

RICHARD A. SVOBODNY
ACTING ATTORNEY GENERAL

CRAIG J. TILLERY
Deputy Attorney General
State of Alaska
Department of Law
1031 West Fourth Avenue, Suite 200
Anchorage, Alaska 99501-1994
Telephone: (907) 269-8488
Facsimile: (907) 276-8554
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UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

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

The United States and the State of Alaska (“the Governments”) jointly provide this notice of their expenditure of \$437,497.00 from the Research Sub-Account of the Exxon Valdez Oil Spill Investment Fund (“Investment Fund”) and of \$15,515.00 in settlement funds previously disbursed from the Investment Fund that was distributed to the State of Alaska’s General Funds and Other Non-Segregated Investments Account. The Governments’ natural resource trustee agencies will use these funds for purposes consistent with the Memorandum of Agreement and Consent Decree entered by this Court in *United States v. State of Alaska*, No. A91-081 CIV (D. Alaska) on August 28, 1991 (“MOA”).

On September 25, 1991, the United States and the State of Alaska settled their claims against the Exxon Corporation, Exxon Shipping Company, Exxon Pipeline Company, and the T/V *Exxon Valdez* arising from the Exxon Valdez Oil Spill (“EVOS”). All funds resulting from these settlements were subsequently ordered by this Court to be placed in an interest-bearing account in the Court Registry Investment System (“CRIS”) administered through the United States District Court for the Southern District of Texas.

On June 7, 2000, this Court entered its Third Amended Order for Deposit and Transfer of Settlement Proceeds (“Third Amended Order”). The Third Amended Order allows the Governments the option of investing the money in an account outside the United States Treasury. On September 29, 2000, upon application by the Governments, the Court entered an Order Re: Transfer of Funds from the Exxon Valdez Liquidity Account and the Reserve Fund to an Investment Fund Within the Alaska Department of Revenue, Division of Treasury, authorizing transfer of settlement proceeds to an account within the State. On October 5, 2000, all funds and securities were transferred from the CRIS to the Investment Fund. The Third Amended Order further allows the Governments to establish separate sub-accounts within the primary account “as the Trustee Council determines appropriate.” On October 1, 2002, three sub-accounts were created in the Investment Fund: 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 manage separately 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 EVOS Trustees 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. 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.^{1/}

The Governments provide this Notice for the purposes of funding: 1) a modification of FY '07 project 070836 undertaken by Michel Boufadel *et al.* entitled "Factors Limiting the Degradation Rate of Exxon Valdez Oil on Prince William Sound Beaches"^{2/}; and 2) activities of the EVOS Trustee Council regarding "The 20th Anniversary of the *Exxon Valdez* Oil Spill at the New Education Center at the Alaska Zoo, Anchorage."^{3/} The monies that are the subject of the modification to the Boufadel project will be provided to the United States; the monies for the 20th anniversary activities were previously provided to the State of Alaska.

The Trustee Council has met four times since the Governments' filing on November 25, 2008 of their Amended Thirty-Second Joint Notice of Expenditure from the Investment Fund and from Monies Previously Disbursed. The Governments will submit the meeting notes for the March 9, 2009 meeting once they have been approved by the Trustee Council. The meeting

^{1/} A copy of the notice provided to the Investment Fund pursuant to paragraph 27 of the Third Amended Order for Deposit and Transfer of Settlement Proceeds is appended to this Notice as Attachment A, pp. 1-2.

^{2/} The Trustee Council unanimously agreed to provide \$437,497 for this purpose at its May 13, 2009 meeting, as reflected in Resolution 09-04 appended to this Notice. Attachment A, pp. 3-9.

^{3/} Appended to this Notice at Attachment A, pp. 10-11, is Trustee Council Resolution 09-02, which documents the Council's unanimous agreement, at its January 16, 2009 meeting, to authorize the expenditure of \$15,515 for activities in support of the "20th Anniversary of the *Exxon Valdez* Oil Spill at the New Education Center at the Alaska Zoo, Anchorage." Also appended to this Notice at Attachment A, pp. 12-18, is Trustee Council Resolution 09-03, which documents the Council's unanimous agreement, at its March 9, 2009 meeting, to redirect \$11,254 previously authorized for the Darkened Waters exhibit to other displays for use at the 20th Anniversary event. Notice of the original authorization of \$15,000 for the Darkened Waters exhibit was provided to the Court in the Twenty-Ninth Joint Notice of Expenditures from the Investment Fund (July 18, 2008) (Docket # 288).

notes for the Trustee Council's September 29, 2008, January 16, 2009 and March 9, 2009 meetings are appended to this Notice at Attachment B.

