

# Exxon Valdez Oil Spill Trustee Council

441 W. 5<sup>th</sup> Ave., Suite 500 • Anchorage, Alaska 99501-2340 • 907/278-8012 • fax 907/276-7178



## MEMORANDUM

TO: Craig Tillery  
Regina Belt

FROM: *Debbie Hennigh*  
Debbie Hennigh  
Special Assistant

DATE: April 23, 2002

SUBJ: Court Notice #12

The purpose of this memorandum is to request that the Alaska Department of Law and the United States Department of Justice notify the United States District Court of our intent to expend \$322,900 in earnings that have accrued on monies disbursed from the *Exxon Valdez* Oil Spill Settlement Trust. This amount is for amending projects 02052 and 02423, and for new projects 02556, 02613, and 02619 to provide funding for the Department of Fish and Game.

There has been one Trustee Council meeting (April 18, 2002) since the last court notice, dated April 3, 2002.

Attached are the following documents:

1. Draft meeting notes for April 18, 2002 (including labeled attachments and non-labeled attachments)
2. Executive Director's certification of Trustee Council action
3. Updated court notification spreadsheet

# Exxon Valdez Oil Spill Trustee Council

441 W. 5<sup>th</sup> Ave., Suite 500 • Anchorage, Alaska 99501-2340 • 907/278-8012 • fax 907/276-7178



April 22, 2002

I certify that on April 18, 2002 the *Exxon Valdez* Oil Spill Trustee Council approved motions to amend the following projects:


Project	Title	Agency	Amount
02052	Community Involvement Planning for GEM	ADFG	\$86,400
02423	Patterns and Processes of Population Change in Selected Nearshore Vertebrate Predators	ADFG	\$24,300
Subtotal			\$110,700

I certify that on April 18, 2002 the *Exxon Valdez* Oil Spill Trustee Council approved motions for the following new projects:

Project	Title	Agency	Amount
02556	Mapping the Physics & Physical Processes of Marine Habitats: The First Step in a Spatially Nested Monitoring Program	ADFG	\$62,200
02613	Mapping Marine Habitats: Prince William Sound	ADFG	\$80,000
02619	Mapping Marine Habitats: Kodiak	ADFG	\$70,000
Subtotal			\$212,200

The total amount of project money approved by the Trustee Council on April 18, 2002 was:

Amended Projects Subtotal	\$110,700
New Projects Subtotal	<u>\$212,200</u>
Total	\$322,900

  
Molly McCammon  
Executive Director

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

2002 APR 29 PM 3:45

1 BRUCE M. BOTELHO  
2 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  
10 Facsimile: (907) 278-7022

11 Attorneys for the State of Alaska

12 UNITED STATES DISTRICT COURT  
13 DISTRICT OF ALASKA

14 STATE OF ALASKA,

15 Plaintiff,

16 v.

17 EXXON CORPORATION, and EXXON  
18 SHIPPING COMPANY,

19 Defendant.

) No. A91-083 CIV (HRH)

) TWELFTH JOINT NOTICE OF  
) EXPENDITURES FROM  
) SETTLEMENT ACCOUNT MONIES  
) PREVIOUSLY DISBURSED

20 The United States and the State of Alaska ("the Governments") hereby  
21 jointly notify the Court of their intent to expend, for the purposes described below,  
22 \$236,500 in earnings that have accrued on monies disbursed from the EXXON VALDEZ  
23 Oil Spill Settlement Account and monies lapsed from projects previously approved for  
24 funding from that account.

25 The sum of \$236,500 will be provided to the Governments to fund necessary  
26 natural resource damage assessment and restoration activities during federal fiscal year

2002. Of this amount, \$24,300 will go to the State of Alaska to provide additional funding to project 02423 from the FY 02 Work Plan and \$212,200 will go to the State of Alaska for new projects (02556, 02613 and 02619) recently added to the FY 02 Work Plan.<sup>1</sup> The total of these expenditures - \$236,500 - is available to the Governments from earnings that have accrued from investments on funds previously disbursed by the Court and placed in the Exxon Valdez Settlement Expendable Trust Account managed by the Alaska Department of Revenue and monies in that account lapsed from earlier approved projects. Accordingly, the Governments will not request a disbursement of monies from the Investment Fund to fund these restoration activities.

A complete summary of the Trustee 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 Eleventh Joint Notices of Expenditure From Settlement Account Monies Previously Disbursed and the First Joint Notice of Expenditures from Investment Fund. Since the last summary provided to the Court, the Trustee Council has met one time.

