

FILED  
U.S. DISTRICT COURT  
DISTRICT OF ALASKA

2003 SEP 29 PM 12:01

GREGG D. RENKES  
ATTORNEY GENERAL

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

Attorneys for the State of Alaska

UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA

STATE OF ALASKA,

Plaintiff,

v.

EXXON CORPORATION, and EXXON)  
SHIPPING COMPANY,

Defendants.

No. A91-083 CIV (HRH)

**SEVENTH JOINT  
NOTICE OF  
EXPENDITURES FROM  
INVESTMENT FUND**

The State of Alaska and the United States (the "Governments") jointly provide notice of the expenditure of \$1,944,700 from the EXXON VALDEZ Oil Spill Investment Fund ("Investment Fund"). 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

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

ACE 30399744

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

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  
7 EXXON VALDEZ oil spill. All funds resulting from these settlements were  
8 subsequently ordered by this Court to be placed in an interest-bearing account  
9 in the Court Registry Investment System ("CRIS") administered through the  
10 United States 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  
14 Third Amended Order allows the Governments the option of investing the  
15 money in an account outside the United States Treasury. On September 29,  
16 2000, upon application by the Governments, the Court entered an Order Re:  
17 Transfer of Funds from the Exxon Valdez Liquidity Account and the Reserve  
18 Fund to an Investment Fund Within the Alaska Department of Revenue,  
19 Division of Treasury, authorizing transfer of settlement proceeds to an account  
20 within the State. On October 5, 2000 all funds and securities were transferred  
21 from the CRIS to the Investment Fund. The Third Amended Order further  
22 allows the Governments to establish separate sub-accounts within the primary  
23 account "as the Trustee Council determines appropriate." On October 1, 2002  
24  
25  
26

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.<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 third expenditure from the Investment Fund to fund: (1) necessary natural resource damage assessment

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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.

SEVENTH JOINT NOICE OF EXPENDITURES  
FROM INVESTMENT FUND

1 and restoration activities during federal fiscal year 2004;<sup>2</sup> and (2) payment of  
2 \$372,100 to Koniag, Inc. ("Koniag") for a non-development easement on lands  
3 it owns on Kodiak, including lands along the Karluk River.<sup>3</sup> Of the \$1,944,700  
4 that is the subject of this notice, \$546,800 will be provided to the United States  
5 and \$1,397,900 will be provided to the State of Alaska.  
6

7  
8 A complete summary of the Council's activities since approval of  
9 the settlement was appended to our Second Application, filed January 19, 1993,  
10 as Attachment B, and interim updates of activities appeared as Attachments to  
11 each of the Governments' Third, Fourth, Fifth, Sixth, Eighth, Ninth, Tenth,  
12 Eleventh, Twelfth, Fifteenth, Nineteenth, Twenty-First, Twenty-Second,  
13 Twenty-Fourth through Twenty-Ninth, Thirty-First, and Thirty-Third through  
14 Forty-Fifth applications for disbursement and the Fifth through Seventh and  
15

16  
17  
18 <sup>2</sup> The resolution of the Trustee Council documenting its  
19 unanimous agreement to expend \$1,572,600 for administrative expenses  
20 related to implementation of its FY2004 Work Plan is appended at  
21 Attachment A, pp. 3 - 6. The substantive activities to be conducted under the  
22 FY2004 Work Plan will be determined by the Trustee Council at its October  
23 3, 2003 meeting. Because the existing authorization for funding for  
24 administrative activities will end prior to the October meeting, it was  
25 necessary to consider administrative expenses separately this year.


26 <sup>3</sup> The resolution evidencing the Trustee Council's approval for  
the purchase of this easement appeared as part of the Sixth Joint Notice of  
Expenditures from Settlement Account Monies Previously Disbursed at  
Attachment A, pp. 32-43. A description of the non-development easement  
may be found in the Third Joint Notice of Expenditures From Investment  
Fund.