RESPECTFULLY SUBMITTED this 22nd day of May, 2009 at Anchorage, Alaska.

FOR THE STATE OF ALASKA

RICHARD A. SVOBODNY
ACTING ATTORNEY GENERAL

By: s/CRAIG J. TILLERY
Deputy Attorney General
State of Alaska
Department of Law
1031 West Fourth Avenue, Suite 200
Anchorage, Alaska 99501-1994
Telephone: (907) 269-8488
Facsimile: (907) 276-8554
Email: Craig.Tillery@alaska.gov
Alaska Bar #7906055

FOR THE UNITED STATES

s/REGINA BELT (consent)
Trial Attorney
Environmental Enforcement Section
Environment & Natural Resources Division
United States Department of Justice
801 B Street, Suite 504
Anchorage, Alaska 99501-3657
Telephone: (907) 271-3456
Facsimile: (907) 271-5827
Email: regina.belt@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22nd day of May, 2009, a copy of the foregoing THIRTY-THIRD JOINT NOTICE OF EXPENDITURES FROM THE INVESTMENT FUND AND FROM MONIES PREVIOUSLY DISBURSED, together with attachments A and B thereto were served by U.S. mail, first class, postage prepaid, on the following:

James F. Neal Neal & Harwell 2000 One Nashville Place 150 Forth Avenue North Nashville, TN 37219	Douglas J. Serdahely Patton Boggs LLP 601 W. 5 th Avenue, Suite 700 Anchorage, AK 99501	Patrick Lynch O'Melveny & Meyers 400 South Hope Street Los Angeles, CA 90071
Matt vanSteenwyk AK Dept. of Fish and Game PO Box 115526 Juneau, AK 99811-5526	John F. Clough III Clough & Associates PO Box 211187 Auke Bay, AK 99821-1187	Cherri Womac Alaska Department of Fish & Game Exxon Valdez Oil Spill Trustee Council Office 441 W. 5 th Ave., Suite 500 Anchorage, AK 99501

s/Stefan Estonilo

SARAH PALIN, GOVERNOR

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL

Environmental
1031 WEST 4th AVENUE,
SUITE 200
ANCHORAGE, ALASKA

May 22, 2009

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 \$437,497.00 in joint trust funds for restoration purposes consistent with the terms of the Memorandum of Agreement and Consent Decree entered by the federal district court in *United States v. State of Alaska*, No. A91-081 CIV (D. Alaska) on August 28, 1991. This entire amount is to be expended from the Research sub-account. 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:

United States

Amount: \$437,497.00 (Entire amount from the Research Sub-Account)

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

Mr. Gary Bader
Treasury Division, Department of Revenue


Page 2
May 22, 2009


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, preferably on or before May 27, 2009, or as soon thereafter as possible. If you have any questions, please call Elise Hsieh at (907) 269-5274 or (907)265-9331.

Sincerely,


Craig Tillery
Deputy Attorney General
State of Alaska


Regina Belt
Environmental Enforcement Section
Environment & Natural Resources Division
U.S. Department of Justice
United States of America

cc: Michael Zevenbergen, U.S. Department of Justice
Matt vanSteenwyk, Alaska Department of Fish and Game *via email and U.S. Mail*
Christine O'Sullivan, Alaska Department of Fish and Game *via email and U.S. Mail*
Sue Bump, Alaska Department of Revenue *via email and U.S. Mail*
Bob Mitchell, Alaska Department of Revenue *via email and U.S. Mail*
Bronze Ickes, Alaska Department of Revenue *via email and U.S. Mail*
James McKnight, Alaska Department of Revenue *via email and U.S. Mail*
Cherri Womac, Exxon Valdez Oil Spill Trustee Council Restoration Office

**RESOLUTION 09-04 OF THE
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
REGARDING AUTHORIZATION FOR ADDITIONAL FUNDS
FOR PROJECT 070836-A**

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 in the amount of \$437,497 for fiscal year 2009 as described in Attachment A. The monies are to be distributed according to the following schedule:

National Oceanic & Atmospheric Administration	\$437,497
TOTAL TO UNITED STATES OF AMERICA	\$437,497
TOTAL APPROVED	\$437,497

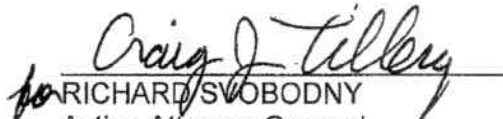
Funds shall be spent in accordance with Attachment A.