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<sup>1</sup> The certification of the Executive Director of the Exxon Valdez Oil Spill Trustee Council ("Trustee Council") evidencing the unanimous decision of the Trustee Council to expend this sum for these purposes is attached to this Notice at Attachment A. A description of the purposes of this expenditure can be found in Attachment B at pages 2, 3, 10 and 11.

DEPARTMENT OF LAW  
OFFICE OF THE ATTORNEY GENERAL  
ANCHORAGE BRANCH  
1031 W. FOURTH AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 269-5100

Appended to this application as Attachment B are the meeting notes for this meeting.

RESPECTFULLY SUBMITTED this 29<sup>th</sup> day of April, 2002 at Anchorage,  
Alaska.

FOR THE STATE OF ALASKA  
BRUCE M. BOTELHO  
ATTORNEY GENERAL

By: *Craig J. Tillery*  
CRAIG J. TILLERY  
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

FOR THE UNITED STATES OF AMERICA  
THOMAS L. SANSONETTI  
Assistant Attorney General  
Environment and Natural Resources Division

ROBERT E. MAHER, Jr., Asst. Chief  
Environmental Enforcement Section  
Environment & Natural Resources  
Division  
U.S. Department of Justice  
Washington, D.C. 20530

By: *Regina R. Belt*  
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

TWELFTH JOINT NOTICE OF EXPENDITURES FROM SETTLEMENT ACCOUNT MONIES  
PREVIOUSLY DISBURSED, State of Alaska v. Exxon; Case No. A91-083 CIV (HRH)


PAGE 3

ACE 30398498

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27th day  
of April, 2002, a copy of the foregoing  
document, attachments, and proposed order  
was served by U.S. mail, first class, postage  
prepaid, to the following:

Regina R. Belt  
James F. Neal  
Douglas J. Serdahely  
Patrick Lynch  
John F. Clough



Sheila Zuni

Date

I:\TILLERY\CWPE\EXXON\COURTREQ\DISNOT12.wpd

# Exxon Valdez Oil Spill Trustee Council

441 W. 5<sup>th</sup> Ave., Suite 500 • Anchorage, Alaska 99501-2340 • 907/278-8012 • fax 907/276-7178



April 22, 2002

I certify that on April 18, 2002 the *Exxon Valdez* Oil Spill Trustee Council approved motions to amend the following projects:

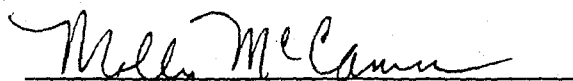
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02619	Mapping Marine Habitats: Kodiak	ADFG	\$70,000
Subtotal			\$212,200

The total amount of project money approved by the Trustee Council on April 18, 2002 was:

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New Projects Subtotal	<u>\$212,200</u>
Total	\$322,900

  
Molly McCammon  
Executive Director

ACE 30398500

ATTACHMENT A  
PAGE 1 OF 1

## ATTACHMENT B

Since the last summary provided to the Court, the Trustee Council met once and took action as described in the Trustee Council Meeting Notes appended to this Notice.

ACE 30398501

ATTACHMENT B  
PAGE 1 OF 23



**DRAFT**

# Exxon Valdez Oil Spill Trustee Council

441 W. 5<sup>th</sup> Ave., Suite 500 • Anchorage, Alaska 99501-2340 • 907/278-8012 • fax 907/276-7178



## TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska  
April 18, 2002

By Molly McCammon  
Executive Director

### Trustee Council Members Present:

\*Dave Gibbons, USFS  
Drue Pearce, DOI  
James Balsiger, NMFS

Frank Rue, ADF&G  
Michele Brown, ADEC  
Craig Tillery, ADOL

#### \* Chair

In Anchorage: Gibbons and Tillery

By teleconference: Pearce, Balsiger, Rue, and Brown

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Meeting convened at 2:32 p.m., April 18, 2002, in Anchorage.

#### 1. Approval of the Agenda

**APPROVED MOTION:** Approved the April 18, 2002 agenda  
Amended by adding FY 02 Work Plan Modifications  
Projects 02556/02681 and 02423 (Attachment A).

Motion by Tillery, second by Brown.

#### 2. Approval of Meeting Notes

**APPROVED MOTION:** Approved February 25, 2002 meeting notes  
(Attachment B).

Motion by Brown, second by Tillery.

ACE 30398502

ATTACHMENT B

PAGE 2 OF

Public comment period began at 2:50 p.m.

Public comments received by two individuals from Anchorage and two people by teleconference.

Public comment period closed at 3:38 p.m.

3. FY 02 Work Plan Modifications

**APPROVED MOTION:** Approved the following modifications to the FY 02 Work Plan:

Project 02052: Approved a motion to approve an additional \$86,400.

Motion by Balsiger, second by Rue.