1  
2 Tenth through Thirteenth Joint Notices of Expenditure From Settlement  
3 Account Monies Previously Disbursed, and the First, Second and Fourth  
4 Joint Notice of Expenditures From Investment Fund. Since the last summary  
5 provided to the Court, the Trustee Council has met three times. Appended to  
6 this Notice at Attachment B are the meeting notes for those three meetings.  
7

8 RESPECTFULLY SUBMITTED this 29th day of September,  
9 2003 at Anchorage, Alaska.

10 FOR THE STATE OF ALASKA  
11 GREGG D. RENKES  
12 ATTORNEY GENERAL

13 By:


14   
15 CRAIG J. TILLERY  
16 Assistant Attorney General  
17 State of Alaska  
18 Department of Law  
19 1031 West Fourth Avenue, Suite 200  
20 Anchorage, Alaska 99501-1994  
21 Telephone: (907) 269-5274  
22 Facsimile: (907) 278-7022  
23  
24  
25  
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DEPARTMENT OF LAW  
OFFICE OF THE ATTORNEY GENERAL  
ANCHORAGE BRANCH  
1031 W. FOURTH AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 269-5100

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

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

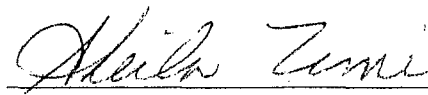
By:

  
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 29th day of  
September, 2003, 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 III

  
\_\_\_\_\_

  
Date

STANDARD FORM NO. 64  
MAY 1962 EDITION  
GSA FPMR (41 CFR) 101-11.6

FRANK H. MURKOWSKI,  
GOVERNOR

**DEPARTMENT OF LAW**

*OFFICE OF THE ATTORNEY GENERAL*

1031 WEST 4<sup>TH</sup> AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501-1994  
PHONE: (907)269-5100  
FAX: (907)276-3697

September 29, 2003

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 \$1,944,700 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, \$372,100 will come from the Koniag Sub-Account and \$1,572,600 will come from the Research 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 accounts described below:

**State of Alaska**

Amount: \$1,397,900  
State of Alaska  
Exxon Valdez Settlement Account  
GeFONSI 33070  
Account 22177

ACE 30399750

Attachment A  
Page 1 of 6 Pages

**United States**

Amount: \$546,800

Beneficiary

account: 14X5198

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

Beneficiary

account: 14010001

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

Beneficiary Bank

account: 021030004

name: Treasury, NYC

OBI Text

Natural Resource Damage Assessment Restoration Fund 14X5198  
EVOS Exxon Valdez, Civil Settlement, FY04 Joint Funds

Beneficiary Reference

A91-082Civil

The transfer should take place when most financially advantageous, but no later than October 3, 2003 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

ACE 30399751



**RESOLUTION 03-05 OF THE  
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL  
REGARDING THE FY 04 WORK PLAN**

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. The Fiscal Year 2004 Exxon Valdez Oil Spill Trustee Council (040100), Science Management (040630), Science Management (040630A), Data Management (040455), and the Alaska Resource Library and Information Service (040550) funded at \$1,820,900 as described in Attachment A. The monies are to be distributed according to the following schedule:

Alaska Department of Fish & Game	1,542,600
Alaska Department of Natural Resources	103,600
<b>SUBTOTAL TO STATE OF ALASKA</b>	<b>\$1,397,900</b>
 U.S. Department of the Interior	 174,700
National Oceanic & Atmospheric Administration	0
<b>SUBTOTAL TO UNITED STATES OF AMERICA</b>	<b>\$174,700</b>
<b>TOTAL APPROVED</b>	<b>\$1,820,900</b>

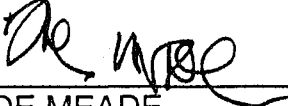
Funds must be spent in accordance with Attachments A . A total of \$1,572,600 of restoration funds will be used. An additional fund source of \$248,300 from a NOAA grant will be used for the 040630A budget.


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 for withdrawal of the Fiscal Year 2004 EVOS Administrative Budget (\$1,572,600) from the appropriate account designated by the Executive Director.


ACE 30399753

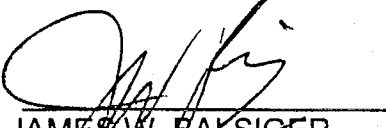
Attachment A  
Page 4 of 6 Pages

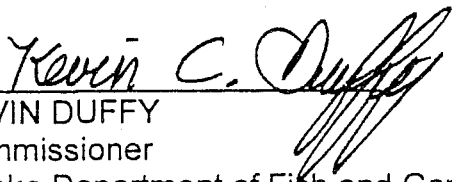
Approved by the Council at its meeting of September 3, 2003 held in Anchorage,  
Alaska as affirmed by our signatures affixed below.