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 additional funds for Boufadel Project/070836-A, Factors Limiting the

Degradation Rate of *Exxon Valdez* Oil on Prince William Sound Beaches from the appropriate account designated by the Executive Director.

Approved by the Council at its meeting of May 13, 2009 held in Anchorage, Alaska as affirmed by our signatures affixed below.

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


for RICHARD SVOBODNY
Acting Attorney General
Alaska Department of Law

KIM ELTON
Senior Advisor to the Secretary
for Alaska Affairs
U.S. Department of the Interior

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

DENBY S. LLOYD
Commissioner
Alaska Department of Fish and Game


LARRY HARTIG
Commissioner
Alaska Department of Environmental
Conservation

Attachment A: Funding Distribution

Degradation Rate of *Exxon Valdez* Oil on Prince William Sound Beaches from the appropriate account designated by the Executive Director.

Approved by the Council at its meeting of May 13, 2009 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

RICHARD SVOBODNY
Acting Attorney General
Alaska Department of Law



KIM ELTON
Senior Advisor to the Secretary
for Alaska Affairs
U.S. Department of the Interior

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

DENBY S. LLOYD
Commissioner
Alaska Department of Fish and Game

LARRY HARTIG
Commissioner
Alaska Department of Environmental
Conservation

Attachment A: Funding Distribution

Degradation Rate of *Exxon Valdez* Oil on Prince William Sound Beaches from the appropriate account designated by the Executive Director.

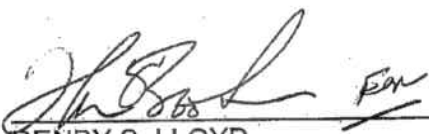
Approved by the Council at its meeting of May 13, 2009 held in Anchorage, Alaska as affirmed by our signatures affixed below.

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

RICHARD SVOBODNY
Acting Attorney General
Alaska Department of Law

KIM ELTON
Senior Advisor to the Secretary
for Alaska Affairs
U.S. Department of the Interior

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



DENBY S. LLOYD
Commissioner
Alaska Department of Fish and Game

LARRY HARTIG
Commissioner
Alaska Department of Environmental
Conservation

Attachment A: Funding Distribution

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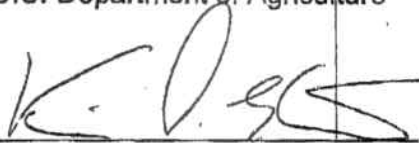
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Degradation Rate of *Exxon Valdez* Oil on Prince William Sound Beaches from the appropriate account designated by the Executive Director.

Approved by the Council at its meeting of May 13, 2009 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



KIM ELTON
Senior Advisor to the Secretary
for Alaska Affairs
U.S. Department of the Interior

DENBY S. LLOYD
Commissioner
Alaska Department of Fish and Game

RICHARD SVOBODNY
Acting Attorney General
Alaska Department of Law

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

LARRY HARTIG
Commissioner
Alaska Department of Environmental
Conservation

Attachment A: Funding Distribution

Degradation Rate of *Exxon Valdez* Oil on Prince William Sound Beaches from the appropriate account designated by the Executive Director.