Project 02423: Approved a motion to approve an additional \$24,300 to contract with the Alaska SeaLife Center for the purposes described in the 4/15/02 memo from Shannon Atkinson. (Attachment C).

Motion by Rue, second by Brown.

Project 02556: Approve a motion to approve \$62,200 to ADF&G, contingent on receipt of a memo acknowledging that the funds are for mapping only, with no commitment at this time by the GEM Program to future nearshore monitoring, and receipt of the final report for Project 01385.

Motion by Rue, second by Balsiger.

Project 02613: Approved a motion to approve \$80,000 to ADF&G for a contract with Coastal & Oceans Resources Inc., for ShoreZone Mapping in Prince William Sound.

Motion by Balsiger, second by Rue.

Project 02619: Approved a motion to approve \$70,000 to ADF&G for a contract with the University of Alaska for low resolution mapping in the Kodiak region.

Motion by Balsiger, second by Rue.

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ATTACHMENT B

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4. PAG Charter:

**APPROVED MOTION:** Approved a motion to adopt the attached draft charter for the *Exxon Valdez* Oil Spill Program Advisory Committee (dated 2-26-02). (Attachment D)

Motion by Tillery, second by Brown.

5. STAC:

**APPROVED MOTION:** Approved the nominees listed in the memo from Henry Huntington dated April 11, 2002 (Attachment E) for the Scientific and Technical Advisory Committee.

Motion by Pearce, second by Balsiger.

6. Injured Resources and Services:

Briefing by Bob Spies, discussion and recommendation by the Trustee Council to improve the explanations in the subtidal, common loon, and pink salmon sections regarding their categorization status. A copy of the report with the revised language will be circulated to the Trustee Council for review prior to being distributed for public review.

Meeting adjourned 5:15 p.m.

Motion by Rue, second by Tillery.

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ATTACHMENT B  
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# Exxon Valdez Oil Spill Trustee Council

441 W. 5<sup>th</sup> Ave., Suite 500 • Anchorage, Alaska 99501-2340 • 907/278-8012 • fax 907/276-7178



## AGENDA EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL TELECONFERENCE MEETING

April 18, 2002 2:30 p.m.

441 West 5<sup>th</sup> Ave., Suite 500, ANCHORAGE

DRAFT

### Trustee Council Members:

CRAIG TILLERY  
Assistant Attorney General  
State of Alaska

MICHELE BROWN  
Commissioner  
Alaska Department of  
Environmental Conservation

DRUE PEARCE  
Senior Advisor to the Secretary  
for Alaskan Affairs  
U.S. Department of the Interior

MARIA LISOWSKI for  
DAVE GIBBONS  
Forest Supervisor  
Forest Service Alaska Region  
U.S. Department of Agriculture

JAMES W. BALSIGER  
Administrator, Alaska Region  
National Marine Fisheries Service

FRANK RUE  
Commissioner, Alaska  
Department of Fish & Game

Teleconferenced in Anchorage, Restoration Office, 441 W 5<sup>th</sup> Ave, Suite 500  
\_\_\_\_\_ Federal Chair

1. Call to Order - 2:30 p.m.
  - Approval of Agenda\*
  - Approval of Meeting Notes\*
 February 25, 2002
2. Executive Director's report
3. Public comment - 2:45 p.m.
4. FY 02 Work Plan Modifications\*
  - Project 02052

ACE 30398505

ATTACHMENT B

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5. PAG Charter\*
6. STAC appointments\*
7. Injured Resources and Services - briefing (Bob Spies)

Adjourn - 4:30 p.m.

\* Indicates tentative action items.

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# Exxon Valdez Oil Spill Trustee Council

441 W. 5<sup>th</sup> Ave., Suite 500 • Anchorage, Alaska 99501-2340 • 907/278-8012 • fax 907/276-7178



## TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska

February 25, 2002

By Molly McCammon  
Executive Director

### Trustee Council Members Present:

• Dave Gibbons, USFS  
Drue Pearce, DOI  
James Balsiger, NMFS

Frank Rue, ADF&G  
Michele Brown, ADEC  
\*Craig Tillery, ADOL

### \* Chair

In Anchorage: Gibbons, Pearce, Balsiger, Rue, Kent, Brown and Tillery.

### • Alternates:

Maria Lisowski served as an alternate for Dave Gibbons for the entire meeting.

Meeting convened at 9:48 a.m., February 25, 2002, in Anchorage.

### 1. Approval of the Agenda

**APPROVED MOTION:** Approved the February 25, 2002 agenda  
(Attachment A).

Motion by Pearce, second by Lisowski.