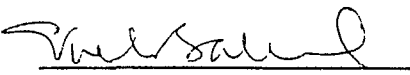
  
JOE MEADE  
Forest Supervisor  
Forest Service Alaska Region  
U.S. Department of Agriculture

  
GREGG RENKES  
Attorney General  
State of Alaska

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

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

  
KEVIN DUFFY  
Commissioner  
Alaska Department of Fish and Game

  
ERNESTA BALLARD  
Commissioner  
Alaska Department of Environmental  
Conservation

Attachments:  
A Funding Distribution

ACE 30399754

Attachment A  
Page 5 of 6 Pages

Attachment A to Resolution 03-05  
Exxon Valdez Oil Spill Trustee Council  
2004 Federal Fiscal Year Restoration Office Administrative Budgets  
October 1, 2003- September 30, 2004

Agency	cooperating Agency (s)	Project	Project Title	FY04 Court Notification
ADFG	ADNR, DOI	40630	Science Management for GEM and Lingering Oil Programs	\$ 274.1
		040630A	NOAA Grant fund source	248.3
		40455	GEM Data Management	\$ 156.8
	DOI	40100	Public Information and Administration - Trustee Council Office	\$ 702.5
		40550	Alaska Resource Library and Information Service	\$ 160.9
			<b>ADFG Total</b>	<b>\$ 1,542.6</b>
ADNR	ADFG, DOI	40630	Science Management for GEM and Lingering Oil Programs	\$ 103.6
			<b>ADNR Total</b>	<b>\$ 103.6</b>
DOI	ADFG, ADNR	40630	Science Management for GEM and Lingering Oil Programs	\$ 13.9
	ADFG	40100	Public Information and Administration - Trustee Council Office	\$ 160.8
			<b>DOI Total</b>	<b>\$ 174.7</b>
			<b>Total</b>	<b>\$ 1,820.9</b>

Attachment A  
Page 6 of 6

ACE 30399755

# 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

Juneau, Alaska

April 23, 2003

By Molly McCammon  
Executive Director

### Trustee Council Members Present:

Joe Meade, USFS  
Drue Pearce, DOI  
\*James Balsiger, NMFS

Kevin Duffy, ADF&G  
Ernesta Ballard, ADEC  
Gregg Renkes, ADOL\*\*

\* Chair

\*\* Present at 10:15 a.m.

Meeting convened at 10:05 a.m., April 23, 2003 in Juneau at the NMFS Conference Room in the Federal Building.

### 1. Approval of the Agenda

APPROVED MOTION: Approved the April 23, 2003 agenda with addition of briefing on data synthesis.  
(Attachment A)

Motion by Pearce, second by Duffy

### 2. Executive Session

APPROVED MOTION: Approved moving to executive session to discuss litigation items and personnel issues.

Motion by Duffy, second by Meade

### EXECUTIVE SESSION AND LUNCH BREAK

Off Record at (12:15 p.m.)

On Record at (2:05 p.m.)

ACE 30399756

### 3. Approval of Meeting Notes

APPROVED MOTION: Approved the November 25, 2002 meeting notes. (Attachment B)

Motion by Pearce, second by Duffy

Attachment B

Page 1 of 19 Pages

Public comment period began at 2:45 p.m.

**Five individuals made public comments.**

Public comment period closed at 3:05 p.m.

4. Approval of FY 03 Work Plan Deferred Projects

APPROVED MOTION: Approved the recommendations for FY 03 Phase II deferred projects as outlined in the spreadsheet dated April 9, 2003, 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 projects 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. (Attachment C)

Motion by Pearce, second by Duffy

5. Approval of the FY 04 Invitation

APPROVED MOTION: Approved the release of FY 2004 Invitation for Proposals on May 1, 2003 and changes to the Financial Procedures to provide for multiple-year funding of proposals.

Motion by Pearce, second by Duffy

6. Approval of ARLIS Librarians

ACE 30399757

APPROVED MOTION: Approved the Trustee Council's support in Federal Fiscal Year 2004 for one full time librarian (Carrie Holba) for 12 months and a

second full time librarian (Celia Rosen) for 9 months, through June 30, 2004.

