

The United States and the State of Alaska ("the Governments") jointly provide this notice of their expenditure of \$108,546 from the Research Sub-Account and \$335,600 from the Habitat Sub-Account of 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 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

FORTIETH JOINT NOTICE OF EXPENDITURES
FROM THE INVESTMENT FUND
3:91-CV-0083 (HRH)

1
2 decision in its Resolution of March 1, 1999 to manage separately the remaining assets of the
3 Joint Trust Funds for the specific purposes of funding a long term research and monitoring
4 program, the acquisition of lands along the Karluk River, and the establishment of a fund to
5 purchase small parcels of land that may become available in the future.

6
7 Paragraph 27 of the Third Amended Order provides that "funds in an
8 Investment Fund shall remain on deposit in that Fund until such time as the EVOS Trustees
9 unanimously resolve to expend all or part of the funds." The funds may then be expended,
10 for purposes consistent with the MOA, upon the joint notification of the Governments to the
11 Investment Fund and the Court. The notification is to inform the Court of the proposed uses
12 of the funds in the same manner and to the same extent as was the Governments' practice
13 when the funds were in the registry of the Court.¹
14

15 The Governments provide notice of this fortieth expenditure for the
16 following: (1) the expenditure of \$27,516 to contract with Catherine Boerner of Natura
17 Consulting to provide science program management for the remainder of FY 2010;² (2) the
18 reauthorization of previously approved funding in the amount of \$192,000 for acquisition of
19

20
21
22 ¹ A copy of the notice provided to the Investment Fund pursuant to paragraph 27 of
23 the Third Amended Order for Deposit and Transfer of Settlement Proceeds is appended to
24 this Notice as Attachment A, pp. 1-3.

25
26 ² The Trustee Council unanimously authorized these funds at its June 23, 2010
meeting as reflected in Resolution 10-08 appended to this Notice at Attachment A, pp.4-8.

1
2 lands on Kodiak Island;³ (3) the expenditure of \$43,600 in support of Kodiak Island Habitat
3 Protection Efforts for lands owned by the Leisnoi Native Corporation;⁴ (4) acquisition of
4 lands on the Kenai Peninsula;⁵ and (5) the expenditure of \$81,030 for Project 070836-B.⁶
5 Of the \$444,146 that is the subject of this Notice, \$81,030 will be provided to the United
6 States and \$363,116 will be provided to the State of Alaska.
7

8 The Trustee Council has met once since the Governments' filing on May 28,
9 2010 of their Thirty-Ninth Joint Notice of Expenditures. The Governments will submit the
10 meeting notes for the June 23, 2010 meeting once they have been approved by the Trustee
11 Council. The meeting notes for the Trustee Council's May 14, 2010 meeting are appended
12 to this Notice at Attachment B.
13
14
15
16

17 ³ The Trustee Council unanimously authorized these funds at its June 23, 2010
18 meeting as reflected in Resolution 10-11 appended to this Notice at Attachment A, pp.9-13.

19 ⁴ The Trustee Council unanimously authorized these funds at its June 23, 2010
20 meeting as reflected in Resolution 10-12 appended to this Notice at Attachment A, pp.14-
21 26.

22 ⁵ The Trustee Council unanimously agreed to provide \$100,000 for this purpose at its
23 June 23, 2010 meeting, as reflected in Resolution 10-13 appended to this Notice.
24 Attachment A, pp. 27-37.

25 ⁶ The Trustee Council unanimously authorized these funds at its June 23, 2010
26 meeting as reflected in Resolution 10-14 appended to this Notice at Attachment A, pp.38-
42.

FORTIETH JOINT NOTICE OF EXPENDITURES
FROM THE INVESTMENT FUND
3:91-CV-0083 (HRH)

1
2
3 RESPECTFULLY SUBMITTED this 6th day of July, 2010 at Anchorage, Alaska.

4 FOR THE STATE OF ALASKA
5 DANIEL S. SULLIVAN
6 ATTORNEY GENERAL

7 By: s/CRAIG J. TILLERY
8 Deputy Attorney General
9 State of Alaska
10 Department of Law
11 1031 West Fourth Avenue, Suite 200
12 Anchorage, Alaska 99501-1994
Telephone: (907) 269-8488
Facsimile: (907) 276-8554
Email: Craig.Tillery@alaska.gov
Alaska Bar #7906055

13 FOR THE UNITED STATES

14 s/MICHAEL ZEVENBERGEN (consent)
15 Trial Attorney
16 Environmental Enforcement Section
17 Environment & Natural Resources Division
18 United States Department of Justice
19 801 B Street, Suite 504
20 Anchorage, Alaska 99501-3657
21 Telephone: (907) 271-3456
22 Facsimile: (907) 271-5827
23 Email: Michael.Zevenbergen@usdoj.gov
24
25
26

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

FORTIETH JOINT NOTICE OF EXPENDITURES
FROM THE INVESTMENT FUND
3:91-CV-0083 (HRH)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing **FORTIETH JOINT NOTICE OF EXPENDITURES FROM THE INVESTMENT FUND**, together with **Attachments A and B** thereto, was served by U.S. mail, first class, postage paid, 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. 5th Avenue,
Suite 700
Anchorage, AK
99501

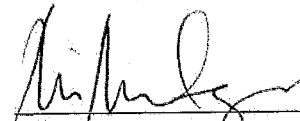
Patrick Lynch
O'Melveny & Meyers
400 South Hope Street
Los Angeles, CA 90071

Matt vanSteenwyk
AK Dept. of Fish &
Game
PO Box 115526
Juneau, AK 99811-5526

John F. Clough III
Clough &
Associates
PO Box 211187
Auke Bay, AK
99821-1187

Cherri Womac
AK Dept. of Fish & Game
Exxon Valdez Oil Spill Trustee
Council Office
441 W. 5th Ave., Suite 500
Anchorage, AK 99501

Michael Zevenbergen
U.S. Department of
Justice
c/o NOAA/Damage
Assessment
7600 Sand Point Way NE
Seattle, WA 98115


Michelle Melgar
Law Office Assistant

07-06-10

Date

**FORTIETH JOINT NOTICE OF EXPENDITURES
FROM THE INVESTMENT FUND
3:91-CV-0083 (HRH)**

SEAN PARNELL, GOVERNOR

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL

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

June 30, 2010

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 \$444,146 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 June 23, 2010. Of this amount, \$108,546 will be expended from the Research Sub-Account and \$335,600 will be expended from the Habitat 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:

State of Alaska

Amount: \$363,116 (\$27,516 from the Research Sub-Account; \$335,600 from the Habitat Sub-Account)
State of Alaska
Exxon Valdez Settlement Account
GeFONSI 33070
Account 22177
Name: Exxon Valdez Settlement Account

Mr. Gary Bader
Treasury Division, Department of Revenue

Page 2
June 30, 2010

United States

Amount: \$81,030 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

OBI Text

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

Beneficiary Reference

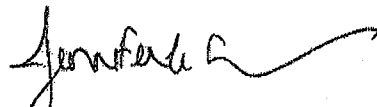
A91-082Civil

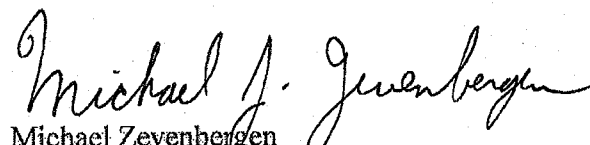
Mr. Gary Bader
Treasury Division, Department of Revenue

Page 3
June 30, 2010

The transfer should take place when most financially advantageous, preferably on or before July 16, 2010, or as soon thereafter as possible. If you have any questions, please call Elise Hsieh at (907)265-9330.

