>

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The State of Alaska and the United States (the "Governments") jointly provide notice of the expenditure of \$753,000 in settlement funds, specifically \$629,000 from the Habitat Investment Sub-Account of the *Exxon Valdez* Oil Spill Investment Fund ("Investment Fund"); and \$124,000 in lapsed funds and accrued interest on settlement monies previously disbursed from the Investment Fund that are that are within the State of Alaska's

General Funds and Other Non-Segregated Investments Account. 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:

**THIRTY-FIRST JOINT NOTICE OF EXPENDITURES FROM  
THE INVESTMENT FUND AND FROM MONIES PREVIOUSLY DISBURSED**

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.<sup>1</sup> 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 thirty-first expenditure from the Investment Fund and from monies previously disbursed for: (1) \$629,000 for the acquisition of lands along the Kenai River (small parcel KEN 3002); and (2) \$124,000 for necessary natural resource damage assessment and restoration activities during federal fiscal 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.

2009.<sup>2</sup> The entire amount of \$753,000 that is the subject of this Notice will be provided to the State of Alaska.

The Trustee Council has not met since the Governments' filing on August 29, 2008 of their Thirtieth Joint Notice of Expenditures from Investment Fund. The Governments will submit the meeting notes for August 28, 2008 meetings once they have been approved by the Trustee Council.

RESPECTFULLY SUBMITTED this 17th day of September, 2008 at Anchorage, Alaska.

FOR THE STATE OF ALASKA

TALIS J. COLBERG  
ATTORNEY GENERAL

By: s/Elise Hsieh  
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: Elise.Hsieh@alaska.gov  
Alaska Bar #9511048

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<sup>2</sup> Appended to this Notice at Attachment A, pp. 3-24, are Trustee Council resolutions documenting the Council's unanimous agreement, at its March 17, 2008 and June 26, 2008 meetings, to authorize the expenditures of (1) \$629,000 for the acquisition of a small parcel of land (KEN 3002), located in Soldotna, Alaska, along the Kenai River (Resolution 08-08), (2) \$15,000 to support the 2009 Alaska Forum for the Environment (Resolution 08-14), and (3) \$109,000 to fund the creation of an executive committee of the Integrated Herring Restoration Program work group that will create a plan for the review and approval of the entire work group (Resolution 08-15).

FOR THE UNITED STATES

s/Kathryn MacDonald (consent)  
Environmental Enforcement Section  
Environment & Natural Resources Division  
U.S. Department of Justice  
P.O. Box 7611  
Washington, D.C. 20044-7611  
Telephone: (202)353-7397  
Facsimile: (202)514-4180  
Email: kathryn.macdonald@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of  
September, 2008, a copy of the foregoing THIRTY-FIRST  
JOINT NOTICE EXPENDITURES FROM  
THE INVESTMENT FUND AND FROM MONIES  
PREVIOUSLY DISBURSED, together with attachments A,  
were served by U.S. mail, first class,  
postage prepaid, on the following:

Regina R. Belt  
U.S. Dept. of Justice  
801 B Street, Suite 504  
Anchorage, AK 99501-3657

Kathryn MacDonald  
Environmental and Natural Resources Division  
Environmental Enforcement Section  
P.O. Box 7611  
Washington, D.C. 20044-7611

James F. Neal  
Neal & Harwell  
2000 One Nashville Place  
150 Forth 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

**THIRTY-FIRST JOINT NOTICE OF EXPENDITURES FROM  
THE INVESTMENT FUND AND FROM MONIES PREVIOUSLY DISBURSED**

3:91-CV-0083 (HRH)

Page 5 of 6

400 South Hope Street  
Los Angeles, CA 90071

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

s/Gail Byers

**ATTACHMENT A**

SARAH PALIN, GOVERNOR

**DEPARTMENT OF LAW**

OFFICE OF THE ATTORNEY GENERAL

*Environmental*

1031 WEST 4<sup>th</sup> AVENUE, SUITE 200

ANCHORAGE, ALASKA 99501-1994

PHONE: (907) 269-5274

FAX: (907) 278-7022

September 17, 2008

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 \$629,000 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. This entire amount will come from the Habitat Investment Sub-Account of the Investment Fund that is 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 accounts described below:

**State of Alaska**

Amount: \$629,000 from the Habitat Sub-Account  
State of Alaska  
Exxon Valdez Settlement Account  
GeFONSI 33070  
Account 22177

/// /// ///  
/// /// ///

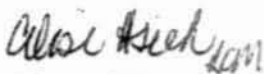


Mr. Gary Bader  
Treasury Division, Department of Revenue

Page Two  
September 17, 2008

The transfer should take place when most financially advantageous, preferably on or before September 24, 2008, or as soon thereafter as possible. If you have any questions, please call Elise Hsieh at (907) 269-5274.

