

1
2 DAVID W. MÁRQUEZ
ATTORNEY GENERAL

3 CRAIG J. TILLERY
4 Assistant Attorney General
5 State of Alaska
6 Department of Law
7 1031 West Fourth Avenue, Suite 200
8 Anchorage, Alaska 99501-1994
9 Telephone: (907) 269-5274
Facsimile: (907) 278-7022
Email: craig_tillery@law.state.ak.us
Attorneys for the State of Alaska

10 UNITED STATES DISTRICT COURT
11 DISTRICT OF ALASKA

12 STATE OF ALASKA,

13 Plaintiff,

14 v.

15 EXXON CORPORATION, and EXXON
16 SHIPPING COMPANY,

17 Defendants.

)
)
) No. A91-083 CIV (HRH)
)
) **FOURTEENTH JOINT**
) **NOTICE OF**
) **EXPENDITURES FROM**
) **INVESTMENT FUND**
) **AND FROM MONIES**
) **PREVIOUSLY**
) **DISBURSED**

18
19 The State of Alaska and the United States (the "Governments") jointly
20 provide notice of the expenditure of \$839,645.29 from the EXXON VALDEZ Oil
21 Spill Investment Fund ("Investment Fund") -- \$597,649.13 from the Research
22 Investment Sub-Account and \$241,996.16 from the State of Alaska's General Funds
23 and Other Non-Segregated Investments Account (monies previously disbursed).
24 The Governments' natural resource trustee agencies will use these funds for
25 purposes consistent with the Memorandum of Agreement and Consent Decree
26

1 entered by this Court in *United States v. State of Alaska*, No. A91-081 CIV (D.
2 Alaska) on August 28, 1991 ("MOA").
3

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

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

26 FOURTEENTH 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.

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

1
2 The Governments provide notice of this fourteenth expenditure from
3 the Investment Fund and monies previously disbursed for: (1) necessary natural
4 resource damage assessment and restoration activities during federal fiscal year
5 2006.² Of the \$839,645.29 that is the subject of this notice, \$597,649.13 will be
6 provided to the United States and \$241,996.16 will be provided to the State of
7 Alaska.
8

9 A complete summary of the Council's activities since approval of the
10 settlement was appended to our Second Application, filed January 19, 1993, as Attachment
11 B, and interim updates of activities appeared as Attachments to each of the Governments'
12 Third through Sixth, Eighth through Twelfth, Fifteenth, Nineteenth, Twenty-First, Twenty-
13 Second, Twenty-Fourth through Twenty-Ninth, Thirty-First, and Thirty-Third through
14 Forty-Fifth applications for disbursement, the Fifth through Seventh and Tenth through
15 Fourteenth Joint Notices of Expenditure From Settlement Account Monies Previously
16
17
18
19
20
21

22 ² The resolution of the Trustee Council documenting its unanimous
23 agreement, at its September 21, 2005 meeting, to expend \$839,645.29 to
24 supplement the FY 2006 Work Plan and provide for short term administrative
25 expenses of the Trustee Council is appended to this Notice at Attachment A, pp.
26 3-10.

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

1
2 Disbursed, and the First Second, Fourth, and Seventh through the Thirteenth Joint Notice of
3 Expenditures From Investment Fund. Since the last summary provided to the Court, the
4 Trustee Council has met one time. Since the transcript for that meeting is yet available, the
5 meeting notes for that meeting will accompany the Government's next joint notice.

6 RESPECTFULLY SUBMITTED this 20th day of September, 2005 at
7 Anchorage, Alaska.

8 FOR THE STATE OF ALASKA

9
10 DAVID W. MÁRQUEZ
11 ATTORNEY GENERAL

12 By:

13 *Craig J. Tillery*
14 CRAIG J. TILLERY
15 Assistant Attorney General
16 State of Alaska
17 Department of Law
18 1031 West Fourth Avenue, Suite 200
19 Anchorage, Alaska 99501-1994
20 Telephone: (907) 269-5274
21 Facsimile: (907) 278-7022