Sincerely,


Craig Tillery
Deputy Attorney General
State of Alaska


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

cc: Regina Belt, U.S. Department of Justice *via email*
Jeff Hoover, Alaska Department of Fish and Game *via email*
Matt vanSteenwyk, Alaska Department of Fish and Game *via email*
Christine O'Sullivan, Alaska Department of Fish and Game *via email*
Bronze Ickes, Alaska Department of Revenue *via email*
Bob Mitchell, Alaska Department of Revenue *via email*
James McKnight, Alaska Department of Revenue *via email*
Bruce Nessler, Department of the Interior, *via email*
Linda Kilbourne, Exxon Valdez Oil Spill Trustee Council Restoration Office, *via email*
Cherri Womac, Exxon Valdez Oil Spill Trustee Council Restoration Office, *via email*

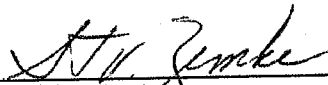
**RESOLUTION 10-08 OF THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
AUTHORIZING A SCIENCE MANAGEMENT SERVICES CONTRACT**

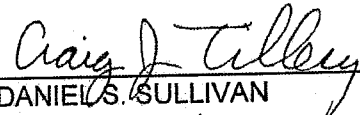
We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council do hereby certify that, in accordance with the Memorandum of Agreement and Consent Decree entered as settlement of *United States of America v. State of Alaska* No. A91-081 Civil, U.S. District Court for the 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 \$25,244 for FY10 and \$84,235 in FY11 plus applicable General Administration (GA). Project management fees are not applicable to the science management services contract. The contractor is Catherine Boerner of Natura Consulting. This science management contractor is tasked with providing science program management during the remainder of federal fiscal year 2010 and all of federal fiscal year 2011. Tasks include the coordination and implementation of FFY 2012 Invitation for Proposals and annual work plan support. The monies are to be distributed according to the following schedule:

Alaska Department of Fish and Game (includes 9% GA)	\$119,332
TOTAL TO STATE OF ALASKA – FY10	\$27,516
TOTAL TO STATE OF ALASKA – FY11	\$91,816
TOTAL APPROVED	\$119,332

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 funds for the Science Management Services contract from the appropriate account designated by the Executive Director.

Approved by the Council at its meeting of June 23, 2010 held in Anchorage, Alaska as affirmed by our signatures affixed below.

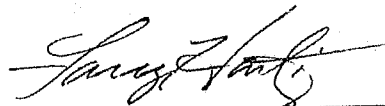

STEVE ZEMKE
Alternate Trustee
Chugach Nation Forest
U.S. Department of Agriculture


for DANIEL S. SULLIVAN
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

Approved by the Council at its meeting of June 23, 2010 held in Anchorage, Alaska as affirmed by our signatures affixed below.

STEVE ZEMKE
Alternate Trustee
Chugach Nation Forest
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

DANIEL S. SULLIVAN
Attorney General
Alaska Department of Law

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

LARRY HARTIG
Commissioner
Alaska Department of Environmental
Conservation

Approved by the Council at its meeting of June 23, 2010 held in Anchorage, Alaska as affirmed by our signatures affixed below.

STEVE ZEMKE
Alternate Trustee
Chugach Nation Forest
U.S. Department of Agriculture

KIM ELTON
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U.S. Department of the Interior

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Alaska Department of Fish and Game

DANIEL S. SULLIVAN
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


Approved by the Council at its meeting of June 23, 2010 held in Anchorage, Alaska as affirmed by our signatures affixed below.

STEVE ZEMKE
Alternate Trustee
Chugach Nation Forest
U.S. Department of Agriculture

DANIEL S. SULLIVAN
Attorney General
Alaska Department of Law

KIM ELTON
Senior Advisor to the Secretary
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National Oceanic & Atmospheric
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DENBY S. LLOYD
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Alaska Department of Fish and Game

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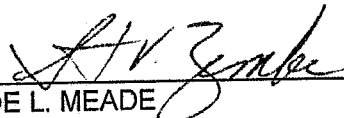
**RESOLUTION 10-11 OF THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
REGARDING SMALL PARCEL KAP 3002**

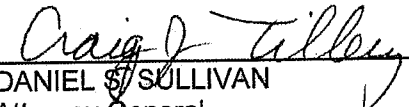
We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council ("Trustee Council"), after extensive review and after consideration of the views of the public, find as follows:

1. On March 17, 2008, the Council resolved through Resolution 08-07 to provide funds for the State of Alaska to purchase all of the seller's rights and interests in the small parcel KAP 3002, consisting of 160 acres, subject to certain conditions. One of the conditions was that a purchase agreement had to be executed by June 30, 2009. The Seller is Ralph Capjohn represented by the Department of Interior, Bureau of Indian Affairs (BIA).
2. On August 31, 2009, the Council resolved through Resolution 09-11 to extend the condition that a purchase agreement had to be executed by June 30, 2009 to June 30, 2010.
3. Although Mr. Capjohn has agreed to sell the land to the State for the price in the Council's Resolutions 08-07 and 09-11 (\$192,000) and the State expects to be able to complete the acquisition, a purchase agreement was not executed prior to June 30, 2010, as required by the Council's Resolution 09-11.
4. For all of the reasons detailed in the Trustee Council's Resolutions 08-07 and 09-11, the Council continues to find that the purchase of KAP 3002 is an appropriate means to restore a portion of the injured resources and services in the spill area.

THEREFORE, we resolve to provide funds for the State of Alaska to purchase all of the seller's rights and interests in the small parcel KAP 3002 pursuant to the conditions detailed in the Trustee Council's Resolutions 08-07 and 09-11, except that authorization for funding the purchase of small parcel KAP 3002 shall terminate if a purchase agreement is not executed by June 30, 2011.