### 2. Approval of Meeting Notes

**APPROVED MOTION:** Approved December 11, 2001 meeting notes  
(Attachment B).

ACE 30398507

Motion by Brown, second by Pearce.

ATTACHMENT B

### 3. Asset Allocation Policy

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Discussion - No changes made to the Asset Allocation Policy.

Public comment period began at 11:05 a.m.

**No Public comments received**

Public comment period closed at 11:06 a.m.

4. Project 02360 Amendment:

**APPROVED MOTION:** Approved a motion to amend project 02630, Planning for Long-Term Research and Monitoring Program, by authorizing an additional \$16,100 be added to the budget to develop a report summary of strategies and approaches that other state agencies have developed to fund their surface water quality monitoring programs. (Attachment C)

Motion by Rue, second by Balsiger.

Public comment period re-opened 11:32 a.m.

**Public comments received by 1 individual from Anchorage.**

Public comment period closed 11:51 a.m.

**BREAK**

Off the record at (11:51 a.m.)

On the record at (12:19 p.m.)

5. STAC Process

**APPROVED MOTION:** Approved a motion to approve the Scientific and Technical Advisory Committee (STAC) process (Attachment D).

Motion by Rue, second by Pearce.

6. Support for PICES

**APPROVED MOTION:** Approved a motion to approve \$14,000 of Project 02630 (Restoration Office portion) contractual costs be give to PICES for travel and report expenses.

Motion by Brown, second by Rue.

ACE 30398508

ATTACHMENT B  
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7. Bonus awards

APPROVED MOTION: Approved a motion to disallow the allocation of EVOS funds to be used for bonuses given out of Project 00159 (\$5000), Project 00163 (\$2500), and Project 01423 (\$2796).

Motion by Rue, second by Pearce.

8. Small Parcel KEN 309

APPROVED MOTION: Adopted resolution 02-05 (Attachment E) to provide funds for the State of Alaska to purchase all of the seller's rights and interests in small parcel KEN 309.

Motion by Rue, second by Brown.

9. Small Parcel KAP 285

Discussion regarding concerns about how the purchase of KAP 285 would impact local economic potential. No formal action taken.

Meeting adjourned 2:02 p.m.

Motion by Rue, second by Lisowski.

ACE 30398509

ATTACHMENT B  
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# Alaska SeaLife Center

w i n d o w s   t o   t h e   s e a

To: Molly McCammon  
 From: Shannon Atkinson, PhD  
 Date: April 15, 2002  
 Re: Harlequin Duck Budget Adjustment

I believe that you are aware that the Harlequin ducks that were part of Dan Esler's project contracted a virus that has rendered them unreleasable. While the source of the virus will probably remain unknown, the situation became one of figuring out what to do with the birds. Dan and his graduate student handled the situation very well, as did the SeaLife Center staff, and the original project was completed successfully about a week ago.

In developing a future plan for these birds, several of us (Dr. Dan Esler, Dr. Pam Tuomi (ASLC senior vet), Dr. Tuula Hollmen (ASLC sea duck biologist and veterinarian) and myself) felt that as long as these birds were not going back to the wild, we ought to get the most information from them as possible. To this extent we have developed a plan that includes 3 small studies, at the end of which, the birds will be euthanized. Three of the worst affected birds have already been euthanized.

The first study is a refined reovirus study that will primarily take place at the National Wildlife Health Center (NWHC) in Wisconsin. Dr. Hollmen will take the lead on this, and 6 to 8 of the birds will be shipped to Wisconsin in May. The costs for the study are proposed to be shared between NWHC, ASLC and EVOS (\$2600 requested for shipping the birds and holding them in WI, plus \$150 for cages and \$1590 for Dr. Hollmen to accompany the birds and initiate the virus study). Dr. Hollmen has also submitted an additional grant to cover the costs of analyses.

The second study is a feeding trial to determine the role of Vitamins K and E in a severe coagulopathy that was observed in 7 of 46 wild caught Harlequin ducks that were part of Dan's studies on the long term effects of crude oil exposure. This coagulopathy was observed in ducks housed at the Alaska SeaLife Center (ASLC) between September 2000 and February 2002 and appeared shortly after their arrival at ASLC. All of the birds will participate in this study. The costs for this study are again proposed to be shared between ASLC and EVOS (\$6100 requested for vitamin analyses and a blood analyzer). Dr. Tuomi has also submitted another proposal to Oiled Wildlife Care Network to help defray the costs.

The third study is assessing stress in Harlequin ducks based on adrenal corticoid output. We are proposing to determine the circadian pattern of corticosterone production as well as assess the response to an ACTH stimulation. This study will be supported by UAF Wildlife Analytical Services (my endocrine lab located at ASLC) and ASLC. No costs have been requested from EVOS.