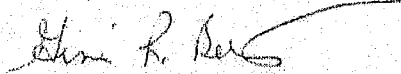
22 FOR THE UNITED STATES OF AMERICA
23 KELLY A. JOHNSON

24 Acting Assistant Attorney General
25 Environment & Natural Resources Division

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

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

By:

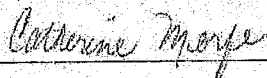


REGINA R. BELT
Environmental Enforcement Section
Environment & Natural Resources Division
U.S. Department of Justice
801 B Street, Suite 504
Anchorage, Alaska 99501-3657
(907) 271-3456

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 28th 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



9-28-05
Date

FOURTEENTH JOINT NOTICE OF
EXPENDITURES FROM INVESTMENT FUND
AND FROM MONIES PREVIOUSLY DISBURSED

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 28, 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 \$839,645.29 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, \$597,649.13 will come from the Research 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: None

United States

Amount: \$597,649.13

Beneficiary

account: 14X5198

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

Mr. Gary Bader
Treasury Division, Dept. of Revenue

September 28, 2005
Page 2

Beneficiary

account: 14010001
name: Department of the Interior
Financial Management Services National Business Center

Beneficiary Bank

account: 021030004
name: Treasury, NYC

OBI Text

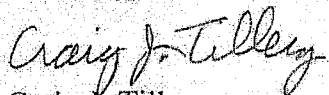
Natural Resource Damage Assessment Restoration Fund 14X5198
EVOS Exxon Valdez, Civil Settlement, FY06 Joint Funds

Beneficiary Reference

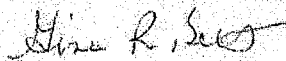
A91-082Civil

The transfer should take place when most financially advantageous, but no later than October 6, 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
Sue Bump
Paula Banks

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 28, 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 \$839,645.29 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, \$597,649.13 will come from the Research 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: None

United States

Amount: \$597,649.13

Beneficiary

account: 14X5198

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

Attachment A

Page 1 of 10 Pages

Mr. Gary Bader
Treasury Division, Dept. of Revenue

September 28, 2005
Page 2

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 October 6, 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
Sue Bump
Paula Banks

RESOLUTION 06-03 OF THE
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
REGARDING THE FY 06 WORK PLAN
PROJECT 060100 - INTERIM EVOS ADMINISTRATIVE BUDGET
PROJECT 060783 - JACOBS

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 2006, including administrative expenses for October and November 2005 only, as described in Attachments A and B. The Fiscal Year 2006 Work Plan is funded at \$839,645.29. The monies are to be distributed according to the following schedule:

Alaska Department of Fish & Game	\$223,212.19
Alaska Department of Natural Resource	\$ 18,783.97
 SUBTOTAL TO STATE OF ALASKA	 \$241,996.16
 U.S. Department of the Interior	 \$ 69,178.67
National Oceanic & Atmospheric Administration	\$528,470.46
 SUBTOTAL TO UNITED STATES OF AMERICA	 \$597,649.13
 TOTAL APPROVED	 \$839,645.29

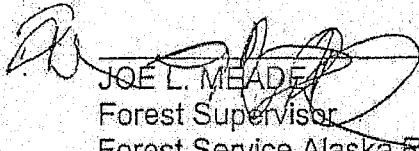
ATTACHMENT A
Page 3 of 10

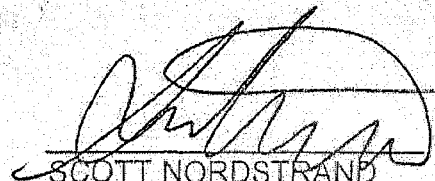
Funds must be spent in accordance with Attachments A, with the following conditions: (1) If a Principal Investigator (PI) has an overdue report or manuscript from a previous year, no funds may be expended on a project involving the PI unless the report is submitted or a schedule for submission is approved 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) the 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 available for the Fiscal Year 2006 Work Plan, the amount of \$839,645.29 from the appropriate accounts designated by the Executive Director.