Approved by the Council at its meeting of June 23, 2010 held in Anchorage, Alaska, as affirmed by our signatures affixed below:



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


for DANIEL J. SULLIVAN
Attorney General
State of Alaska

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

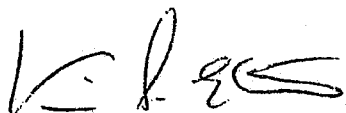
CRAIG R. O'CONNOR
Special Counsel
National Oceanic & Atmospheric
Administration
U.S. Department of Commerce

DENBY S. LLOYD
Commissioner
Alaska Department of Fish and Game


LARRY HARTIG
Commissioner
Alaska Department of Environmental
Conservation

Approved by the Council at its meeting of June 23, 2010 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 Interior

DENBY S. LLOYD
Commissioner
Alaska Department of Fish and Game

DANIEL S. SULLIVAN
Attorney General
State of Alaska

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

LARRY HARTIG
Commissioner
Alaska Department of Environmental
Conservation

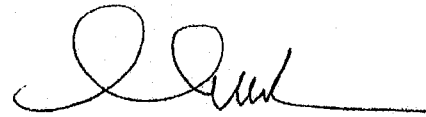
Approved by the Council at its meeting of June 23, 2010 held in Anchorage, Alaska, as affirmed by our signatures affixed below:

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 Interior

DENBY S. LLOYD
Commissioner
Alaska Department of Fish and Game

DANIEL S. SULLIVAN
Attorney General
State of Alaska



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

LARRY HARTIG
Commissioner
Alaska Department of Environmental
Conservation

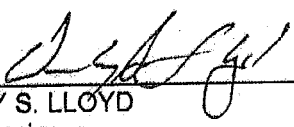
Approved by the Council at its meeting of June 23, 2010 held in Anchorage, Alaska, as affirmed by our signatures affixed below:

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

DANIEL S. SULLIVAN
Attorney General
State of Alaska

KIM ELTON
Senior Advisor to the Secretary
for Alaska Affairs
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

**RESOLUTION 10-12 OF THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
REGARDING KODIAK ISLAND HABITAT PROTECTION**

We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council ("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 federal fiscal year 2010, as described in Attachment A.

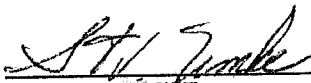
This resolution authorizes the distribution of \$40,000 of FFY 2010 funding for due diligence expenses, consistent with State and Trustee Council requirements, in support of Kodiak Island Habitat Protection Efforts for lands owned by the Leisnoi Native Corporation, as described in Attachment A, to be distributed according to the following schedule:

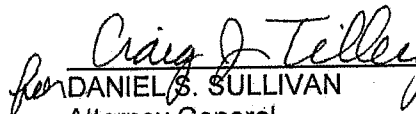
Alaska Department of Natural Resources (includes 9% GA)	\$43,600
TOTAL TO STATE OF ALASKA	\$43,600
TOTAL APPROVED	\$43,600

Authorization of the approved funding shall run from July 1, 2010 to September 30, 2011.

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 funds available in the amount of \$43,600 from the appropriate account as designated by the Executive Director.

Approved by the Trustee Council at its meeting of June 23, 2010 held in Anchorage, Alaska, as affirmed by our signatures affixed below:



STEVE ZEMKE
Trustee Alternate
Chugach National Forest
U. S. Department of Agriculture


DANIEL S. SULLIVAN
Attorney General
Alaska Department of Law

KIM ELTON
Senior Advisor to the Secretary
for Alaska Affairs
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

Attachment A - Restoration Benefits Report and Map

Approved by the Trustee Council at its meeting of June 23, 2010 held in Anchorage, Alaska, as affirmed by our signatures affixed below:

STEVE ZEMKE
Trustee Alternate
Chugach National Forest
U. S. Department of Agriculture



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

DANIEL S. SULLIVAN
Attorney General
Alaska Department of Law

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 - Restoration Benefits Report and Map

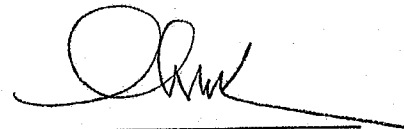
Approved by the Trustee Council at its meeting of June 23, 2010 held in Anchorage, Alaska, as affirmed by our signatures affixed below:

STEVE ZEMKE
Trustee Alternate
Chugach National Forest
U. S. Department of Agriculture

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

DENBY S. LLOYD
Commissioner
Alaska Department of Fish and Game

DANIEL S. SULLIVAN
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 - Restoration Benefits Report and Map

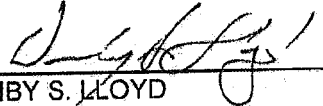
Approved by the Trustee Council at its meeting of June 23, 2010 held in Anchorage,
Alaska, as affirmed by our signatures affixed below:

STEVE ZEMKE
Trustee Alternate
Chugach National Forest
U. S. Department of Agriculture

DANIEL S. SULLIVAN
Attorney General
Alaska Department of Law

KIM ELTON
Senior Advisor to the Secretary
for Alaska Affairs
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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 - Restoration Benefits Report and Map

KAP 145: Termination Point

Owner: Leisnoi, Inc.
Physical Location: This parcel is located on Monashka Bay on the northeast coast of Kodiak Island approximately 4 miles from the town of Kodiak.
Acreage: 1,028 acres
Brief Description: Tract C, T 27 S, R 19 W, SM
Agency Sponsor: Alaska Department of Natural Resources
Appraised Value: Unknown

Parcel Description. This parcel is located on Monashka Bay on the northeast coast of Kodiak Island approximately 4 miles from the town of Kodiak. This relatively flat coastal tract is forested with Sitka spruce and has an understory of shrubs and grasses. The parcel includes four miles of convoluted shoreline that is characterized by rocky cliffs and protected beaches. The coastline has numerous nearshore rocks and extensive kelp beds.

Linkage to Restoration:

Restoration Benefits.

The productive intertidal area and the adjacent Narrow Strait are important feeding areas for marbled murrelets and pigeon guillemots as well as other marine birds. Additionally the mature Sitka Spruce forest of Termination Point offers prime nesting habitat for marbled murrelets, a species for which recovery has been difficult to determine. Three cultural resource sites containing middens and barabara depressions (remnant house pits) are located on the parcel. The parcel also provides subsistence resources for the village residents of Ouzinkie. Residents harvest marine mammals and fish, salmon and deer.

The parcel also possesses high recreational qualities for the residents of Kodiak because of its proximity to town and road access. The area was historically used by the public on a regular basis for both beach and trail use and is popular with bird viewing groups. The parcel is unique because it can provide for a variety of road-accessible year-round recreational opportunities such as hiking, fishing, hunting, ice skating, camping and bird watching. As Leisnoi's conveyances have been resolved, the relatively easy and free public access to which Kodiak residents have become accustomed has changed to a fee permit system administered by Leisnoi, which may impact public use.

Potential Threats.

The continued use of this parcel for recreation and the quality and popularity of recreational use are potentially at risk because of the potential for timber harvest or more likely subdivision development of the parcel. Acquisition of the parcel would ensure that residents of Kodiak would continue to have access to a popular recreational area.

Proposed Management.

This parcel has been identified as a priority for the Division of Parks and Outdoor Recreation. This parcel will be managed by the Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation, Kodiak Area Office in consultation with the State Historic Preservation Officer for the purposes of protecting resources and services injured by the *Exxon Valdez* Oil Spill.

Support for this parcel was previously expressed by the Kodiak Island Borough Assembly (Resolution 95-23), Kodiak State Park Citizen's Advisory Board, and a variety of individuals testifying at a public scoping meeting for the *Exxon Valdez* Oil Spill Trustee Council's Supplemental Environmental Impact Statement.