ACE 30398510

All of the above studies have undergone IACUC review and the birds will remain under Dan's ADFG and USFWS permits. The total duration is 2 months. We anticipate one publication to come from the reovirus study, with Dr. Hollmen as senior author. We expect another publication on the vitamin study, with Dr. Pam Tuomi serving as the senior author. An additional two publications are anticipated on the endocrine studies. While I will serve as the P.I. on those studies, Mr. Peter Nilsson will be using the data for his Master's thesis at UAF. Mr. Nilsson's research assistantship is being funded by me endocrine lab.

I have attached a budget, which includes the above mentioned costs, but also includes costs to feed (\$1590) and care for the birds (\$2628 personnel, \$1000 lab supplies and health screenings) until the end of May. The costs to fumigate (\$5000) the aviary and lab facilities utilized by Dan's original project and ASLC space rental (\$2000) are also included. The original EVOS bench fees for this project were originally calculated to end on March 31, 2002, and did not include any costs for this unplanned virus.

Please review this situation as you need to and let me know of your decision. The virus was unfortunate and definitely unplanned; however I feel that all involved have gone beyond the call of duty to make the best of a bad turn of events. Thank you for your consideration. I will be available for any questions you may have on April 18, 2002.

ACE 30398511

ATTACHMENT B  
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# Exxon Valdez Oil Spill Trustee Council

441 W. 5<sup>th</sup> Ave., Suite 500 • Anchorage, Alaska 99501-2340 • 907/278-8012 • fax 907/276-7178



## MEMORANDUM

**TO:** Trustee Council Members  
**FROM:** Molly McCammon  
Executive Director  
**DATE:** April 4, 2002  
**RE:** PAG Charter

**Proposed action and motion:** To adopt the attached draft charter for the Exxon Valdez Oil Spill Program Advisory Committee (dated 2-26-02).

**Background:** You were briefed on February 25, 2002 on proposed revisions to the Public Advisory Group charter. The attached draft reflects changes discussed by the Council at that time, with a summary sheet of proposed revisions.

This draft was circulated once again to the current Public Advisory Group. The only comment received was a recommendation by Stacy Studebaker, who serves in the recreation users seat, to keep commercial tourism and recreation users as separate seats because they may reflect different interests. I circulated her comment to the entire PAG and received one response indicating that she had a valid point.

My recommendation is to keep the two interests combined in order to give us more flexibility in seeking members to serve on the new advisory committee.

ACE 30398512

ATTACHMENT B

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**SUMMARY OF PROPOSED REVISIONS TO PAG CHARTER, 2/28/02**

NOTE: This summary reflects the following changes discussed at the 2/25/02 Trustee Council meeting: Retain "local government" and "Native landowner"; add "tribal government"; delete 2 resource agency managers as ex officio members.

1. Change name from Public Advisory Group (PAG) to Program Advisory Committee (PAC)
2. Expand scope of PAC's advice to include "planning, evaluation, and conduct of long-term monitoring and research activities"
3. Extend existence of PAC from 9/30/02 to "at least 9/30/06"
4. Increase membership from 17 to 20
5. Change membership from specific assigned seats to appointments that "represent a balanced representation of" certain interests, as follows:

Current PAG (assigned seats)	Proposed PAC (interests to be represented)
Aquaculture	Expand to include mariculture
Commercial fishing	Same
Sport hunting & fishing	Same
Commercial tourism	Combine commercial tourism & recreation
Recreation users	
Conservation	Combine conservation & environmental
Environmental	
Forest products	Replace with marine transportation
Local government	Same
--	Tribal government
Native landowner	Same
Subsistence	Same
Science/academic	Replace with science/technical, and specify that the STAC will nominate 1-3 of its members to serve on PAC
--	Regional monitoring program
5 general public	Same, but don't specify number

6. Change number of meetings per year from "no less than four" to "no less than two"

CHARTER  
EXXON VALDEZ OIL SPILL PROGRAM ADVISORY COMMITTEE

1. Official Designation: Exxon Valdez Oil Spill Program Advisory Committee.
2. Objectives and Scope: In accordance with and pursuant to Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America, through the Department of Justice, and the State of Alaska, through the Attorney General, on August 27, 1991 and approved by the United States District Court for the District of Alaska in settlement of United States of America v. State of Alaska, Civil Action No. A91-081 CV, hereinafter referred to as the MOA, the Program Advisory Committee shall advise the Trustees (State of Alaska Department of Law, State of Alaska Department of Fish and Game, State of Alaska Department of Environmental Conservation, U.S. Department of Agriculture, the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce, and the U.S. Department of the Interior) through the Trustee Council with respect to the following matters:

All decisions relating to injury assessment, restoration activities, or other use of natural resource damage recoveries obtained by the Governments, including all decisions regarding:

- a. Planning, evaluation, and allocation of available funds;
  - b. Planning, evaluation, and conduct of injury assessments and restoration activities;
  - c. Planning, evaluation, and conduct of long-term monitoring and research activities;
  - d. Coordination of a, b, and c.
3. Period of Time Necessary for the Committee Activities: By order of the District Court for the District of Alaska, the Program Advisory Committee is to advise the Trustees, appointed to administer the fund established in settlement of United States v. Exxon Corporation, Civil Action No. A91-082, and State of Alaska v. Exxon Corporation, Civil Action No. A91-083, both in the United States District Court for the District of Alaska, in all matters described in Paragraph V.A.1 of the MOA referenced above. Final payment into the fund was September 1, 2001. A four-year period allowing the opportunity for the Trustees to reopen the agreement to possibly receive additional compensation for injuries begins October 2002 and ends September 30, 2006. It is expected that the need for the Program Advisory Committee will continue until at least September 30, 2006. Extension

of the Committee beyond such date is subject to the unanimous written consent of the designated trustees.

4. Official to Whom the Program Advisory Committee Reports: The Program Advisory Committee shall report to the Exxon Valdez Settlement Trustee Council through the Chair of the Program Advisory Committee at Trustee Council meetings. Other members of the Committee may report with the Chair, as appropriate. The Trustee Council's regular agenda shall include a period during which the Program Advisory Committee representative(s) may report on its activities, ask questions of the Trustee Council, and be available for questioning by the Trustee Council. The U.S. Department of the Interior is the designated Federal agency to which the Program Advisory Committee reports to ensure compliance with the Federal Advisory Committee Act, including the responsibility of ensuring the necessary support for the Program Advisory Committee. The Designated Federal Officer is the Alaska Office of Environmental Policy and Compliance's Regional Environmental Assistant, or his designee.
5. Administrative Support: Administrative support for the Program Advisory Committee shall be provided by the Trustee Council's Executive Director. The Executive Director shall prepare an annual budget for the Program Advisory Committee. The budget shall provide the Program Advisory Committee such funds as the Trustee Council deems appropriate for administrative support for the Program Advisory Committee, from the *Exxon Valdez Oil Spill Investment Fund* established as a result of the settlement of United States v. Exxon Corporation and State of Alaska v. Exxon Corporation. The estimated annual operating cost for the committee is \$55,000, including an estimated .5 staff years.
6. Program Advisory Committee Membership, Selection, and Service: The Program Advisory Committee shall consist of 20 members, including a Chair and Vice-Chair.
  - a. Qualifications for Service - Members shall be appointed to represent a balanced representation of the following interests: aquaculture and mariculture; commercial fishing; commercial tourism and recreation; conservation and environmental; local government; Native landowner; tribal government; science/technical; sport hunting and fishing; subsistence; marine transportation; regional monitoring programs; and public-at-large.

Representatives shall be chosen based on their demonstrated knowledge of the region, peoples, or principal economic and social activities of the area affected by the *Exxon Valdez* oil spill, roughly the northern Gulf of Alaska, or by demonstrated expertise in public lands and resource management or research as it relates to restoration, as applicable.

ACE 30398515

- b. Nomination and Selection - Nominations for membership may be submitted by any source. The Science and Technical Advisory Committee shall nominate at

least one but not more than three members to represent science/technical interests. From these nominations the Trustee Council will recommend membership to the Trustees, and following selection by the Trustees, the Secretary of the Interior appoints those selected by the Trustees.

- c. Minimum Term - Each member may serve two years from the date of appointment. Members are eligible for renomination and reappointment at the close of their terms. The Trustees may remove a member or officer of the Program Advisory Committee for reasons of malfeasance, incompetence, or failure to attend to membership responsibilities.
  - d. Officers - The Program Advisory Committee shall have a Chair and a Vice-Chair elected by the membership.
7. Expenses: Travel, per diem and administrative support shall be borne by the Trustee Council using funds from the *Exxon Valdez* Oil Spill Investment Fund established in settlement of United States v. Exxon Corporation and State of Alaska v. Exxon Corporation. While away from home or regular place of business in performance of business of the Program Advisory Committee, members shall receive travel expenses, including per diem in lieu of subsistence, at the applicable government rate.
8. Program Advisory Committee Meetings and Records: The Program Advisory Committee shall meet no less than two times per year.
- a. All Program Advisory Committee meetings will be open to the public. Any member of the public is permitted to file a written statement with the Program Advisory Committee and any member of the public may speak at a Program Advisory Committee meeting.
  - b. Detailed minutes of all meetings, including the time, date and place of the meeting, names of the Program Advisory Committee members and other staff of the Trustee Council present, names of the public who presented oral or written statements, an estimate of the number of other public present, an accurate description of each matter discussed and each matter resolved, if any, by the Program Advisory Committee, shall be prepared and made available to the public through the Executive Director. The Chair shall certify to the accuracy of all minutes of the Program Advisory Committee.
  - c. Meetings of the Program Advisory Committee shall be held at a reasonable time and in a place reasonably accessible to the public. Notice of meetings shall be published in accordance with AS 44.62.310(e), AS 44.62.175 and 41 CFR 101-6.1015(b).