Approved by the Council at its meeting of May 13, 2009 held in Anchorage, Alaska as affirmed by our signatures affixed below.

for Steven V. Zemke
JOE L. MEADE
Forest Supervisor
Forest Service Alaska Region
U.S. Department of Agriculture

RICHARD SVOBODNY
Acting Attorney General
Alaska Department of Law

KIM ELTON
Senior Advisor to the Secretary
for Alaska Affairs
U.S. Department of the Interior

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

DENBY S. LLOYD
Commissioner
Alaska Department of Fish and Game

LARRY HARTIG
Commissioner
Alaska Department of Environmental
Conservation

Attachment A: Funding Distribution

Resolution 09-04 - Attachment A
Funding Distribution
FY 09 Work Plan
Project Approved on May 13, 2009

Project #	PI	Project Title	FY09 Direct cost approved	FY 09 PJ Mgmt Approved	FY09 G&A Approved	Total Resolution 09-04
070836-A	Boufiadel	Factors Responsible for Limiting the Degradation Rate of <i>Exxon Valdez</i> Oil in Prince William Sound Beaches	\$401,373	\$0	\$36,124	FY09 approved \$437,497
		NOAA	\$401,373	\$0	\$36,124	\$437,497
		Total to the United States of America				\$437,497
		Total Approved Resolution 09-04				\$437,497

*NOAA has declined project management funds for this project

**RESOLUTION 09-02 OF THE
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
REGARDING THE 20TH ANNIVERSARY OF THE EXXON VALDEZ OILSPILL
AT THE NEW EDUCATION CENTER AT THE ALASKA ZOO, ANCHORAGE**


We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council do hereby certify that, in accordance with the Memorandum of Agreement and Consent Decree entered as settlement of United States of America v. State of Alaska, No. A91-081 Civil, U.S. District Court for the District of Alaska, and after public meetings, unanimous agreement has been reached to expend funds received in settlement of State of Alaska v. Exxon Corporation, et al., No. A91-083 CIV, and United States of America v. Exxon Corporation, et al., No. A91-082 CIV, U.S. District Court for the District of Alaska for necessary Natural Resource Damage Assessment and Restoration activities for fiscal year 2009 in the amount of \$15,515 designated to fund "The 20th Anniversary of the *Exxon Valdez* Oil Spill at the new Education Center at the Alaska Zoo, Anchorage." The funds are designated to the State of Alaska. Funding is distributed as follows:

State of Alaska – Department of Fish & Game	\$15,515
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Total State of Alaska	\$15,515
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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 State Department of Justice to take such steps as may be necessary to make funds available in the amount of \$15,515 from the appropriate accounts as designated by the Executive Director.


Approved by the Council at its meeting of January 16, 2009 as affirmed by our signatures affixed below.


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


HANS NEIDIG
Special Assistant to the Secretary
for Alaska
U.S. Department of Interior


DENBY S. LLOYD
Commissioner
Alaska Department of Fish and Game


TALIS J. COLBERG
Attorney General
Alaska Department of Law


JAMES BALSIGER
Administrator, Alaska Region
National Marine Fisheries Service
U.S. Department of Commerce


LARRY HARTIG
Commissioner
Alaska Department of Environmental
Conservation

**RESOLUTION 09-03 OF THE
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
AMENDING RESOLUTION 08-13
REGARDING RELOCATION OF THE DARKENED WATERS DISPLAY TO
ALASKA**

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.

WHEREAS, the *Exxon Valdez* Oil Spill Trustee Council (Trustee Council), at its June 26, 2008 meeting by Resolution 08-13 agreed to convey to the Cordova Historical Society \$15,000 for the relocation of the Darkened Waters Display from Kansas to Anchorage, and for the update of the display by February 2009 for use at various 20th Anniversary events during 2009.

WHEREAS, the \$15,000 was approved in EVOSTC project 0808100 Administrative Budget, under the Community Involvement component, and of the \$15,000, \$3,746 has been expended to fund a portion of the shipping costs to relocate the display to Alaska.

AND WHEREAS the Trustee Council has determined, and the Cordova Historical Society acknowledges, that little progress has been made in the update of the display for use by the 20th Anniversary, the Trustee Council amends resolution 08-13 and redirects

the remaining \$11,254 to apply to the Trustee Council's efforts to create a display for use for the 20th Anniversary and for use in venues around Alaska.