KAP 3003 Mouth of the American River

Owner:	Leisnoi, Inc.
Physical Location:	This parcel is located on Middle Bay approximately 15 miles from the town of Kodiak.
Acreage:	Unknown. Preliminary footprint includes approximately 25-40 foot easements on either side of the river for approximately 1 mile upstream from the mouth.
Brief Description:	Downstream of the Chiniak Highway bridge: Portions of sections 20, 21 and 28, T 29 S, R 20 W, SM adjacent to the American River: Upstream of the Chiniak Highway bridge: Portions of sections 28 and 29, T29S, R20W, SM adjacent to the American River
Agency Sponsor:	Alaska Department of Fish & Game
Appraised Value:	Unknown

Parcel Description. This parcel is located on Middle Bay on the northeast coast of Kodiak Island approximately 15 miles from the town of Kodiak. This relatively flat coastal tract is predominantly vegetated with willow shrubs and beach grasses in the area between the Chiniak Highway and Mean High Tide. The vegetation in the area immediately upstream of the highway is similar with some cottonwood trees. The parcel includes a portion of the flood plain, the meandering river to the mouth and areas adjacent to the intertidal zone. There is a 17(b) public access easement (25 feet wide) from the bridge downstream to the river mouth on the south side of the river.

Linkage to Restoration:

Restoration Benefits.

The parcel has high recreational qualities for the residents of Kodiak because of its proximity to town and road access. The area was regularly used by the public historically and is popular with recreational and subsistence fishermen. The American River has spawning populations of pink, chum and coho salmon and the Alaska Department of Fish

and Game (ADF&G) stocks Chinook salmon. Most of the effort for salmon fishing is downstream of the highway bridge but Dolly Varden, and salmon outside of the closed season, are fished year around upstream.

The parcel is unique because it can provide road-accessible year-round fishing opportunities, which are limited on Kodiak Island. As Leisnoi's conveyances have been resolved, the relatively easy free public access to which Kodiak residents have become accustomed has changed to a permit system administered by Leisnoi.

Potential Threats.

The continued use of this parcel for recreation and the quality and popularity of recreational use are potentially at risk because of the potential for subdivision development of the parcel. Subdivisions and conversion of Lesnoi Corporation land to private use is already occurring nearby along the Chiniak Highway. Development on this parcel has the potential to negatively affect the adjacent intertidal and nearshore habitat. Acquisition of the parcel would ensure that residents of Kodiak would continue to have access to popular fisheries and that riparian habitat remains intact. ADF&G's Chinook stocking program would be jeopardized because existing easements may not allow adequate access for the program.

Proposed Management.

This parcel has been identified as a priority for ADF&G. The conservation easements will be managed by ADF&G.

KAP 3004 Mouth of the Olds River

Owner:	Leisnoi, Inc.
Physical Location:	This parcel is located on Kalsin Bay approximately 25 miles from the town of Kodiak.
Acreage:	Unknown. Preliminary footprint includes approximately 25-40 foot easements on either side of the river for approximately 1 mile upstream from the mouth.
Brief Description:	Downstream of the Chiniak Highway bridge: Portions of sections 10 and 11, T30S, R20W, SM adjacent to the Olds River; Upstream of the Chiniak Highway bridge: Portions of sections 10 and 15, T30S, R20W, SM adjacent to the Olds River
Agency Sponsor:	Alaska Department of Fish & Game
Appraised Value:	Unknown

Parcel Description. This parcel is located on Kalsin Bay on the northeast coast of Kodiak Island approximately 25 miles from the town of Kodiak. This relatively flat coastal tract is predominantly vegetated with willow shrubs and beach grasses in the area between the Chiniak Highway and MHT. The vegetation in the area immediately upstream of the highway is similar with some cottonwood trees. The parcel includes a

portion of the flood plain, the meandering river to the mouth and areas adjacent to the intertidal zone.

Linkage to Restoration:

Restoration Benefits.

The parcel has high recreational qualities for the residents of Kodiak because of its proximity to town and road access. The area was regularly used by the public historically and is popular with recreational and subsistence fishermen. The Olds River has spawning populations of pink, chum and coho salmon and ADF&G stocks Chinook salmon. Most of the effort for salmon fishing is downstream of the highway bridge but Dolly Varden, and salmon outside of the closed season, are fished year around upstream. A subsistence fishery for eulachon occurs downstream of the bridge.

The parcel is unique because it can provide road accessible year-round fishing opportunities, which are limited on Kodiak Island. As Leisnoi's conveyances have been resolved, the relatively free easy public access to which Kodiak residents have become accustomed has changed to a permit system administered by Leisnoi.

Potential Threats. The continued use of this parcel for recreation and the quality of recreational use are potentially at risk because of the potential for subdivision development of the parcel. Subdivisions and conversion of Lesnoi Corporation land to private use is already occurring nearby along the Chiniak Highway. Development on this parcel has the potential to negatively affect the adjacent intertidal and nearshore habitat. Acquisition of the parcel would ensure that residents of Kodiak would continue to have access to popular fisheries and that riparian habitat remains intact. ADF&G's Chinook stocking program would be jeopardized because existing easements may not allow adequate access for the program.

Proposed Management.

This parcel has been identified as a priority for ADF&G. The conservation easements will be managed by ADF&G.

REQUEST.

The State would like to move forward with preliminary due diligence efforts including an appraisal of all three parcels. We will require additional funds in order to complete preliminary due diligence efforts on this parcel as outlined below. Following completion of the appraisal process, additional due diligence expenses such as a Phase I environmental assessment will be required should the parties choose to proceed after obtaining the appraisal information.

Task	Estimated Cost
Appraisal	\$20,000
Timber Evaluation (KAP 145) ¹	\$10,000
Appraisal Review	\$10,000
Subtotal (Current Request)	\$40,000
G&A	\$3,600
Total Requested at this time	\$43,600