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- d. All accounts and records of the activities and transactions of the Program Advisory Committee shall be kept and maintained by the Staff of the Executive Director and, subject to the provisions of 5 U.S.C. section 552, such accounts and records shall be available for public inspection at the offices of the Executive Director.
  - e. All rules and procedures governing the proceedings of the Program Advisory Committee must be approved by the Trustee Council.
9. Administrative Authority: The Program Advisory Committee functions are advisory only, and its officers shall have no administrative authority by virtue of their membership. The Trustee Council, through the Executive Director, shall procure all needed space, supplies, equipment, and support for the Program Advisory Committee.
10. Termination Date: The Federal Advisory Committee Act, 5 U.S.C. App., requires that the Program Advisory Committee shall terminate two years from the date of filing of this Charter unless the Committee is renewed before that date in accordance with the requirements of that Act.
11. Authority: This Program Advisory Committee is established as mandated by Paragraph V.A.4 of the MOA and shall be located in Alaska. Additional authority for its creation is found in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. subsection 9601 et seq.

\_\_\_\_\_  
Secretary of the Interior

-Date Signed: \_\_\_\_\_

Date Filed: \_\_\_\_\_

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CERTIFICATION

I hereby certify that the renewal of the Charter of the Program Advisory Committee, an advisory committee to make recommendations to and advise the *Exxon Valdez* Oil Spill Trustee Council in Alaska, is necessary and in the public interest in connection with the performance of duties mandated by the settlement of United States v. State of Alaska, No. A91-081 CV, and is in accordance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended and supplemented.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Gale Norton

Secretary of the Interior

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# Exxon Valdez Oil Spill Trustee Council

441 W. 5<sup>th</sup> Ave., Suite 500 • Anchorage, Alaska 99501-2340 • 907/278-8012 • fax 907/276-7178



## MEMORANDUM

TO: Trustee Council Members

FROM: Henry Huntington, Chair  
STAC Nominating Committee

THRU: Molly McCammon  
Executive Director

DATE: April 11, 2002

RE: Recommendations for STAC Committee

The STAC Nominating Committee met on Monday, April 8, 2002 to consider nominations received for the Trustee Council's new Scientific and Technical Advisory Committee (STAC). Henry Huntington was elected chair by the committee. Other members of the committee present were Vera Alexander, Hal Batchelder, Kirk Lohman, Patricia Livingston, Stan Senner, and Clarence Pautzke. Molly McCammon and Phil Mundy were in attendance as staff to the nominating committee.

Executive Director Molly McCammon had issued a public call for nominations on March 7, 2002. Sixteen nominations were received. The committee considered the qualifications of all the candidates, as well as the description of the STAC membership from the Process for Providing Scientific and Technical Advice and Peer Review adopted by the Trustee Council in February 2002:

The STAC members shall be drawn from the scientific sectors of academic, government, NGO and private institutions. Together the members shall possess expertise in the habitats, species and environments of the Alaska Coastal Current and offshore, the intertidal and subtidal (nearshore), the watersheds, modeling, resource management, human activities and their potential ecological impacts, and community-based science programs. The STAC members shall be selected for their expertise, broad perspective, long experience and leadership in areas important to the GEM Program. STAC members cannot be principal investigators for presently funded or ongoing GEM projects.

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In view of the foregoing, the committee unanimously recommends the following be considered by the Trustee Council to serve on the STAC committee:

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- Steve Braund
- Charles Miller
- Brenda Norcross
- Ron O'Dor
- Bill Seitz
- Warren Wooster

To allow for rotation of half the STAC every two years, three of the initial members of the STAC are to be appointed to two-year terms and the other three to four-year terms. Future appointments will all be for four-year terms. The nominating committee recommends that Norcross, Seitz, and Wooster be appointed for two years, and that Braund, Miller, and O'Dor be appointed for four years.