Sincerely,



Elise Hsieh  
Assistant Attorney General  
State of Alaska



Kathryn ~~MacDonald~~ MacDonald  
Environmental Enforcement Section  
Environment & Natural Resources Division  
U.S. Department of Justice  
United States of America

cc: Regina Belt, U.S. Department of Justice  
Matt vanSteenwyk, Alaska Department of Fish and Game *via email and U.S. Mail*  
Christine O'Sullivan, Alaska Department of Fish and Game *via email and U.S. Mail*  
Sue Bump, Alaska Department of Revenue *via email and U.S. Mail*  
Bob Mitchell, Alaska Department of Revenue *via email and U.S. Mail*  
James McKnight, Alaska Department of Revenue *via email and U.S. Mail*  
Lynette Schroeder, Exxon Valdez Oil Spill Trustee Council Restoration Office

## Exxon Valdez Oil Spill Trustee Council

441 W. 5<sup>th</sup> Ave., Suite 500 • Anchorage, AK 99501-2340 • 907 278 8012 • fax 907 278 7178



### Erratum Notice

Resolution 08-02 of the *Exxon Valdez* Oil Spill Trustee Council Regarding Small Parcel KEN 3002 dated March 17, 2008 was erroneously number using a previously assigned resolution number. Resolution 08-02 is renumbered Resolution 08-08 *Exxon Valdez* Oil Spill Trustee Council Regarding Small Parcel KEN 3002.

Michael Baffrey  
Executive Director

March 19, 2008  
Date

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

**RESOLUTION 08-02 OF THE  
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL  
REGARDING SMALL PARCEL KEN 3002**

We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council ("Trustee Council"), after review and consideration of relevant information regarding restoration of resources injured by the Exxon Valdez Oil Spill ("EVOS") find as follows:

1. The owners of small parcel KEN 3002 have indicated an interest in selling said parcel.
2. An appraisal of the parcel approved by the state review appraiser determined that the fair market value of the parcel is \$629,000.
3. As set forth in Attachment A, if acquired, this small parcel has attributes which will restore, replace, enhance and rehabilitate injured natural resources and the services provided by those natural resources, including important habitat for several species of fish and wildlife for which significant injury resulting from the spill has been documented. Parcel KEN 3002, because of its location, on the river near the Soldotna Visitor's Center, adjacent to the previously acquired Shilling/Roberts parcel where the Sterling Highway crosses the Kenai River, provides highly visible and convenient access to recreational anglers and residents utilizing Centennial Park and the Soldotna Fish Walk. Acquisition of this parcel will protect approximately 250 linear feet of riverfront and provides an important connection between public riverfront lands. Public ownership of this parcel will allow for managed access to the Kenai River and thereby protect habitat for pink salmon and Dolly Varden and enhance the recovery of recreational services such as sport fishing, commercial fishing and tourism.
4. Existing laws and regulations, including but not limited to the Alaska Forest Practices Act, the Alaska Anadromous Fish Protection Act, the Clean Water Act, the Alaska Coastal Management Act, the Bald Eagle Protection Act and the Marine Mammal Protection Act, are intended, under normal circumstances, to protect resources from serious adverse effects from activities on the lands. However, restoration, replacement and enhancement of resources injured by the *Exxon Valdez* oil spill ("EVOS") present a unique situation. Without passing judgment on the adequacy or inadequacy of existing law and regulations to protect resources, scientists and other resource specialists agree that, in their best

Resolution 08-02

professional judgment, protection of habitat in the spill area to levels above and beyond that provided by existing laws and regulations will have a beneficial effect on recovery of injured resources and lost or diminished services provided by these resources.

5. There has been widespread public support within Alaska as well as on a national basis, for the acquisition of lands.

6. The purchase of small parcels is an appropriate means to restore a portion of the injured resources and services in the oil spill area.