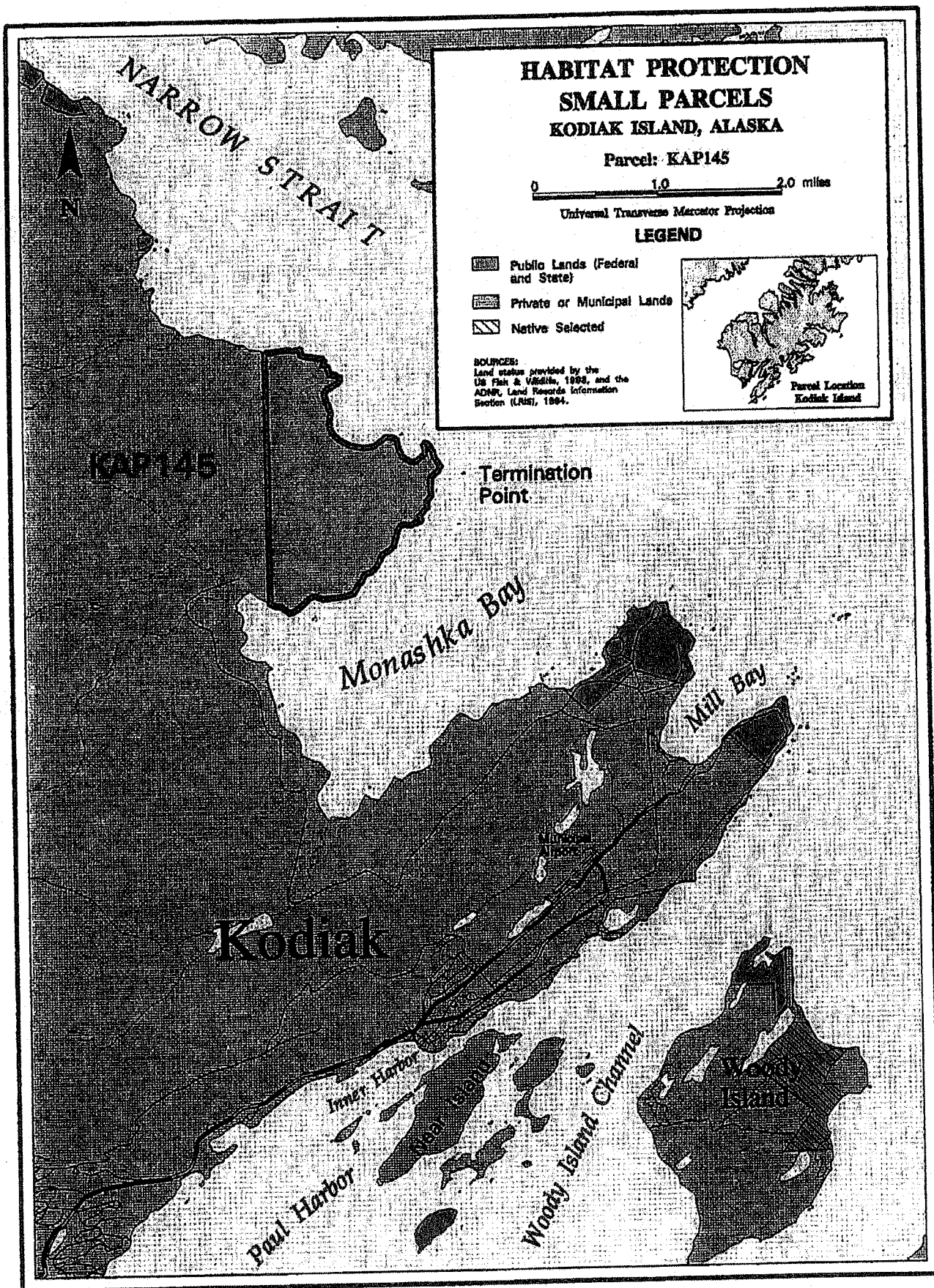
Attachments:

Map of Termination Point

Map of American River Project Area

Map of Olds River Project Area

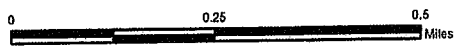
¹ This timber evaluation is not a full timber cruise, but will consist of an update of previous timber evaluation conducted on the Termination Point parcel.



HABATAT PROTECTION SMALL PARCELS

KODIAK ISLAND, Alaska

Parcel: KAP3003



Alaskan Albers Equal Area Conic

LEGEND

Private or Municipal Lands

SOURCES:
Land status provided by ADNR
<http://www.asgdc.state.ak.us/>
BLM SDMS
<http://edms.ak.blm.gov/sdms/mf.jsp?site=sdms>



*Middle
Bay*

Chiniak Hwy

American River

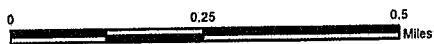
KAP3003

Saltery Cove Rd.

HABATAT PROTECTION SMALL PARCELS

KODIAK ISLAND, Alaska

Parcel: KAP3004



Alaskan Albers Equal Area Conic

LEGEND

Private or Municipal Lands

Trail

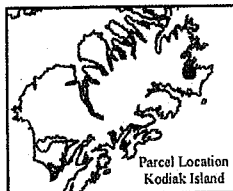
SOURCES:

Land status provided by ADNIR

<http://www.asgdc.state.ak.us/>

BLM SDMS

<http://sdms.ak.blm.gov/sdms/fmf.jsp?site=sdms>



Kalsin
Bay

Chiniak Hwy

KAP3004

Olds River

Pasagshak Rd.

**RESOLUTION 10-13 OF THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
REGARDING SMALL PARCEL KEN 3006**

We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council ("Trustee Council"), 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 91-082 CIV, U.S. District Court for the District of Alaska, for necessary natural resource damage assessment and restoration activities as follows:

1. The owner of small parcel KEN 3006 comprised of Lots 4 and 5, block 1 of Coal Creek Moorage Subdivision, as described in Attachment A, has indicated an interest in selling this small parcel.
2. An appraisal authorized by the Trustee Council has been completed, reviewed and approved establishing one hundred thousand dollars (\$100,000) as the Fair Market Value of KEN 3006.
3. KEN 3006 has attributes which if they are acquired and protected will restore, replace, enhance and rehabilitate injured resources and the services provided by those natural resources including important habitat for several species of fish and wildlife for which significant injury resulting from the *Exxon Valdez* oil spill ("EVOS") has been documented.
4. Existing laws and regulations, including but not limited to the Alaska Forest Practices Act, the Alaska Anadromous Fish Protection Act, the Clean Water Act, the Alaska Coastal Management Act, the Bald Eagle Protection Act and the Marine Mammal Protection Act, are intended, under normal circumstances, to protect resources from serious adverse effects caused by activities on the lands. However, restoration, replacement and enhancement of resources injured by the EVOS present a unique situation. Without passing judgment on the adequacy or inadequacy of existing law and regulations to protect resources, scientists and other resource specialists agree that, in their best professional judgment, protection of habitat in the spill area to levels above and beyond that provided by existing laws and regulations will have a beneficial effect on recovery of injured resources and lost or diminished services provided by these resources.
5. There has been widespread public support within Alaska, as well as on a national basis, for the acquisition of lands in the oil spill area.

6. The purchase of small parcels is an appropriate means to restore a portion of the injured resources and services in the oil spill area.

7. The purchase of this parcel is an appropriate means to restore a portion of the injured resources and services in the oil spill area. Acquisition of this parcel is consistent with the Final Restoration Plan.

THEREFORE, we resolve to provide funds for the State of Alaska to purchase all of the Seller's rights and interests in small parcel KEN 3006 as recommended by the Executive Director of the Trustee Council ("Executive Director"), and pursuant to the following conditions:

- (a) the amount of funds (hereinafter referred to as the "Purchase Price") to be provided by the Trustee Council to the State of Alaska for the purchase of small parcel KEN 3006 shall be one hundred thousand dollars (\$100,000);
- (b) authorization for funding for any acquisition described in the foregoing paragraph shall terminate if a purchase agreement is not executed by July 31, 2011;
- (c) filing by the United States Department of Justice and the Alaska Department of Law of a Notice, as required by the Third Amended Order for Deposit and Transfer of Settlement Proceeds, of the proposed expenditure with the United States District Court for the District of Alaska and with the Investment Fund established by the Trustee Council within the Alaska Department of Revenue, Division of the Treasury ("Investment Fund"), and transfer of the necessary monies from the Investment Fund to the State of Alaska Department of Natural Resources;
- (d) a title search satisfactory to the State of Alaska and the United States is completed, and the Seller is willing and able to convey fee simple title by warranty deed;
- (e) no timber harvesting, road development or any alteration of the land will be initiated on the land without the express written agreement of the State of Alaska and the United States prior to purchase of this parcel;
- (f) a hazardous materials survey satisfactory to the State of Alaska and United States is completed;
- (g) compliance with the National Environmental Policy Act; and
- (h) a conservation easement on parcel KEN 3006 shall be conveyed to the United States which must be satisfactory in form and substance to the United States and the State of Alaska Department of Law.