Motion by Duffy, second by Pearce

7. Approval of STAC Nominee

APPROVED MOTION: Approved appointment of Dr. Tom Royer to serve out the remainder of Warren Wooster's two-year term (until April 2004), at which time he would be eligible for reappointment to a full four-year term.

Motion by Pearce, second by Meade

8. Approval of Meeting Note Corrections

APPROVED MOTION: Approved corrections to meeting notes for August 3, 2000 and August 6, 2001 as recommended in April 4, 2003 memorandum.

Motion by Pearce, second by Duffy

9. Approval of Kodiak Waste Management – Lapse Date Extension

APPROVED MOTION: Approved an extended lapse date for Project 99304 to September 30, 2004.

Motion by Ballard, second by Duffy

10. Habitat Protection

MOTION: Failed to approve motion to extend the offer on PWS 05/Valdez Duck Flats to October 30, 2003.

Motion by Pearce, second by Duffy

11. Approval of Recruitment for Executive Director

APPROVED MOTION: Approved an effort to seek a new executive director to be coordinated by Craig Tillery and Molly McCammon.

ACE 30399758

Motion by Ballard, second by Duffy

Meeting adjourned at 5:40 p.m. Motion by Ballard, second by Pearce

ACE 30399759

Attachment B  
Page 4 of 19 Pages



# Exxon Valdez Oil Spill Trustee Council

441 W 5<sup>th</sup> Ave., Suite 500 • Anchorage, Alaska 99501-2340 • 907/273-8012 • fax 907/276-7178



## TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska

July 24, 2003

By Kevin Duffy  
Trustee Council Member

Trustee Council Members Present:

Joe Meade, USFS  
Drue Pearce, DOI  
James Balsiger, NMFS

\*Kevin Duffy, ADF&G  
Ernesta Ballard, ADEC  
Gregg Renkes, ADOL

\* Chair

Meeting convened at 9:03 a.m., July 24, 2003 in Anchorage at the EVOS Conference Room.

### 1. Approval of the Agenda

APPROVED MOTION: Approved the agenda for the July 24, 2003 meeting.  
(Attachment A)

Motion by Ballard, second by Balsiger

### 2. Approval of the Meeting Notes

APPROVED MOTION: Approved the April 23, 2003 meeting notes.  
(Attachment B)

Motion by Ballard, second by Balsiger

Public comment period began at 9:05 a.m.

**No public comment.**

### 3. Executive Session

ACE 30399760

APPROVED MOTION: Approved moving to executive session for the  
purpose of considering personnel matters.

Motion by Balsiger, second by Ballard

Attachment B  
Page 5 of 19 Pages

EXECUTIVE SESSION

Off the record: 9:06 am

On the record: 10:20 am

4. Approval of the Agenda

APPROVED MOTION: Approved the agenda for the July 24, 2003 meeting.

Motion by Pearce, second by Ballard

5. Approval to offer executive director position to Gail Phillips

APPROVED MOTION: Approval for Kevin Duffy and Jim Balsiger, as the committee which led Trustees through interview process, be empowered to enter into negotiations with Gail Phillips to serve as next *Exxon Valdez* Oil Spill executive director and report back to Trustees so that they can confirm by consensus the outcome.

Motion by Ballard, second by Renkes

6. Schedule meeting to approve funding for FY 04 project proposals

APPROVED MOTION: Approved scheduling a Trustee Council meeting for October 3, 2003 for the purpose of reviewing project proposals and coming to the decisions on which projects to fund.

Motion by Ballard, second by Balsiger

7. Schedule meeting to review and approve Administrative Budgets

APPROVED MOTION: Approved scheduling a Trustee Council meeting for September 3, 2003 for the purpose of approving four budgets associated with administration of the *Exxon Valdez* Oil Spill Trustee Council.

Motion by Ballard, second by Pearce

Public comment period was reopened at 10:45 a.m.

**Public comment received by one individual in Anchorage.**

Public comment was closed at 10:50 a.m.

8. Recess meeting until July 25, 2003

ACE 30399761

Attachment B  
Page 6 of 19 Pages

APPROVED MOTION: Approved recess of meeting until July 25, 2003,  
reconvening by teleconference at 4:00 p.m.

Motion by Ballard, second by Meade

Recessed - Off the record 10:45 a.m.