7. The purchase of this parcel is an appropriate means to restore a portion of the injured resources and services in the oil spill area. Acquisition of this parcel is consistent with the Final Restoration Plan.

THEREFORE, we resolve to provide funds for the State of Alaska to purchase all the seller's rights and interests in small parcel KEN 3002 and to provide funds necessary for closing costs recommended by the Executive Director of the Trustee Council ("Executive Director"), and approved by the Trustee Council and pursuant to the following conditions:

(a) the amount of funds (hereinafter referred to as the "Purchase Price") to be provided by the Trustee Council to the State of Alaska shall be six-hundred twenty-nine thousand dollars (\$629,000) for small parcel KEN 3002;

(b) authorization for funding for any acquisition described in the foregoing paragraph shall terminate if a purchase agreement is not executed by June 30, 2009;

(c) filing by the United States Department of Justice and the Alaska Department of Law of a notice, as required by the Third Amended Order for Deposit and Transfer of Settlement Proceeds, of the proposed expenditure with the United States District Court for the District of Alaska and with the Investment Fund established by the Trustee Council within the Alaska Department of Revenue, Division of the Treasury ("Investment Fund"), and transfer of the necessary monies from the Investment Fund to the State of Alaska Department of Natural Resources;

(d) a title search satisfactory to the State of Alaska and the United States is completed, and the seller is willing and able to convey fee simple title by warranty deed;

(e) no timber harvesting, road development or any alteration of the land will be initiated on the land without the express agreement of the State of Alaska and the United States prior to purchase of this parcel;

(f) a hazardous materials survey satisfactory to the State of Alaska and United States is completed;

(g) compliance with the National Environmental Policy Act; and

(h) a conservation easement on parcel KEN 3002 shall be conveyed to the United States which must be satisfactory in form and substance to the United States and the State of Alaska Department of Law.

It is the intent of the Trustee Council that the above-referenced conservation easement will provide that any facilities or other development on the foregoing small parcel shall be of limited impact and in keeping with the goals of restoration, that there shall be no commercial use except as may be consistent with applicable state or federal law and the goals of restoration to prespill conditions of any natural resource injured, lost, or destroyed as a result of the EVOS, and the services provided by that resource or replacement or substitution for the injured, lost or destroyed resources and affected services, as described in the Memorandum of Agreement and Consent Decree between the United States and the State of Alaska entered August 28, 1991 and the Restoration Plan as approved by the Trustee Council.

By unanimous consent, following execution of the purchase agreement between the seller and the State of Alaska and written notice from the Executive Director that the terms and conditions set forth herein and in the purchase agreement have been satisfied, we request the Alaska Department of Law and the Assistant Attorney General of the Environment and Natural Resources Division of the United States Department of Justice to take such steps as may be necessary for

Resolution 08-02

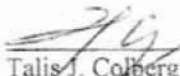
withdrawal of the Purchase Price for the above-referenced parcel from the appropriate account designated by the Executive Director.

Such amount represents the only amount due under this resolution to the sellers by the State of Alaska to be funded from the joint settlement funds, and no additional amounts or interest are herein authorized to be paid to the sellers from such joint funds.

Approved by the Trustee Council at its meeting of March 17, 2008 held in Anchorage, Alaska, as affirmed by our signatures affixed below:



Joe L. Meade  
Forest Supervisor  
Forest Service Alaska Region  
U. S. Department of Agriculture

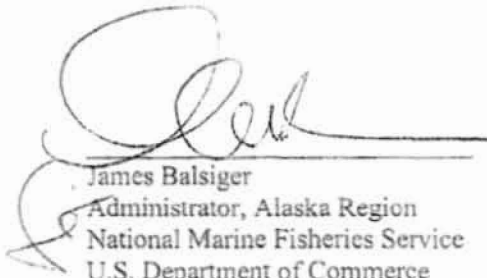


Talis J. Colberg  
Attorney General  
Alaska Department of Law

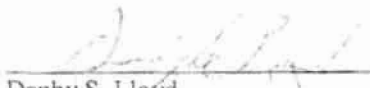


Randall Luthi  
Director  
Minerals Management Service  
U.S. Department of Interior