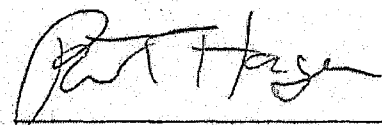
ATTACHMENT A
Page 4 of 10

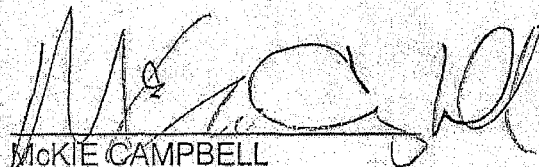
Approved by the Council at its meeting of September 21, 2005 held in Anchorage, Alaska as affirmed by our signatures affixed below.

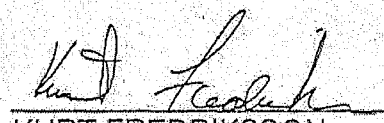

JOE L. MEADE
Forest Supervisor
Forest Service Alaska Region
U.S. Department of Agriculture


SCOTT NORDSTRAND
Deputy Attorney General
State of Alaska


DRUE PEARCE
Senior Advisor to the Secretary
for Alaskan 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
Page 5 of 10

Court Notice #14
Resolution 0603
September 21, 2005 Trustee Council Approvals

Project Number	Project	State of Alaska	Agency	Date Approved
60100	EVOS -Administrative	\$ 18,783.97	ADNR	9/21/2005
	Total to ADNR for the FY 2006 Work Plan	\$ 18,783.97	ADNR	
60100	EVOS -Administrative	\$ 196,398.19	ADFG	9/21/2005
60783	Jacobs - Information Synthesis Recovery	\$ 26,814.00	ADFG	
	Total to ADFG for the FY 2006 Work Plan	\$ 223,212.19	ADFG	
TOTAL STATE OF ALASKA		\$ 241,996.16		
		United States		
60100	EVOS -Administrative	\$ 42,582.67	DOI/USGS	9/21/2005
60783	Jacobs - Information Synthesis Recovery	\$ 15,783.20	DOI/USGS	9/21/2005
	Sub Total DOI (USGS)	\$ 58,365.87	DOI/USGS	
60783	Jacobs - Information Synthesis Recovery	\$ 10,812.80	DOI/USFWS	9/21/2005
	Sub Total DOI (USFWS)	\$ 10,812.80	DOI/USFWS	
	Total to DOI for the FY 2006 Work Plan	\$ 69,178.67	DOI	
60100	EVOS - Administrative	\$ 16,568.00	NOAA	9/21/2005
60783	Jacobs - Information Synthesis Recovery	\$ 511,902.46	NOAA	9/21/2005
	Total to NOAA for the FY 2006 Work Plan	\$ 528,470.46	NOAA	
TOTAL UNITED STATES		\$ 597,649.13		
Resolution 0603	Total Work Plan Approval	\$ 839,645.29	September 21, 2005	
	TOTAL COURT NOTICE #14	FY 2005		

**Interim EVOS Administrative Budget
FY 2006—October 1, 2005 through November 30, 2005**

I. PERSONNEL: \$ 194,365.50

A. Internal:	\$147,698.83
B. Agency Staff:	\$ 46,666.67
i. Project Management	\$39,066.67
ii. Administrative Support	\$ 7,600.00

II. TRAVEL: \$0

- A. Administrative
- B. Science Management
- C. Data Management
- D. Community Involvement
- E. Trustee Council Member
- F. PAC
- G. STAC