Approved by the Trustee Council at its meeting of March 9, 2009 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

RICHARD SVOBODNY
Acting Attorney General
State of Alaska



ROWAN GOULD
Acting Director
Fish and Wildlife Service
U.S. Department of Interior

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

DENBY S. LLOYD
Commissioner
Alaska Department of Fish and Game

LARRY HARTIG
Commissioner
Alaska Department of
Environmental Conservation


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Approved by the Trustee Council at its meeting of March 9, 2009 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

RICHARD SVOBODNY
Acting Attorney General
State of Alaska

ROWAN GOULD
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U.S. Department of Interior

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U.S. Department of Commerce

DENBY S. LLOYD
Commissioner
Alaska Department of Fish and Game

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Alaska Department of
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Approved by the Trustee Council at its meeting of March 9, 2009 held in Anchorage, Alaska as affirmed by our signatures affixed below.

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

Craig Tilly
for RICHARD SVOBODNY
Acting Attorney General
State of Alaska

ROWAN GOULD
Acting Director
Fish and Wildlife Service
U.S. Department of Interior

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

DENBY S. LLOYD
Commissioner
Alaska Department of Fish and Game

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Commissioner
Alaska Department of
Environmental Conservation

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DIRECTOR US FWS

PAGE 03/03

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Approved by the Trustee Council at its meeting of March 9, 2009 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

RICHARD SVOBODNY
Acting Attorney General
State of Alaska



ROWAN GOULD
Acting Director
Fish and Wildlife Service
U.S. Department of Interior

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

DENBY S. LLOYD
Commissioner
Alaska Department of Fish and Game

LARRY HARTIG
Commissioner
Alaska Department of
Environmental Conservation

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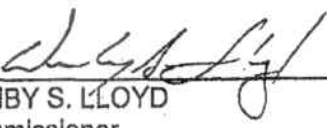
Approved by the Trustee Council at its meeting of March 9, 2009 held in Anchorage, Alaska as affirmed by our signatures affixed below.

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

RICHARD SVOBODNY
Acting Attorney General
State of Alaska

ROWAN GOULD
Acting Director
Fish and Wildlife Service
U.S. Department of Interior

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



DENBY S. LLOYD
Commissioner
Alaska Department of Fish and Game

LARRY HARTIG
Commissioner
Alaska Department of
Environmental Conservation

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Approved by the Trustee Council at its meeting of March 9, 2009 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

RICHARD SVOBODNY
Acting Attorney General
State of Alaska

ROWAN GOULD
Acting Director
Fish and Wildlife Service
U.S. Department of Interior

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

DENBY S. LLOYD
Commissioner
Alaska Department of Fish and Game



LARRY HARTIG
Commissioner
Alaska Department of
Environmental Conservation

Exxon Valdez Oil Spill Trustee Council

441 W. 5th Ave., Suite 500 • Anchorage, AK 99501-2340 • 907 278 8012 • fax 907 276 7178



TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska

September 29, 2008

Chaired by: Steve Zemke

Trustee Council Member

Trustee Council Members Present:

• Steve Zemke, USFS*
Randall Luthi, USMMS
Craig O'Connor, NOAA **

Craig Tillery, ADOL ***
Denby Lloyd, ADF&G
Larry Hartig, ADEC

- Chair
- * Steve Zemke alternate for Joe Meade
- ** Craig O'Connor alternate for James Balsiger
- *** Craig Tillery alternate for Talis Colberg sitting in at 10:35 a.m.

The meeting convened at 9:00 a.m., September 29, 2008 in Anchorage at the EVOS Conference Room.

1. Approval of the Agenda

APPROVED MOTION: Motion to approve the September 29, 2008 draft agenda

Motion by Hartig, second by Colberg

2. Approval of August 28, 2008 meeting notes

APPROVED MOTION: Motion to approve the August 28, 2008 meeting notes

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

Motion by Luthi, second by Hartig

Public Advisory Committee (PAC) comments: Stacy Studebaker

Public comment period began at 9:10 a.m.

Three public comments were received.

Public comment closed at 9:23 a.m.

3. Executive Session

APPROVED MOTION: Motion to move into executive session to discuss personnel issues and Public Advisory Committee selection

Motion by Luthi, second by Hartig

Off the record: 9:25 a.m.

On the record: 10:35 a.m.