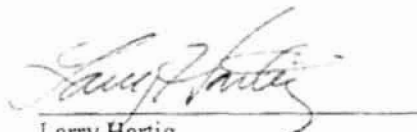
*Hans Niering for  
Randall Luthi*



James Balsiger  
Administrator, Alaska Region  
National Marine Fisheries Service  
U.S. Department of Commerce



Denby S. Lloyd  
Commissioner  
Alaska Department of Fish and Game



Larry Hartig  
Commissioner  
Alaska Department of Environmental Conservation

Attachment A - Restoration Benefits Report and Map

Resolution 08-02

## ATTACHMENT A

### KEN 3002, Russell/Long Parcel

**Owner:** Alex B. Russell, Jr. and William E. Long  
**Physical Location:** The parcel is located on the Kenai River adjacent to the previously purchased Roberts parcel near the Soldotna Visitors Center at the intersection of the Sterling Highway and Kalifornsky Beach Road.  
**Acreage:** 3.04 acres  
**Description:** 450 Centennial Park Road, Soldotna, AK  
**Legal Description:** T5N, R10W, Sec 32, KM, that portion of Government Lot 8 as per WD 102@274 lying north of Kalifornsky Beach Road. Lot 1 of Russell Subdivision.  
**Agency Sponsor:** ADNR and ADF&G  
**Appraised Value:** \$629,000.

**Parcel Description.** This parcel is located on the Kenai River between the Roberts parcel previously purchased by EVOS, and the City of Soldotna's Centennial Park. The Roberts/Shilling parcel is adjacent to the Kenai Peninsula Visitors Center. The parcel slopes from Kalifornsky Beach Road to the Kenai River, is vegetated with spruce and birch trees, and has approximately 250 feet of Kenai River frontage.

#### **Linkage to Restoration:**

**Restoration Benefits.** Public ownership of this parcel will allow for managed access to the Kenai River and thereby protect habitat for pink salmon and Dolly Varden and enhance the recovery of recreational services such as sport fishing, commercial fishing, and tourism.

Key habitat and other attributes of the parcel include the following:

- *Pink salmon, sockeye salmon, and Dolly Varden.* Pink salmon spawn and Dolly Varden spawn and rear in this stretch of the Kenai River. The streamside vegetation afforded by this and other parcels along the Kenai River stabilize riverbanks, protect water quality, moderate temperatures and provide cover for fish. Unfortunately, increasing bank fishing along the Kenai River is destroying riverside brush and grasses.
- *Recreation/tourism.* This parcel has the potential for increasing levels of use for recreational fishing because of its location near the Kenai Peninsula Visitors Center, its gentle slope toward the Kenai River, and the existence of a public use "fishwalk" on a 10-foot easement along the river on the EVOS purchased Roberts/Shilling parcel.

This parcel connects to the larger Kenai River ecosystem and contributes to previous Council and State efforts focused on the health of the Kenai River, its riparian habitat and the various species of fish, such as pink, sockeye, and king salmon and Dolly Varden, that commercial and sport fishing industries depend upon. Acquisition of this parcel will provide restoration benefits to Dolly Varden, subsistence, commercial fishing, passive use, and recreation and tourism.

**Potential Threats.** This parcel has the potential to be converted to profitable commercial use or multi-family housing development. In addition, a significant threat to restoration results from

uncontrolled access to the Kenai River, which damages habitat by trampling streambanks and denuding them of vegetation. Similar habitat on adjacent parcels has been protected through acquisition and on-the-ground restoration efforts including bank stabilization and the construction of elevated light penetrating gratewalk and access stairs designed to provide fishing access while minimizing bank trampling and destruction of riparian habitat. Acquisition of this parcel provides ADF&G/ADNR with the ability to protect contiguous riparian habitat, and if warranted, through bank stabilization and managed recreational access, to contribute to the restoration of pink salmon and Dolly Varden.

**Proposed Management.** The purpose of acquisition is to preserve and protect in perpetuity the ecological, natural, physical and scenic values of the subject property for the benefit of fish and wildlife resources and services that were injured in the *Exxon Valdez* oil spill. If this parcel is acquired, ADNR, in cooperation with ADF&G, will manage it to protect environmentally sensitive river frontage and provide recreational opportunities for the public as appropriate on the remainder of the parcel. The parcel will probably be classified Habitat/Public Recreation Land. The seller has specified "This parcel is to be managed by Alaska State Parks in the interest of maintaining riverine habitat in a natural state on the Kenai River." It is possible that this parcel will be considered for inclusion in the Kenai River Special Management Area providing additional focused management.

