

DANIEL S. SULLIVAN
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
Email: Craig.Tillery@alaska.gov

Attorneys for the State of Alaska

RECEIVED
SEP 10 2010
EXXON VALDEZ OIL SPILL
TRUSTEE Council

**UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA**

STATE OF ALASKA,)	
)	
Plaintiff,	)	No. 3:91-CV-0083 (HRH)
)	
v.	)	FORTY-FIRST
	)	JOINT NOTICE OF
EXXON CORPORATION, and EXXON	)	EXPENDITURES FROM
SHIPPING COMPANY,	)	FROM THE
	)	INVESTMENT FUND
Defendants.)	
)	

AMENDED CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 9th day of September, 2010, a copy of the foregoing FORTIETH JOINT NOTICE OF EXPENDITURES FROM THE INVESTMENT FUND, together with Attachments A and B thereto, was filed with the incorrect filing date of, September 10th, 2010, in docket number 303. The correct filing date is September 9th, 2010. Service copies were 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. 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 & 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. 5 th 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		

s/Michelle Melgar

IGNACIA MORENO
Assistant Attorney General
Environment & Natural Resources Division
United States Department of Justice

WILLIAM D. BRIGHTON
Assistant Section Chief
Environmental Enforcement Section
Washington, D.C. 20530

MICHAEL J. ZEVENBERGEN
Senior Counsel
Environmental Enforcement Section
Environment & Natural Resources Division
United States Department of Justice
c/o NOAA/Damage Assessment
7600 Sand Point Way, NE
Seattle, WA 98115
Telephone: (206) 526-6607
Facsimile: (206) 526-6665
Email: michael.zevenbergen@usdoj.gov

ATTORNEYS FOR THE UNITED STATES

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,	)	No. 3:91–CV-0082 Civil (HRH)
)	
v.)	
)	
EXXON CORPORATION, EXXON SHIPPING	)	FORTY-FIRST JOINT NOTICE
COMPANY, and EXXON PIPELINE COMPANY,	)	OF EXPENDITURES FROM THE
<u>et al., in personam</u> , and the T/V EXXON VALDEZ,	)	INVESTMENT FUND
<u>in rem</u> ,)	
)	
Defendants.)	
_____)	

The United States and the State of Alaska (“the Governments”) jointly provide this notice of their expenditure of \$4,686,848 from the Research Sub-Account and \$606,523 from the Koniag 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”).

FORTY-FIRST JOINT NOTICE OF
EXPENDITURES FROM INVESTMENT FUND
(Case 3:91-CV-0082 (HRH))

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 notice of this forty-first expenditure for the following: (1) the expenditure of \$4,686,848 for the Trustee Council's FY 2011 Annual Program Development and Implementation Budget and the FY 2011 Projects;^{2/} and (2) the expenditure of \$606,523 from the Koniag Sub-Account previously approved by Resolution 01-08 which authorizes year eight of the annual October 15th Koniag payments.^{3/} Of the \$5,293,371 that is the subject of this Notice, \$3,652,815 will be provided to the United States and \$1,640,556 will be provided to the State of Alaska.

The Trustee Council has met once since the Governments' filing on July 6, 2010 of their Fortieth Joint Notice of Expenditures. The Governments will submit the meeting notes for the August 26, 2010 meeting once they have been approved by the Trustee Council. The meeting notes for the Trustee Council's June 23, 2010 meeting are appended to this Notice at Attachment B.

^{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. 1-3.

^{2/} The Trustee Council unanimously authorized these funds at its August 26, 2010 meeting as reflected in Resolution 10-15 appended to this Notice at Attachment A, pp.4-28.

^{3/} The Trustee Council unanimously authorized these funds at its January 16, 2001 meeting as reflected in Resolution 01-08 appended to this Notice at Attachment A, pp. 29-39.

RESPECTFULLY SUBMITTED this 9th day of September, 2010.