July 25, 2003 teleconference on the record 4:10 p.m.

9. Reconvene meeting

APPROVED MOTION: Approved reconvening meeting.

Motion by Ballard, second by Pearce

10. Hiring of Executive Director

APPROVED MOTION: Approved hiring Gail Phillips as Executive Director  
under the terms and conditions negotiated on July 24,  
2003.

Motion by Ballard, second by Renkes

Meeting adjourned at 4:20 p.m. Motion by Ballard, second by Pearce

ACE 30399762

Attachment 3  
Page 7 of 19 Pages

# 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  
September 3, 2003

**DRAFT**

By Jim Balsiger  
Trustee Council Member

**DRAFT**

Trustee Council Members Present:

Joe Meade, USFS  
Drue Pearce, DOI  
\*James Balsiger, NMFS

Kevin Duffy, ADF&G  
Ernesta Ballard, ADEC  
Gregg Renkes, ADOL

\*Chair

By teleconference: Pearce, Ballard, Renkes

Meeting convened at 11:05 a.m., September 3, 2003 in Anchorage at the EVOS Conference Room.

### 1. Approval of the Agenda

APPROVED MOTION: Approved the amended agenda for the September 3, 2003 meeting adding discussion of Chair rotation if time permits. (Attachment A)

Motion by Duffy, second by Ballard

Public comment period began at 11:12 a.m.

**Public comment received by one individual in Anchorage.**

Public comment period closed at 11:23 a.m.

### 2. Approval of the Meeting Notes

APPROVED MOTION: Approved the July 24-25, 2003 meeting notes. (Attachment B)

ACE 30399763

Motion by Duffy, second by Ballard

Attachment B  
Page 8 of 19 Pages

3. Approval of NOAA/NOS Grant

APPROVED MOTION: Approved the motion to accept the NOAA/NOS grant totaling \$745,125 over the next three years (\$248,375 each year).

Motion by Meade, second by Duffy

4. Approval of Science Management Budget 040630/040630A

APPROVED MOTION: Approved the Science Management Budget 040630/040630A for \$391,600.

Motion by Meade, second by Pearce

5. Approval of Administrative Budget 040100

APPROVED MOTION: Approved the Administrative Budget 040100 for \$863,300.

Motion by Duffy, second by Renkes

6. Approval of ARLIS Budget 040550

APPROVED MOTION: Approved the Alaska Resources Library and Information Services' (ARLIS) Budget 040550 for \$160,900.

Motion by Duffy, second by Meade

6. Approval of Data Management Budget 040455

APPROVED MOTION: Approved the Data Management Budget 040455 for \$156,800.

Motion by Duffy, second by Meade

7. Executive Session

APPROVED MOTION: Approved moving to executive session to discuss personnel and litigation issues.

Motion by Duffy, second by Ballard

EXECUTIVE SESSION  
Off the record: 2:07 p.m.

ACE 30399764

Attachment B  
Page 9 of 19 Pages

On the record: 2:59 p.m.

8. FY 04 Administrative Budgets 040100, 040455, 040550 and 040630/040630A

ADOPTED RESOLUTION: Adopted Resolution 03-05 of the *Exxon Valdez*  
Oil Spill Trustee Council regarding FY 04 Work  
Plan totaling \$1,572,600.  
(Attachment C)

Motion by Meade, second by Duffy

Meeting adjourned at 3:03 p.m. Motion by Ballard, second by Duffy.

ACE 30399765

Attachment B  
Page 10 of 19 Pages

# 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 MEETING

September 3, 2003 11:00 a.m.  
441 West 5<sup>th</sup> Avenue, Suite 500, Anchorage

DRAFT

### Trustee Council Members:

GREGG RENKES  
Attorney General  
State of Alaska

JAMES BALSIGER  
Administrator, Alaska Region  
National Marine Fisheries Service

ERNESTA BALLARD  
Commissioner  
Alaska Department of  
Environmental Conservation

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

KEVIN DUFFY  
Commissioner  
Alaska Department of Fish  
and Game

JOE MEADE  
Forest Supervisor  
U.S. Department of Agriculture  
Forest Service

Meeting in Anchorage, Trustee Council Office, 441 West 5<sup>th</sup> Avenue, Suite 500  
\_\_\_\_\_ Federal Chair