4. Public Advisory Committee Member Selections

APPROVED MOTION: Motion to approve the following nominees as recommended by the Acting Executive Director for appointment by the Secretary of the Interior to the Public Advisory Committee's 2008-2010 term:

- Aquaculture/Mariculture – Gary Fandrei
- Commercial Fishing – Robert (RJ) Kopchak
- Commercial Tourism – Amanda Bauer
- Conservation/Environmental – Jennifer Gibbons
- Local Government – Tim Joyce
- Marine Transportation – Torie Baker
- Native Land Owners – Larry Evanoff
- Public at Large – Jason Brune
- JoAnn Vlasoff
- Recreational Users – Stacy Studebaker
- Regional Monitoring – John French
- Science/Technical – Bill Rosetti
- Sport Hunting and Fishing – Kurt Eilo
- Subsistence – Patience Anderson-Faulkner

Tribal Government – Sue (Lori) Johnson

Motion by Luthi, second by Hartig

4. Personnel

APPROVED MOTION: Motion to recommend that the Trustee Council directs that recruitment begins for both the Executive Director and Science Director positions as soon as possible

Motion by Luthi, second by Hartig

APPROVED MOTION: Motion to appoint Elise Hsieh as Interim Executive Director and Jennifer Schorr as Interim Deputy Director effective October 1, 2008

Motion by Tillery, second by Luthi

5. Habitat Protection

APPROVED MOTION: Motion to authorize \$1,900,000 to be used as matching funds for the purchase of Shuyak Parcels 2A and 2B, subject to the terms and conditions specified for these parcels in Resolution 08-16

Motion by Hartig, second by Luthi

APPROVED MOTION: Motion to authorize \$2,008,000 for the purchase of Uganik Parcels 3A and 3B, subject to the terms and conditions specified for these parcels in Resolution 08-17

Motion by Hartig, second by Tillery

APPROVED MOTION: Motion to authorize \$1,205,000 for the purchase of timber rights on Parcel 5A, subject to the terms and conditions specified in the resolution for this parcel and of that amount \$5,000 would be used for closing costs and the balance for purchase of 5A

timber rights from Rocky Mountain Elk Foundation
and American Land Conservancy

Motion by Hartig, second by Luthi

6. Project 090100 – FY 09 Annual Program Development and Implementation

APPROVED MOTION: Motion to approve Project 090100, the FY 09
Annual Program Development and Implementation
budget October 1, 2008 through September 30,
2009 in the amount of \$2,477,722 in Resolution 08-
19

Motion by Luthi, second by O'Connor

7. Sole Source for Film Production

APPROVED MOTION: Motion to approve the amount of \$28,000 for
production of a 12-13 minute video for the purpose
of the 20th anniversary of the oil spill and that the
money would be intended to go to a contract with
Mr. Kevin Hartwell

Motion by Tillery, second by O'Connor

8. FY 08 Project Amendments

APPROVED MOTION: Motion to approve the FY 08 project amendments
recommended for funding by the acting Executive
Director in the FY 09 Draft Work Plan totaling
\$3,649,952 as described in Resolution 08-20
regarding the FY 09 Draft Work Plan and the FY 09
Funding for Multi-Year Projects

Motion by O'Connor, second by Luthi

Adjourn

Motion to adjourn

Motion by Luthi, second by Hartig

Adjourned at 12:15 p.m.

Exxon Valdez Oil Spill Trustee Council

441 W. 5th Ave., Suite 500 • Anchorage, AK 99501-2340 • 907 278 8012 • fax 907 276 7178



TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska

January 16, 2009

Chaired by: Denby S. Lloyd
Trustee Council Member

Trustee Council Members Present:

Steve Zemke, USFS*
Randall Luthi, USMMS**
Craig O'Connor, NOAA ***

Talis Colberg, ADOL ****
•Denby S. Lloyd, ADF&G
Larry Hartig, ADEC

- Chair
- * Steve Zemke alternate for Joe Meade
- ** Hans Neidig alternate for Randall Luthi
- *** Craig O'Connor alternate for James Balsiger
- **** Craig Tillery participating 9:45 a.m.-12:05 p.m. as alternate for Talis Colberg

The meeting convened at 8:30 a.m., January 16, 2009 in Anchorage at the EVOS Conference Room.

1. Approval of the Agenda

APPROVED MOTION: Motion to approve the January 16, 2009 draft agenda

Motion by Hartig, second by O'Connor

2. Approval of September 29, 2008 meeting notes

APPROVED MOTION: Motion to approve the September 29, 2008 meeting notes

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

Motion by Colberg, second by Hartig

3. Asset Allocation

APPROVED MOTION: Motion to approve the asset allocation as outlined in Resolution 09-01

Motion by Zemke, second by Neidig

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

Three public comments were received.