Steve Ignell and Ed Harrison are recommended as alternates for Warren Wooster and Charles Miller. Carol Blanchette is recommended as an alternate for Ron O'Dor and Brenda Norcross. No alternates from the available pool of nominees are recommended for Bill Seitz and Steve Braund. To replace either of them, additional nominations would have to be solicited.

The above candidates are recommended on the basis of their experience and expertise:

**Stephen R. (Steve) Braund** is principal of Stephen R. Braund & Associates, a private research and consulting firm in Anchorage established in 1978. He has a master's degree in anthropology from the University of Alaska Fairbanks. Mr. Braund's work has taken him to over 125 communities in Alaska, where he has examined a range of topics from cultural anthropology to subsistence harvests to rural Alaskan socioeconomic and sociocultural systems to fisheries. He has served as a Core Reviewer for the *Exxon Valdez* Oil Spill Restoration Program since 1999, and is thus familiar with the work of the Trustee Council and the planning for GEM. In addition to his professional expertise, Mr. Braund is a commercial salmon fisherman and president of the Northern District Set Netters Association of Cook Inlet.

**Charles (Charlie) Miller** has an extensive history of conducting science in the subarctic Pacific and a great breadth of knowledge of ocean and coastal processes. He served as co-chairman of the Trans-Atlantic Studies of Calanus project, an international effort that involved many countries on both sides of the North Atlantic. He was the organizer and leader in the 1980s of one of the most successful interdisciplinary oceanographic programs of that period, the Subarctic Pacific Ecosystem Research Program (SUPER). Charlie plans to retire this year after more than 30 years with the College of Oceanic and Atmospheric Sciences at Oregon State University, where he is Professor of Oceanography.

**Brenda Norcross** received her Ph.D. in marine science from the Virginia Institute of Marine Science at the College of William and Mary. She is currently a professor at the Institute of Marine Science at the University of Alaska Fairbanks. She is

currently finishing service on the National Research Council committee reviewing the Trustee Council's GEM Program, and thus, has strong familiarity with GEM. In addition, she has more than 13 years experience working in the Gulf of Alaska, including work on herring following the oil spill. She has experience in the nearshore and Alaska Coastal Current environments, as well as committee work for the North Pacific Marine Science Organization (PICES) and the North Pacific Fisheries Management Council on fisheries management issues.

**Ron O'Dor** is currently serving in a leadership role as the senior scientist for the Census of Marine Life, an international research and monitoring program funded by the Sloan Foundation and affiliated with the Consortium for Oceanographic Research and Education (CORE). Dr. O'Dor has been Professor of Biology at Dalhousie University since 1983 and is internationally recognized for innovative applications of technology to his work. His main research interests are in global-scale biodiversity and marine invertebrates. He has vast experience internationally and is familiar with numerous large-scale monitoring programs across the world.

**William Seitz** received his Ph.D. from Iowa State University. He is currently Director of the Alaska Science Center for the USGS (Department of Interior). He is familiar with the major natural resource management issues of Alaska, having served in a lead administrative role with the USGS since 1989. Dr. Seitz is familiar with the *Exxon Valdez* Oil Spill Trustee Council and has participated in early GEM planning sessions since its inception. He has a leadership role in planning and directing marine and freshwater research in all areas of Alaska, both as head of the Alaska Science Center and as a member of the North Pacific Research Board. He brings to the committee a knowledge of the interface between science and resource management, and a pragmatic view of how to monitor the effects of human activities on Alaska's marine resources.

**Warren Wooster** received his Ph.D. in oceanography from the University of California and began his career as a chemical oceanographer. He led many oceanographic expeditions including the Northern Holiday Expedition in the Gulf of Alaska in 1951. His scientific interests have grown much broader than chemical oceanography: he has published over 50 scientific articles on oceanography, fish and mammal production and links to oceanographic conditions. He has also contributed many articles on marine affairs, ranging from law of the sea to marine resources and international marine science institutions, and he has edited five books. Dr. Wooster was the first IOC (Intergovernmental Oceanographic Commission of UNESCO) Secretary, later became SCOR (Scientific Committee on Oceanic Research) Secretary and then President of SCOR and President of ICES (International Council for Exploration of the Sea). Warren was a key player in the formation of the North Pacific Marine Science Organization (PICES) and was its first chairman. He has been a member or chair of numerous committees and boards of the National Research Council. He was Dean of the Rosenstiel School of Marine and Atmospheric Sciences of the University of Miami and later came to the University of Washington's School of Marine Affairs, where he now holds an emeritus professor position.

It is our understanding that all of the nominees have agreed to serve on the STAC. We believe that the group listed above, together with EVOS Science Director Dr. Phil Mundy, will make an outstanding committee to help guide development of the GEM program.

A list of the other nominees considered by the STAC Nominating Committee is attached.

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