**Appraised Value.** The parcel has been subdivided to provide the State with an opportunity to purchase the undeveloped portion of the original five-acre parcel. Lot 1, the parcel being considered by the Trustee Council, is appraised at \$629,000 based upon a highest and best use of single or multi-family residential development. The remaining parcel, Lot 2, provides the seller with 1.24 acres of marginally improved property suitable for commercial use.

**Public Comment.** The Restoration Office has received letters of support for acquisition of this parcel from the Kenai River Sportfishing Association, the City of Soldotna and Kenai Peninsula Borough.





**RESOLUTION 08-14 OF THE  
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL  
Regarding Contribution to the Alaska Forum on the Environment**

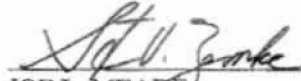
We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council do hereby certify that, in accordance with the Memorandum of Agreement and Consent Decree entered as settlement of *United States of America v. State of Alaska*, No. A91-081 Civil, U.S. District Court for the 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 year 2009. These monies will be used to support the 2009 Alaska Forum for the Environment, allowing the Trustee Council to offer educational presentations in that venue. The monies are to be distributed to the Public Information portion of the Implementation Budget in the PJ080100 budget:

**FY 2008 Fund Distribution**

Alaska Department of Fish & Game	\$15,000
<b>SUBTOTAL TO UNITED STATES OF AMERICA</b>	<b>\$15,000</b>

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 this project for a total of \$15,000 from the appropriate account as designated by the Executive Director.

Approved by the Council at its meeting of June 26, 2008 held in Anchorage,  
Alaska as affirmed by our signatures affixed below.



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

TALIS J. COLBERG  
Attorney General  
Alaska Department of Law



CRAIG R. O'CONNOR  
Special Counsel  
National Oceanic & Atmospheric  
Administration  
U.S. Department of Commerce

RANDALL LUTHI  
Director  
U.S. Minerals Management Services  
U.S. Department of Interior

DENBY S. LLOYD  
Commissioner  
Alaska Department of Fish and Game

LARRY HARTIG  
Commissioner  
Alaska Department of Environmental  
Conservation

08/03/2008 11:43 FAX 001 211 4102

310-77

08/03/2008

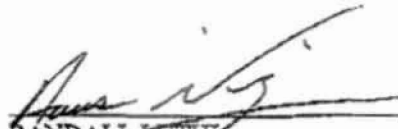
Aug. 29. 2008 9:51AM

No. 1809 P. 3

Approved by the Council at its meeting of June 26, 2008 held in Anchorage,  
Alaska as affirmed by our signatures affixed below,

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

\_\_\_\_\_  
TALIS J. COLBERG  
Attorney General  
Alaska Department of Law

  
\_\_\_\_\_  
RANDALL LUTHI  
Director *For Mr. Luthi*  
U.S. Minerals Management Services  
U.S. Department of Interior

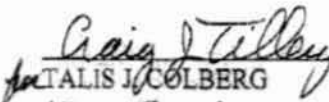
\_\_\_\_\_  
CRAIG R. O'CONNOR  
Special Counsel  
National Oceanic & Atmospheric  
Administration  
U.S. Department of Commerce

\_\_\_\_\_  
DENBY S. LLOYD  
Commissioner  
Alaska Department of Fish and Game

\_\_\_\_\_  
LARRY HARTIG  
Commissioner  
Alaska Department of Environmental  
Conservation

Approved by the Council at its meeting of June 26, 2008 held in Anchorage,  
Alaska as affirmed by our signatures affixed below.

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

  
\_\_\_\_\_  
for TALIS J. COLBERG  
Attorney General  
Alaska Department of Law

\_\_\_\_\_  
RANDALL LUTHI  
Director  
U.S. Minerals Management Services  
U.S. Department of Interior

\_\_\_\_\_  
CRAIG R. O'CONNOR  
Special Counsel  
National Oceanic & Atmospheric  
Administration  
U.S. Department of Commerce

\_\_\_\_\_  
DENBY S. LLOYD  
Commissioner  
Alaska Department of Fish and Game

\_\_\_\_\_  
LARRY HARTIG  
Commissioner  
Alaska Department of Environmental  
Conservation

Approved by the Council at its meeting of June 26, 2008 held in Anchorage, Alaska as affirmed by our signatures affixed below.