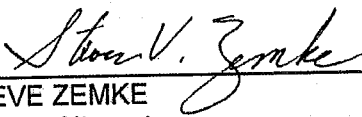
It is the intent of the Trustee Council that the above-referenced conservation easement will provide that any facilities or other development on the foregoing small parcel shall be of limited impact and in keeping with the goals of restoration, that there shall be no commercial

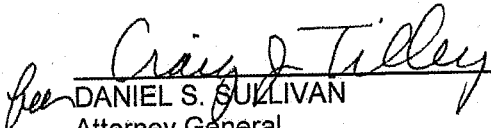
use except as may be consistent with applicable state or federal law and the goals of restoration to pre-spill conditions of any natural resource injured, lost, or destroyed as a result of the EVOS, and the services provided by that resource or replacement or substitution for the injured, lost or destroyed resources and affected services, as described in the Memorandum of Agreement and Consent Decree between the United States and the State of Alaska entered August 28, 1991 and the Restoration Plan as approved by the Trustee Council.

By unanimous consent, following execution of the purchase agreement between the Seller and the State of Alaska and written notice from the Executive Director that the terms and conditions set forth herein and in the purchase agreement have been satisfied, we request the Alaska Department of Law and the Assistant Attorney General of the Environment and Natural Resources Division of the United States Department of Justice to take such steps as may be necessary for withdrawal of the Purchase Price for the above-referenced parcel from the appropriate account designated by the Executive Director.

Such amount represents the only amount due under this resolution to the Seller by the State of Alaska to be funded from the joint settlement funds, and no additional amounts or interest are herein authorized to be paid to the Seller from such joint funds.

Approved by the Trustee Council at its meeting of June 23, 2010, held in Anchorage, Alaska, as affirmed by our signatures affixed below.

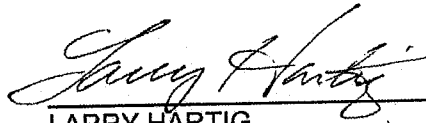

STEVE ZEMKE
Trustee Alternate
Chugach National Forest
U.S. Department of Agriculture


DANIEL S. SULLIVAN
Attorney General
State of Alaska

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

CRAIG R. O'CONNOR
Special Counsel
National Oceanic & Atmospheric
Administration

DENBY S. LLOYD
Commissioner
Alaska Department of Fish and Game


LARRY HARTIG
Commissioner
Alaska Department of Environmental
Conservation

Attachment A - Restoration Benefits Report and Map

Approved by the Trustee Council at its meeting of June 23, 2010, held in Anchorage, Alaska, as affirmed by our signatures affixed below.

STEVE ZEMKE
Trustee Alternate
Chugach National Forest
U.S. Department of Agriculture



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

DANIEL S. SULLIVAN
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National Oceanic & Atmospheric
Administration

DENBY S. LLOYD
Commissioner
Alaska Department of Fish and Game

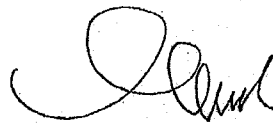
LARRY HARTIG
Commissioner
Alaska Department of Environmental
Conservation

Attachment A - Restoration Benefits Report and Map

Approved by the Trustee Council at its meeting of June 23, 2010, held in Anchorage, Alaska, as affirmed by our signatures affixed below.

STEVE ZEMKE
Trustee Alternate
Chugach National Forest
U.S. Department of Agriculture

DANIEL S. SULLIVAN
Attorney General
State of Alaska



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

CRAIG R. O'CONNOR
Special Counsel
National Oceanic & Atmospheric
Administration

DENBY S. LLOYD
Commissioner
Alaska Department of Fish and Game

LARRY HARTIG
Commissioner
Alaska Department of Environmental
Conservation

Attachment A - Restoration Benefits Report and Map

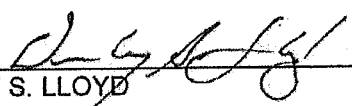
Approved by the Trustee Council at its meeting of June 23, 2010, held in Anchorage, Alaska, as affirmed by our signatures affixed below.

STEVE ZEMKE
Trustee Alternate
Chugach National Forest
U.S. Department of Agriculture

DANIEL S. SULLIVAN
Attorney General
State of Alaska

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

CRAIG R. O'CONNOR
Special Counsel
National Oceanic & Atmospheric
Administration



DENBY S. LLOYD
Commissioner
Alaska Department of Fish and Game

LARRY HARTIG
Commissioner
Alaska Department of Environmental
Conservation

Attachment A - Restoration Benefits Report and Map

KEN 3006, Coal Creek Moorage 2

Owner: Linda McLane
Physical Location: This parcel is located immediately adjacent to previously acquired small parcel KEN 19 located on the confluence of Little Coal Creek and the Kasilof River ("Coal Creek Moorage 1").
Acreage: 6.94 acres
Brief Description: Lot 4 and Lot 5, Coal Creek Moorage Subdivision Part One, T 3N R 12 W Sec 13 SM
Agency Sponsor: Alaska Department of Natural Resources
Appraised Value: \$100,000

Parcel Description. This parcel, comprised of two lots fronting on Coal Creek, is located at the confluence of Little Coal Creek and the Kasilof River and is part of the Kasilof River Flats on the east shore of the Kasilof River. The lots are approximately 2.5 miles upstream from the mouth of the Kasilof River and the shores of Cook Inlet. The parcel is located immediately adjacent to previously acquired EVOS small parcel KEN 19, which was purchased from Mr. and Mrs. McLane in 1997. Both lots contain important tidally influenced wetlands. Uplands on the parcels are densely wooded with mixed spruce and birch.

The original Coal Creek parcel was considered unique because of the highly productive tidal marshes on and adjacent to this property, due to their limited distribution. The Kenai Peninsula Borough wetlands delineation illustrates the continuation of the marshes on the parcels currently under consideration.

Linkage to Restoration:**Restoration Benefits.**

Injured species that will benefit from this parcel acquisition include intertidal resources, pink and sockeye salmon, Dolly Varden, and bald eagles. The parcel also supports species such as chinook and coho salmon; steelhead and rainbow trout; Canada, Tule and lesser snow geese; Sandhill cranes; and numerous other species of waterfowl and shorebirds. Coal Creek is an important wildlife movement corridor for black bear and moose that travel between the adjacent uplands and the Kasilof River Flats. The Cook Inlet Aquaculture Association has used Coal Creek as a release site for sockeye salmon smolts, which contribute to the overall Cook Inlet commercial fishery. The area supports recreational use by fishermen, birdwatchers and hikers.

The parcel also has significant cultural values. It includes remnant structures from an early 20th century fox farm, but more importantly it includes house depressions and other features from a prehistoric or early historic Denai'na village site. There is also evidence of early Russian structures with features indicating this may be the site of the first Russian settlement in southcentral Alaska. The site is in relatively pristine condition, with integrity of locations and setting.

The original Coal Creek proposal was strongly supported by the Kenai Peninsula Borough and Kenai Peninsula legislators. In 1997, these parcels were appraised in an effort to include them in the previous transaction. Unfortunately court proceedings prevented further action on the part of the Council. In 2004, Ms. McLane was able to purchase these parcels back from the court in hopes of eventually placing them in public ownership.