Public comment closed at 9:15 a.m.

Public Advisory Committee (PAC) comments: in lieu of the PAC Chair (not yet elected), Doug Mutter, USDOl Federal Designated Officer presented a summary of the January 9, 2009 PAC teleconference meeting

4. 20th Anniversary

APPROVED MOTION: Motion to approve the budget of \$15,515 to be used as indicated in the "The 20th Anniversary of the Exxon Valdez Oil Spill at the new Education Center at the Alaska Zoo, Anchorage" support paper and budget table, as outlined in Resolution 09-02

Motion by O'Connor, second by Hartig

5. Policies and Procedures

APPROVED MOTION: Motion to approve the revision to the EVOS Procedures for the Preparation and Distribution of Reports and revision to the Financial Procedures allowing for 10% of project funding to be withheld pending receipt of final deliverables. For multi-year projects, the 10% withholding will apply to the final year of the funding

Motion by O'Connor, second by Hartig

Off the record: 10:02 a.m.

On the record: 10:17 a.m.

6. Herring Steering Committee

APPROVED MOTION: Motion to approve the following Herring Steering Committee members: Doug Hay, Evelyn Brown, Gary Fandrei, Paul Hershberger, Rob Campbell, Ross Mullins, Jeep Rice, Steve Moffitt, Vince Patrick, and Scott Pegau, authorizing the expenditure of up to \$7,500 per individual for their participation on the herring steering committee during FY 09

Motion by O'Connor, second by Zemke

7. Integrated Herring Restoration Plan

APPROVED MOTION: Motion to request staff with other appropriate entities develop an appropriate solicitation for February's presentation that will focus on the most pivotal studies that need to be done to further inform our decision in the development of a herring plan with an annual spending goal of three million dollars for the first year and up to four million dollars in subsequent years

Motion by O'Connor second by Neidig

8. FY 2010 Invitation for Proposals

APPROVED MOTION: Motion to approve the FY 2010 Invitation for Proposals for distribution

Motion by Colberg, second by Hartig

Adjourn

Motion to adjourn

Motion by Neidig, second by Hartig

Adjourned at 12:17 p.m.

Exxon Valdez Oil Spill Trustee Council

441 W. 5th Ave., Suite 500 • Anchorage, AK 99501-2340 • 907 278 8012 • fax 907 276 7178



TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska

March 9, 2009

Chaired by: Craig O'Connor
Trustee Council Member

Trustee Council Members Present:

Steve Zemke, USFS *
Rowan Gould, USFWS
•Craig O'Connor, NOAA **

Craig Tillery, ADOL ***
Denby S. Lloyd, ADF&G
Larry Hartig, ADEC

- Chair
- * Steve Zemke alternate for Joe Meade
- ** Craig O'Connor alternate for James Balsiger
- *** Craig Tillery alternate for Richard Svobodny

The teleconference convened at 9:30 a.m., March 9, 2009 in Anchorage at the EVOS Conference Room.

1. Approval of the Agenda

APPROVED MOTION: Motion to approve the March 9, 2009 draft agenda

Motion by Hartig, second by Lloyd

2. Approval of January 16, 2009 meeting notes

APPROVED MOTION: Motion to approve the January 16, 2009 meeting notes

Motion by Hartig, second by Tillery

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

Public Advisory Committee (PAC) comments: Stacy Studebaker, PAC Chair reported on the February 4, 2009 PAC meeting held during the Alaska Forum on the Environment.

Public comment opened at 9:40 a.m.

No public comments were offered.

3. Darken Waters Display Resolution 09-03

APPROVED MOTION: Motion to approve redirecting \$11,254 to apply to the Trustee Council's efforts to create a display for use by the 20th Anniversary and for use in venues around Alaska

Motion by Zemke, second by Tillery

4. Executive Session

APPROVED MOTION: Motion to go into executive session to discuss personnel and litigation strategies

Motion by Tillery, second by Hartig

Off the record 10:12 a.m.

Teleconference adjourned following Executive Session without any action.

Adjourned at 10:45 a.m.