---

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

---


TALIS J. COLBERG  
Attorney General  
Alaska Department of Law

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RANDALL LUTHI  
Director  
U.S. Minerals Management Services  
U.S. Department of Interior

---

CRAIG R. O'CONNOR  
Special Counsel  
National Oceanic & Atmospheric  
Administration  
U.S. Department of Commerce



---

DENBY S. LLOYD  
Commissioner  
Alaska Department of Fish and Game

---

LARRY HARTIG  
Commissioner  
Alaska Department of Environmental  
Conservation

Approved by the Council at its meeting of June 26, 2008 held in Anchorage,  
Alaska as affirmed by our signatures affixed below.

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

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TALIS J. COLBERG  
Attorney General  
Alaska Department of Law

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RANDALL LUTHI  
Director  
U.S. Minerals Management Services  
U.S. Department of Interior


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CRAIG R. O'CONNOR  
Special Counsel  
National Oceanic & Atmospheric  
Administration  
U.S. Department of Commerce

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DENBY S. LLOYD  
Commissioner  
Alaska Department of Fish and Game

---

  
LARRY HARTIG  
Commissioner  
Alaska Department of Environmental  
Conservation

**RESOLUTION 08-15 OF THE  
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL  
Regarding Funding for the Integrated Herring Restoration Program**

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 2008 and 2009. The monies will be used to fund the creation of an executive committee of the Integrated Herring Restoration Program work group that will create a plan for review and approval of the full herring work group, as described in Attachment A. The funds will be distributed to the Scientific Management portion of the Implementation Budget in the PJ080100 budget:

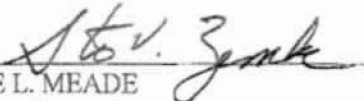
**FY 2008 Fund Distribution**

Alaska Department of Fish & Game	\$109,000
<b>SUBTOTAL TO UNITED STATES OF AMERICA</b>	<b>\$109,000</b>

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 this project for a total of \$109,000 from the appropriate account as designated by the Executive Director.




Approved by the Council at its meeting of June 26, 2008 held in Anchorage,  
Alaska as affirmed by our signatures affixed below.

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

\_\_\_\_\_  
TALIS J. COLBERG  
Attorney General  
Alaska Department of Law

\_\_\_\_\_  
RANDALL LUTHI  
Director  
U.S. Minerals Management Services  
U.S. Department of Interior

  
\_\_\_\_\_  
CRAIG R. O'CONNOR  
Special Counsel  
National Oceanic & Atmospheric  
Administration  
U.S. Department of Commerce

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DENBY S. LLOYD  
Commissioner  
Alaska Department of Fish and Game

\_\_\_\_\_  
LARRY HARTIG  
Commissioner  
Alaska Department of Environmental  
Conservation

Approved by the Council at its meeting of June 26, 2008 held in Anchorage,  
Alaska as affirmed by our signatures affixed below.

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

*Craig J. Talley*  
for TALIS J. COLBERG  
Attorney General  
Alaska Department of Law

\_\_\_\_\_  
RANDALL LUTHI  
Director  
U.S. Minerals Management Services  
U.S. Department of Interior

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National Oceanic & Atmospheric  
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U.S. Department of Commerce

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DENBY S. LLOYD  
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Alaska Department of Fish and Game

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LARRY HARTIG  
Commissioner  
Alaska Department of Environmental  
Conservation

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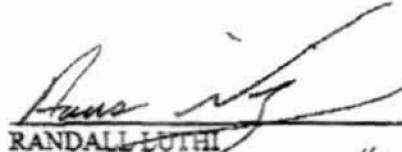
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Approved by the Council at its meeting of June 26, 2008 held in Anchorage,  
Alaska as affirmed by our signatures affixed below.