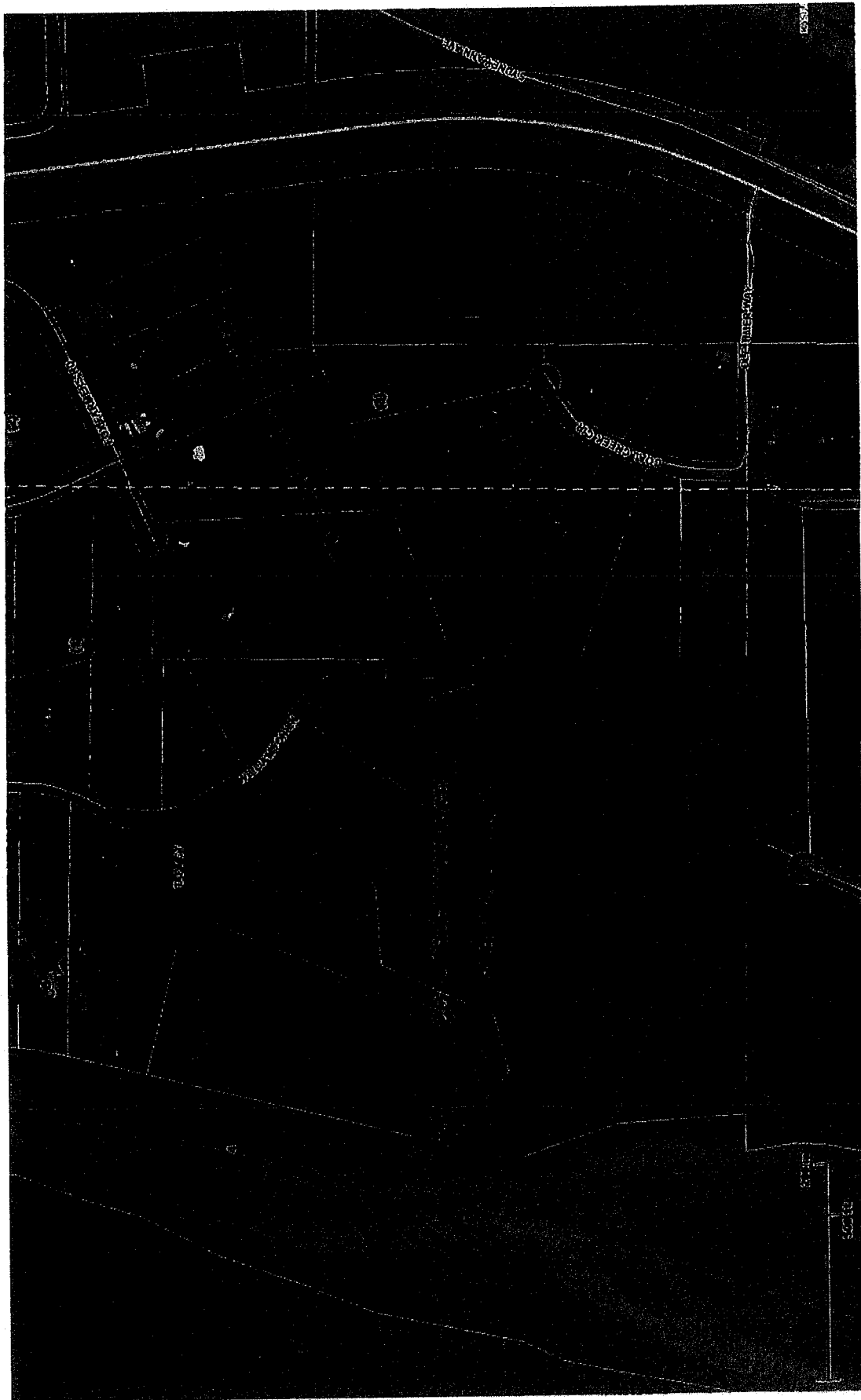
Potential Threats.

The owner is very interested in selling this parcel. Adjacent neighbors have expressed interest in the parcel, however, it is the owner's preference that this parcel be acquired by the State and managed consistent with the Coal Creek parcel previously purchased by the Trustee Council. Conversion of this property to home sites has the potential to diminish public access to the upper reaches of Coal Creek, negatively impact valuable cultural resources, and negatively impact estuarine and intertidal areas including KEN 19, Coal Creek Moorage 1. Potential user conflicts could also occur over time.

Proposed Management.

This parcel has been identified as a priority for the Division of Parks and Outdoor Recreation. The State Historic Preservation Officer considers protection of this parcel critical.

This parcel will be managed by the Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation, Kenai Area Office in consultation with the State Historic Preservation Officer, consistent with the management of KEN 19, Coal Creek Moorage 1, for the purposes of protecting resources and services injured by the *Exxon Valdez* Oil Spill.