1. Call to Order – 11:00 a.m.
  - Approval of Agenda
  - Approval of Meeting Notes  
July 24-25, 2003
2. Public comment – 11:05 a.m.
3. Executive Director comments – Gail Phillips
  - Domain name change
  - Investment Training Seminar
  - 15<sup>th</sup> Anniversary (March 2004)
  - Staff vacancies
  - Data Analyst/Programmer recruitment
  - FY 04 Work Plan

ACE 30399766

Attachment B

Page 11 of 19 Pages

- June 6-8 and August 14 PAC meeting summaries – Brett Huber, PAC Chair
- Restoration Office Remodel
- Workshop on the North Pacific Ecosystem Status Report – Phil Mundy

Working lunch (provided)

4. NOAA/NOS Grant\*
5. Discussion and approval of Administrative Budgets\*
 

040100	Administrative
040455	Data Management
040550	ARLIS
040630	Science Management

Possible Executive session before adjournment.

Adjourn

Possible Executive session to discuss personnel, financial, small parcel and litigation issues.

\* Indicates action items.

ACE 30399767



# Exxon Valdez Oil Spill Trustee Council

141 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

July 24, 2003

By Kevin Duffy  
Trustee Council Member

### Trustee Council Members Present:

Joe Meade, USFS  
Drue Pearce, DOI  
James Balsiger, NMFS

\*Kevin Duffy, ADF&G  
Ernesta Ballard, ADEC  
Gregg Renkes, ADOL

\* Chair

Meeting convened at 9:03 a.m., July 24, 2003 in Anchorage at the EVOS Conference Room.

### 1. Approval of the Agenda

APPROVED MOTION: Approved the agenda for the July 24, 2003 meeting.  
(Attachment A)

Motion by Ballard, second by Balsiger

### 2. Approval of the Meeting Notes

APPROVED MOTION: Approved the April 23, 2003 meeting notes.  
(Attachment B)

Motion by Ballard, second by Balsiger

Public comment period began at 9:05 a.m.

**No public comment.**

### 3. Executive Session

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APPROVED MOTION: Approved moving to executive session for the  
purpose of considering personnel matters.

Motion by Balsiger, second by Ballard

Attachment B

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EXECUTIVE SESSION

Off the record: 9:06 am

On the record: 10:20 am

4. Approval of the Agenda

APPROVED MOTION: Approved the agenda for the July 24, 2003 meeting.

Motion by Pearce, second by Ballard

5. Approval to offer executive director position to Gail Phillips

APPROVED MOTION: Approval for Kevin Duffy and Jim Balsiger, as the committee which led Trustees through interview process, be empowered to enter into negotiations with Gail Phillips to serve as next *Exxon Valdez* Oil Spill executive director and report back to Trustees so that they can confirm by consensus the outcome.

Motion by Ballard, second by Renkes

6. Schedule meeting to approve funding for FY 04 project proposals

APPROVED MOTION: Approved scheduling a Trustee Council meeting for October 3, 2003 for the purpose of reviewing project proposals and coming to the decisions on which projects to fund.

Motion by Ballard, second by Balsiger

7. Schedule meeting to review and approve Administrative Budgets

APPROVED MOTION: Approved scheduling a Trustee Council meeting for September 3, 2003 for the purpose of approving four budgets associated with administration of the *Exxon Valdez* Oil Spill Trustee Council.

Motion by Ballard, second by Pearce

Public comment period was reopened at 10:45 a.m.

**Public comment received by one individual in Anchorage.**

Public comment was closed at 10:50 a.m.

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8. Recess meeting until July 25, 2003

Attachment B  
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APPROVED MOTION: Approved recess of meeting until July 25, 2003,  
reconvening by teleconference at 4:00 p.m.

Motion by Ballard, second by Meade

Recessed - Off the record 10:45 a.m.

July 25, 2003 teleconference on the record 4:10 p.m.

9. Reconvene meeting

APPROVED MOTION: Approved reconvening meeting.

Motion by Ballard, second by Pearce

10. Hiring of Executive Director

APPROVED MOTION: Approved hiring Gail Phillips as Executive Director  
under the terms and conditions negotiated on July 24,  
2003.