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

\_\_\_\_\_  
TALIS J. COLBERG  
Attorney General  
Alaska Department of Law

  
\_\_\_\_\_  
RANDALL LUTHI  
Director *For Mr. Luthi*  
U.S. Minerals Management Services  
U.S. Department of Interior

\_\_\_\_\_  
CRAIG R. O'CONNOR  
Special Counsel  
National Oceanic & Atmospheric  
Administration  
U.S. Department of Commerce

\_\_\_\_\_  
DENBY S. LLOYD  
Commissioner  
Alaska Department of Fish and Game

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LARRY HARTIG  
Commissioner  
Alaska Department of Environmental  
Conservation

Approved by the Council at its meeting of June 26, 2008 held in Anchorage,  
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JOE L. MEADE  
Forest Supervisor  
Forest Service Alaska Region  
U.S. Department of Agriculture

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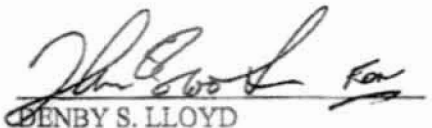
TALIS J. COLBERG  
Attorney General  
Alaska Department of Law

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RANDALL LUTHI  
Director  
U.S. Minerals Management Services  
U.S. Department of Interior

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CRAIG R. O'CONNOR  
Special Counsel  
National Oceanic & Atmospheric  
Administration  
U.S. Department of Commerce



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BENBY S. LLOYD  
Commissioner  
Alaska Department of Fish and Game

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LARRY HARTIG  
Commissioner  
Alaska Department of Environmental  
Conservation

Approved by the Council at its meeting of June 26, 2008 held in Anchorage, Alaska as affirmed by our signatures affixed below.

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

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TALIS J. COLBERG  
Attorney General  
Alaska Department of Law

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RANDALL LUTHI  
Director  
U.S. Minerals Management Services  
U.S. Department of Interior

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CRAIG R. O'CONNOR  
Special Counsel  
National Oceanic & Atmospheric  
Administration  
U.S. Department of Commerce

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DENBY S. LLOYD  
Commissioner  
Alaska Department of Fish and Game

  
~~LARRY HARTIG~~  
Commissioner  
Alaska Department of Environmental  
Conservation

ATTACHMENT A  
RESOLUTION 08-15 IHRP

May 27, 2008

**PROPOSAL FOR FUNDING**

**FROM:** Michael Baffrey, Executive Director

**SUBJECT:** Integrated Herring Restoration Program

**PROPOSED USE OF AUTHORIZATION:**

Funding authorization of \$109,000 is requested to develop an Integrated Herring Restoration Program (IHRP) for the Prince William Sound (PWS) herring stock listed as injured by the Exxon Valdez oil spill. The IHRP will address the identified data gaps needed to accurately understand the continued state of the PWS herring stock and support management and stock enhancements decisions in the future.

**OBJECTIVES:**

An IHRP Working Group comprised of members with specific scientific, management, enhancement, fisheries, and community expertise will prepare an integrated, multi-component research and restoration program for PWS herring that will be:

- Ecosystem-focused as opposed to a single-resource focused.
- Organized around common goals/hypotheses determined through teamwork to create efficiencies in levels of support and to elevate the intellectual capacity required to successfully engage the difficult question "What's wrong with herring, and what can we do about it?"
- Marked by a continuous process of synthesis as opposed to the more common practice of a "summing up" following several years of study.
- Led by a modeling activity whose principal tasks will include interaction with all the research to obtain the information needed to understand the mechanisms contributing to change in PWS herring.
- Open to the impacted community by providing a seat at the table for one or more public members.
- Based on the premise that before large-scale restoration activities for herring can be undertaken, the herring ecosystem in PWS must be understood in sufficient detail to significantly reduce the probability of unintended consequences.

- Develop an outreach component that will help translate the science into community awareness.

**FUNDING BREAKDOWN:**

The breakdown of the \$109,000 requested is:

- \$45,000 for professional service contracts with 6 eligible IHRP Working Group members.
- \$18,000 for July 2008 IHRP Working Group meeting in Cordova.
- \$18,000 for August 2008 IHRP Working Group meeting in Cordova.
- \$28,000 for a joint meeting of the IHRP Working Group with the Trustee Council's Herring Steering Committee in Cordova.

**TIMING:**

The IHRP is scheduled for completion by September 30, 2008.

**PREPARED BY:** Michael Baffrey (907) 265-9330.