Coal Creek Moorage 2, Imagery

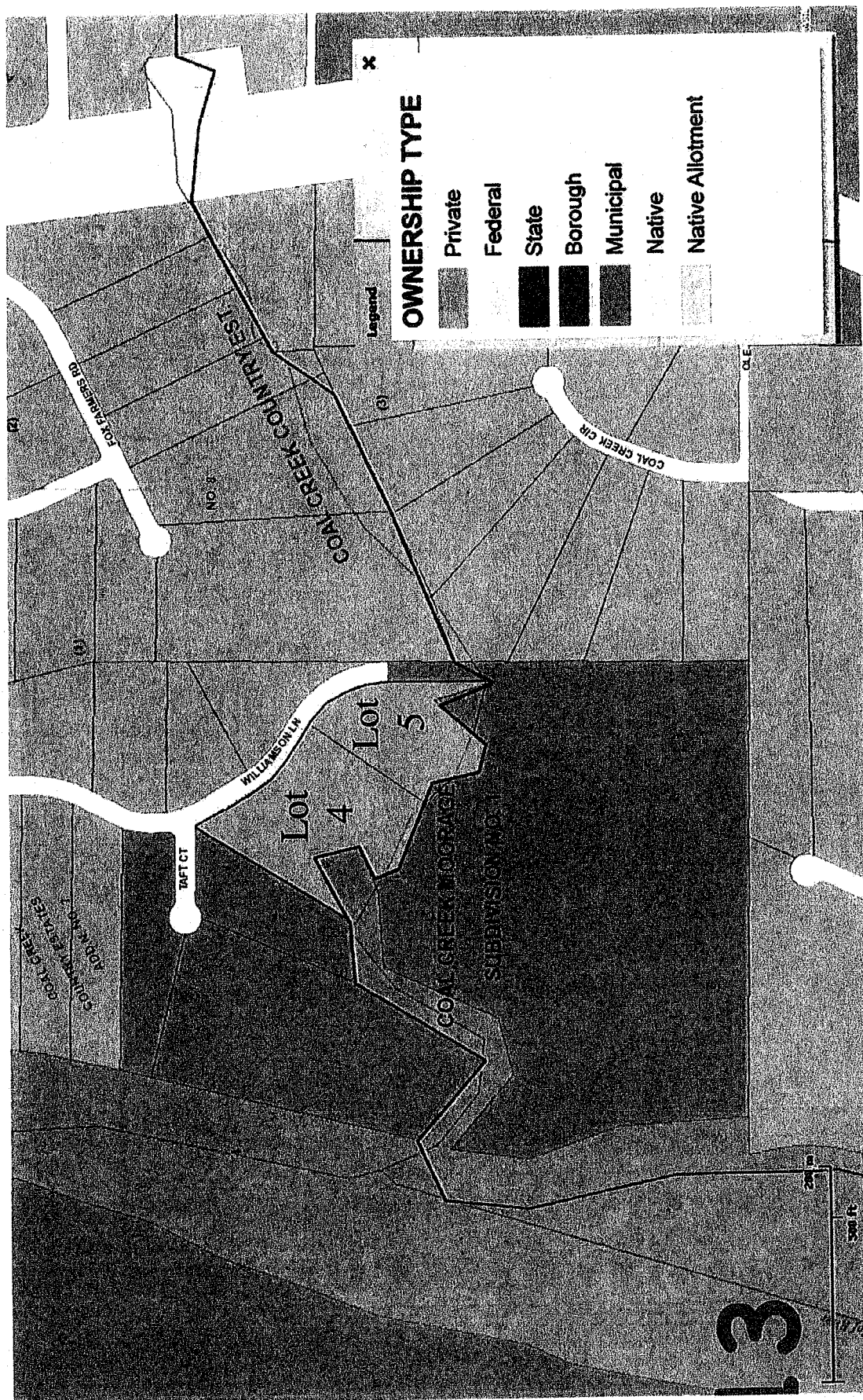


NOT A MAP: This data is provided for informational purposes only. It is not intended to be used as a map or for any other purpose. The user assumes all responsibility for any use of this data.

KPB Parcel Viewer



Wed Dec 30 2009 12:59:06 PM



Coal Creek Moorage 2, Land Ownership



KLAMATH BASIN PARTNERSHIP: The Klamath Basin Partnership is a public-private partnership between the Klamath Basin Partnership and the Klamath Basin Partnership. The Klamath Basin Partnership is a public-private partnership between the Klamath Basin Partnership and the Klamath Basin Partnership.

KPB Parcel Viewer



Wed Dec 30 2009 12:59:42 PM

Exhibit A

Page 37 of 42

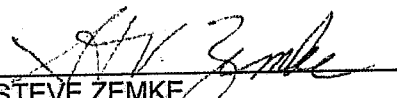
**RESOLUTION 10-14 OF THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
REGARDING AUTHORIZATION FOR ADDITIONAL FUNDS FOR PROJECT 070836-B**

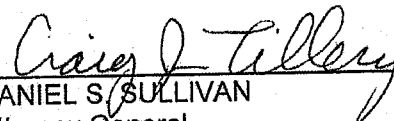
We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council do hereby certify that, in accordance with the Memorandum of Agreement and Consent Decree entered as settlement of *United States of America v. State of Alaska* No. A91-081 Civil, U.S. District Court for the 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 \$74,340 plus applicable General Administration (GA) for federal fiscal year 2010. The National Oceanic and Atmospheric Administration waives the project management fees. The monies are to be distributed according to the following schedule:

National Oceanic & Atmospheric Administration (includes 9% GA)	\$81,030
TOTAL TO UNITED STATES OF AMERICA	\$81,030
TOTAL APPROVED	\$81,030

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-B, Factors Responsible for 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 June 23, 2009 held in Anchorage, Alaska as affirmed by our signatures affixed below.

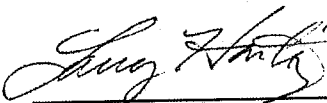

STEVE ZEMKE
Alternate Trustee
Chugach Nation Forest
U.S. Department of Agriculture


for DANIEL S. SULLIVAN
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

Approved by the Council at its meeting of June 23, 2009 held in Anchorage, Alaska as affirmed by our signatures affixed below.

STEVE ZEMKE
Alternate Trustee
Chugach Nation Forest
U.S. Department of Agriculture



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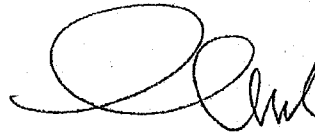
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National Oceanic & Atmospheric
Administration
U.S. Department of Commerce



DENBY S. LLOYD
Commissioner
Alaska Department of Fish and Game

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Commissioner
Alaska Department of Environmental
Conservation

Exxon Valdez Oil Spill Trustee Council

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TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska

May 14, 2010

Chaired by: Steve Zemke

Trustee Council Member

Trustee Council Members Present:

• Steve Zemke, USFS *
Kim Elton, US DOI
Craig O'Connor, NOAA **

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

- Chair
- * Steve Zemke alternate for USFS
- ** Craig O'Connor alternate for James Balsiger
- *** Craig Tillery alternate for Daniel Sullivan

The meeting convened at 9:40 a.m., May 14, 2010 in Anchorage at the EVOS Conference Room.

1. Approval of the Agenda

APPROVED MOTION: Motion to approve the May 14, 2010 agenda

Motion by O'Connor, second by Lloyd

2. Approval of April 30, 2010 meeting notes

APPROVED MOTION: Motion to approve the April 30, 2010 meeting notes

Motion by Lloyd, second by O'Connor

Public Advisory Committee (PAC) comments: Stacy Studebaker, PAC Chair

Public comment opened at 9:45 a.m.

There were no public comments offered.

3. Asset Allocation

APPROVED MOTION: Motion to approve Resolution 10-07 Pertaining to the Asset Allocation for Period May 2010-May2011 adopting a median expected return of 7.75% with a standard deviation of 11.96%

Motion by Tillery, second by O'Connor

4. 2010 Update Injured Resources and Services (IRS)

APPROVED MOTION: Motion to approve the April 27, 2010 version of the 2010 Update Injured Resources and Services as written and presented

Motion by Lloyd, second by O'Connor

5. Draft Supplemental Environmental Impact Statement (DSEIS)

APPROVED MOTION: Motion to approve May 13, 2010, 9:00 p.m. Draft Supplemental Environmental Impact Statement with target, not precise, monetary amounts plus or minus 5%, adding potential indicator species to page 15 and non-substantive technical edits by the EVOS executive director

Motion by Elton, second by Tillery

6. May 14, 2010 Agenda Amendment

APPROVED MOTION: Motion to add a discussion about a Long-Term Monitoring Work Group to the previously approved May 14, 2010 Trustee Council meeting agenda

Motion by O'Connor, second by Hartig

7. Long-Term Monitoring Work Group

APPROVED MOTION: Motion to approve Resolution 10-07 Regarding
Authorization for Long-Term Monitoring Work
Group

Motion by O'Connor, second by Lloyd

Off the record: 11:30 a.m.

On the record: 11:38 a.m.

8. 2010-2012 Public Advisory Committee Charter

APPROVED MOTION: Motion to approve the charter as presented for the
2010-2012 Public Advisory Committee

Motion by O'Connor, second by Elton

9. Amend 2010-2012 Public Advisory Committee membership

APPROVED MOTION: Motion to amend the 2010-2012 Public Advisory
Committee membership to 10 members:
aquaculture/mariculture, commercial fisher,
commercial tourism, recreation user,
conservationist/environmental, Native landowner,
sport hunter/fisher, subsistence user,
science/technologist, and public-at-large

Motion by Tillery, second by Lloyd

10. Adjourn

Motion to adjourn by O'Connor, second by Hartig

Off the record 12:50 p.m.