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UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

STATE OF ALASKA,)	
)	
Plaintiff,)	No. 3:91-CV-0083 (HRH)
)	
v.)	TWENTY-SIXTH JOINT NOTICE
)	OF EXPENDITURES FROM
EXXON CORPORATION, and EXXON)	THE INVESTMENT FUND AND
SHIPPING COMPANY,)	FROM MONIES PREVIOUSLY
)	DISBURSED
Defendants.)	
)	

The State of Alaska and the United States (the "Governments") jointly provide notice of the expenditure of \$1,777,914.00 in settlement funds, specifically \$1,767,914.00 from the Research Investment Sub-Account of the EXXON VALDEZ Oil Spill Investment Fund ("Investment Fund"), and \$10,000.00 in lapsed funds and accrued interest on settlement monies previously disbursed from the Investment Fund 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: 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 twenty-sixth expenditure from the Investment Fund and monies previously disbursed for: necessary natural resource damage

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.

assessment and restoration activities during federal fiscal year 2008.² Of the \$1,777,914.00 that is the subject of this notice, \$1,250,829.00 will be provided to the United States and \$527,085.00 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 Disbursed, and the First, Second, Fourth, and Seventh through the Twenty-Second, Twenty-Fourth, and Twenty-Fifth Joint Notices of Expenditures From Investment Fund (and From Monies Previously Disbursed). The Trustee Council has met once since the Governments' filing on September 14, 2007 of their Twenty-Fifth Joint Notice of Expenditures from Investment Fund and from Monies Previously Disbursed. The Governments will submit the meeting notes for that October 12, 2007 meeting once they have been approved. The meeting notes for the Trustee Council's September 14, 2007 meeting are appended to this Notice as Attachment B.

² Appended to this Notice at Attachment A, pp. 3 – 10 is Trustee Council Resolution 08-01 documenting the Council's unanimous agreement, at its October 12, 2007 meeting, to provide an additional \$1,767,914.00 in funding for the FY 2008 Work Plan, and to provide \$10,000.00 to the Annual Program Development and Implementation Budget for FY 2008 to fund Trustee Council participation in the 2008 Alaska Forum on

RESPECTFULLY SUBMITTED this 24th day of October, 2007 at Anchorage,

Alaska.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 24th day of October, 2007, a copy of the foregoing TWENTY-SIXTH JOINT NOTICE OF EXPENDITURES FROM THE INVESTMENT FUND AND FROM MONIES PREVIOUSLY DISBURSED, together with attachments A and B thereto, were served by U.S. mail, first class, postage prepaid, on the following:

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