III. CONTRACTUAL: \$ 57,316.00

A. Administrative	\$41,483.00
B. Science Management	\$15,833.00

IV. GENERAL ADMINISTRATION: \$ 22,651.33

TOTAL REQUESTED: \$ 274,332.83

SUMMARY OF EXPENSES**I. PERSONNEL: \$194,365.50****A. INTERNAL -
EVOS PERSONNEL COSTS (2 MONTHS): \$147,698.83**

JOB Title	Merit Ann. Date	R & S Prior to MAD Date	Range	Step	Monthly Salary	Monthly Employer Cost/Benefits	2 Months Salary
Executive Director	8/16/05	28L	28	M	\$ 9,702.00	\$ 3,961.67	\$ 27,327.33
Administrative Officer	8/1/05	18D	18	E	\$ 4,518.00	\$ 2,344.08	\$ 13,724.17
Administrative Assistant	6/1/06		16	E	\$ 3,956.00	\$ 2,154.67	\$ 12,221.33
Science Coordinator	8/16/05	22L	22	M	\$ 7,087.00	\$ 3,209.83	\$ 20,593.67
Analyst/Programmer III	10/16/05		18	B	\$ 4,095.00	\$ 2,201.50	\$ 12,593.00
Research Analyst	6/1/06		18	A	\$ 3,956.00	\$ 2,154.67	\$ 12,221.33
Data Systems Manager	8/1/05	22D	22	E	\$ 5,904.00	\$ 2,811.17	\$ 17,430.33
Librarian III	8/1/05	20L	20	M	\$ 6,203.00	\$ 2,911.92	\$ 18,229.83
Administrative Manager	6/1/06		18	D	\$ 4,381.00	\$ 2,297.92	\$ 13,357.83
				Total	\$ 49,802.00	\$ 24,047.42	\$ 147,698.83

B. AGENCY STAFF: (External)**i. PROJECT MANAGEMENT (2 MONTHS): \$39,066.67**

Agency	2005 Allocation Project Management	Total Allocation for period 10/1/05 - 11/30/05
ADFG	\$ 90,000.00	\$ 15,000.00
ADNR	\$ 8,400.00	\$ 1,400.00
DOI/USGS (Bohn)	\$ 44,800.00	\$ 7,466.67
NOAA	\$ 91,200.00	\$ 15,200.00
TOTAL	\$ 234,400.00	\$ 39,066.67

ii. ADMINISTRATIVE SUPPORT (2 MONTHS): \$ 7,600.00

Agency	2005 Allocation Administrative Support	Total Allocation for period 10/1/05 - 11/30/05
DOI/USGS (Bohn)*	\$ 27,600.00	\$ 4,600.00
DOI/USGS (Nesslage)*	\$ 15,000.00	\$ 2,500.00
DOI/USGS (Mutter)*	\$ 3,000.00	\$ 500.00
TOTAL	\$ 18,000.00	\$ 7,600.00

*Nesslage (NRDAR Finance Officer);

*Mutter (Federal Representative for the PAC) existed in Project 100 under DOI;

*Bohn existed in Project 630 under DOI (Symposium Coordination support for EVOS Science Coordinator).

II. TRAVEL: \$0

No travel expenses anticipated for the months of October and November.

III. CONTRACTUAL: \$ 57,316.00

B. Administrative:

Office Space Lease 2 months @ \$12,000 = \$24,000
(\$144,000.00 annually)
Parking (12 months)..... \$ 4,300
(EVOS receives a 10% discount on parking if paid a year in advance)
Utilities (Phone, long distance, cable, phone charge)... \$ 4,400
Postage (2 months)..... \$ 500
Courier Service (2 months)... \$ 200
Equipment Maintenance (2 months)..... \$ 1,300
Transcription (2 months)..... \$ 1,000
Computer Service lan/wan ETS/EPR (2 months)..... \$ 2,700
TC meeting food (2 months)..... \$ 250
Office Supplies (2 months)..... \$ 2,833

C. Science Management:

Applied Marine Science (2 months).....\$ 15,833
(Estimate is base on the FY 05 figure of \$95.0K)

IV. GENERAL ADMINISTRATION: \$22,651.33**ADFG:**

Personnel Internal	\$147,698.83
Project Management	\$ 15,000.00
Contractual	\$ 17,483.00
GA	\$ 16,216.36
TOTAL	\$196,398.19

DOI/USGS

Project Management	\$ 7,466.67
Program Support	\$ 7,600.00
Contractual*	\$ 24,000.00
GA	\$ 3,516.00
TOTAL	\$42,582.67

ADNR

Project Management	\$ 1,400.00
Contractual**	\$15,833.00
GA	\$ 1,550.97
TOTAL	\$18,783.97

NOAA

Project Management	\$15,200.00
GA	\$ 1,368.00
TOTAL	\$16,568.00

*DOI/USGS – Funds to support 2 months EVOS office lease

**ADNR – Funds to support 2 months Applied Marine Science Contract