Motion by Ballard, second by Renkes

Meeting adjourned at 4:20 p.m. Motion by Ballard, second by Pearce

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Attachment B  
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**RESOLUTION 03-05 OF THE  
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL  
REGARDING THE FY 04 WORK PLAN**

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. The Fiscal Year 2004 Exxon Valdez Oil Spill Trustee Council (040100), Science Management (040630), Science Management (040630A), Data Management (040455), and the Alaska Resource Library and Information Service (040550) funded at \$1,820,900 as described in Attachment A. The monies are to be distributed according to the following schedule:

Alaska Department of Fish & Game	1,542,600
Alaska Department of Natural Resources	103,600
<b>SUBTOTAL TO STATE OF ALASKA</b>	<b>\$1,397,900</b>
U.S. Department of the Interior	174,700
National Oceanic & Atmospheric Administration	0
<b>SUBTOTAL TO UNITED STATES OF AMERICA</b>	<b>\$174,700</b>
<b>TOTAL APPROVED</b>	<b>\$1,820,900</b>

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Attachment B  
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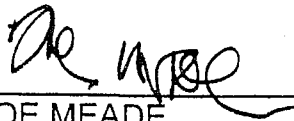
Funds must be spent in accordance with Attachments A . A total of \$1,572,600 of restoration funds will be used. An additional fund source of \$248,300 from a NOAA grant will be used for the 040630A budget.

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 for withdrawal of the Fiscal Year 2004 EVOS Administrative Budget (\$1,572,600) from the appropriate account designated by the Executive Director.

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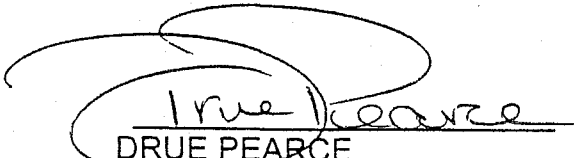
Approved by the Council at its meeting of September 3, 2003 held in Anchorage,  
Alaska as affirmed by our signatures affixed below.



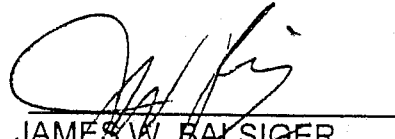
JOE MEADE  
Forest Supervisor  
Forest Service Alaska Region  
U.S. Department of Agriculture



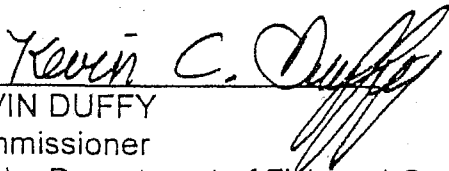
GREGG RENKES  
Attorney General  
State of Alaska



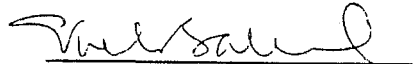
DRUE PEARCE  
Senior Advisor to the Secretary  
for Alaskan Affairs  
U.S. Department of the Interior



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



KEVIN DUFFY  
Commissioner  
Alaska Department of Fish and Game



ERNESTA BALLARD  
Commissioner  
Alaska Department of Environmental  
Conservation

Attachments:  
A Funding Distribution

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Attachment B  
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Attachment A to Resolution 03-05  
Exxon Valdez Oil Spill Trustee Council  
2004 Federal Fiscal Year Restoration Office Administrative Budgets  
October 1, 2003- September 30, 2004

Agency	cooperating Agency (s)	Project	Project Title	FY04 Court Notification
ADFG	ADNR, DOI	40630	Science Management for GEM and Lingering Oil Programs	\$ 274.1
		040630A	NOAA Grant fund source	248.3
		40455	GEM Data Management	\$ 156.8
	DOI	40100	Public Information and Administration - Trustee Council Office	\$ 702.5
		40550	Alaska Resource Library and Information Service	\$ 160.9
			<b>ADFG Total</b>	<b>\$ 1,542.6</b>
ADNR	ADFG, DOI	40630	Science Management for GEM and Lingering Oil Programs	\$ 103.6
			<b>ADNR Total</b>	<b>\$ 103.6</b>
DOI	ADFG, ADNR	40630	Science Management for GEM and Lingering Oil Programs	\$ 13.9
	ADFG	40100	Public Information and Administration - Trustee Council Office	\$ 160.8
			<b>DOI Total</b>	<b>\$ 174.7</b>
			<b>Total</b>	<b>\$ 1,820.9</b>

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