IGNACIA MORENO
Assistant Attorney General
Environment & Natural Resources Division

s/ Michael J. Zevenbergen
MICHAEL J. ZEVENBERGEN
Senior Counsel
Environmental Enforcement Section
United States Department of Justice
c/o NOAA/Damage Assessment
7600 Sand Point Way, NE
Seattle, WA 98115
Telephone: (206) 526-6607
Facsimile: (206) 526-6665
Email: michael.zevenbergen@usdoj.gov

ATTORNEYS FOR THE UNITED STATES

DANIEL S. SULLIVAN
Attorney General
State of Alaska

By: s/ Craig J. Tillery (consent)
CRAIG J. TILLERY
Deputy Attorney General
1031 West Fourth Avenue Ste. 200
Anchorage, Alaska 99501-1994
Telephone: (907) 269-5274
Facsimile: (907) 278-7022
Email: Craig.Tillery@alaska.gov
Alaska Bar # 7906055

ATTORNEYS FOR THE STATE OF ALASKA

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 9th day of September, 2010, a copy of the foregoing FORTY-FIRST JOINT NOTICE OF EXPENDITURES FROM THE INVESTMENT FUND, together with Attachments A and B, was served by United States mail, first class, postage paid, upon the following:

Craig J. Tillery
Deputy Attorney General
Alaska Department of Law
1031 West 4th Ave., Suite 200
Anchorage, AK 99501

James F. Neal
Neal & Harwell
2000 One Nashville Place
150 Forth Avenue North
Nashville TN 37219

Douglas J. Serdahely
Patton Boggs LLP
601 West 5th Avenue, Suite 700
Anchorage, AK 99501

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

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

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

I further certify that the above-described documents were served by the Court's Electronic Case Management system upon all persons registered to received filings in this matter.

s/ Michael J. Zevenbergen

SEAN PARNELL, GOVERNOR

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL

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

September 3, 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 \$5,293,371 in joint trust funds for restoration purposes consistent with the terms of the Memorandum of Agreement and Consent Decree entered by the federal district court in *United States v. State of Alaska*, No. A91-081 CIV (D. Alaska) on August 28, 1991. Of this amount, \$4,686,848 will be expended from the Research Sub-Account and \$606,523 will be expended from the Koniag 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: \$1,640,556 (entire amount from the Research Sub-Account)
State of Alaska
Exxon Valdez Settlement Account
GeFONSI 33070
Account 22177
Name: Exxon Valdez Settlement Account

United States

Amount: \$3,652,815 (\$3,046,292 from the Research Sub-Account; \$606,523 from the Koniag Sub-Account)

Mr. Gary Bader
Treasury Division, Department of Revenue

Page 2
September 3, 2010

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

The transfer should take place when most financially advantageous, preferably on or before September 13, 2010.

If you have any questions, please call Elise Hsich at (907)265-9330.

Sincerely,


for 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*

Mr. Gary Bader
Treasury Division, Department of Revenue

Page 3
September 3, 2010

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*

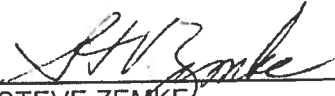
**RESOLUTION 10-15 OF THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
REGARDING THE FFY 2011 WORK PLAN**


We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council do hereby certify that, in accordance with the Memorandum of Agreement and Consent Decree entered as settlement of United States of America v. State of Alaska, No. A91-081 Civil, U.S. District Court for the District of Alaska, and after public meetings, unanimous agreement has been reached to expend funds received in settlement of State of Alaska v. Exxon Corporation, et al., No. A91-083 CIV, and United States of America v. Exxon Corporation, et al., No. A91-082 CIV, in U.S. District Court for the District of Alaska. This funding is for necessary natural resource damage assessment and restoration activities for the Annual Program Development and Implementation Budget (APDI), as described in Attachment A, and the FY 2011 Budget Summary All Projects - Final, as described in Attachment B. The total amount of approved funding is \$4,686,848. The monies are to be distributed according to the following schedule:

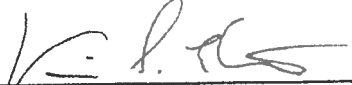
Alaska Department of Fish & Game	\$1,488,355
Alaska Department of Environmental Conservation	\$37,714
Alaska Department of Natural Resources	\$110,890
Alaska Department of Law	\$3,597
SUBTOTAL TO STATE OF ALASKA	\$1,640,556
National Oceanic & Atmospheric Administration	\$1,947,153
U.S. Department of the Interior - USGS	\$739,177
U.S. Department of the Interior – USFWS	\$265,706
U.S. Department of the Interior – BLM	\$13,625
U.S. Department of the Interior – SEC	\$27,904
U.S. Department of the Interior – OEPC	\$8,175
U.S. Forest Service	\$44,552
SUBTOTAL TO UNITED STATES OF AMERICA	\$3,046,292
TOTAL APPROVED	\$4,686,848

By unanimous consent, we hereby request the Alaska Department of Law and the Assistant Attorney General of the Environmental and Natural Resources Division of the United States Department of Justice to take such steps as may be necessary to make available for the Fiscal Year 2011 Work Plan, the amount of \$4,686,848 from the appropriate accounts designated by the Executive Director. Funds must be spent in accordance with Attachments A and B, with the following conditions: (1) If a Principal Investigator (PI) has an overdue report or manuscript from a previous year, no funds may be expended on a project involving the PI unless the report is submitted or a schedule for submission is approved by the Executive Director; (2) a project's lead agency must demonstrate to the Executive Director that requirements of the National Environmental Policy Act (NEPA) are met before any project funds may be expended (with the exception of funds spent to prepare NEPA documentation); and (3) a PI for each project must submit a signed form to the Executive Director indicating their agreement to abide by the Trustee Council's data and report requirements before any project funds may be expended.


Approved by the Council at its meeting of August 26, 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
U.S. Department of Interior

CRAIG 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

Attachments

Attachment A: Annual Program Development and Implementation Budget

Attachment B: FY 2011 Budget Summary All Projects - Final

08/26/2010 THU 16:12 FAX

001/003

Approved by the Council at its meeting of August 26, 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
U.S. Department of Interior

CRAIG 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

Attachments

Attachment A: Annual Program Development and Implementation Budget

Attachment B: FY 2011 Budget Summary All Projects - Final

Exxon Valdez Oil Spill Trustee Council
FY11 Annual Program Development and Implementation (APDI) Budget
October 1, 2010 – September 30, 2011

This budget structure is designed to provide a clearly identifiable allocation of the funds supporting Trustee Council activities. The program components are:

- Administration Management
- Data Management
- Science Management
- Public Advisory Committee (PAC)
- Habitat Protection Program
- Trustee Council Member Direct Expenses
- Liaison Program Support/Project Management
- Alaska Resources Library & Information Services (ARLIS)

The budget estimates detailed within those specified program components are projected based upon prior year actual expenditures and include the application of estimated merit step increases, as well as payroll benefits increases. Detailed budget component items are either “continuing” or “ongoing” from program directives already approved by the Trustee Council and cover necessary day-to-day operational costs of the *Exxon Valdez* Oil Spill Restoration Office and administrative costs associated with overseeing current Trustee Council program objectives.

TABLE OF CONTENTS

Budget Summary Information	3
Administration Management	4
Data Management	6
Science Management	8
Public Advisory Committee (PAC)	10
Trustee Council Member Expenses	12
Habitat Protection Program	13
Liaison Program Support /Project Management	14
Alaska Resources Library & Information Services	16

BUDGET SUMMARY INFORMATION - \$1,834,123

The Council's FY11 APDI Budget will be funded by the *Exxon Valdez* Oil Spill Investment Fund managed by the Alaska Department of Revenue. The following summary tables show budget allocations by component, cost type, and agency. The remainder of the document specifies the uses to which the monies for each component of the budget will be applied and the agency distribution for each item.

Component	Total Budget FY11
Administration Management	\$813,693
Data Management	\$152,080
Science Management	\$231,336
Public Advisory Committee (PAC)	\$33,136
Trustee Council Member Direct Expenses	\$17,985
Habitat Protection Program	\$109,000
Liaison Program Support/Project Management	\$339,774
Alaska Resources Library & Information Services	\$137,119
Total	\$1,834,123

Cost Type	Total Budget
Personnel	\$1,112,766
Travel	\$52,400
Contractual	\$466,015
Commodities	\$27,000
Equipment	\$24,500
Subtotal	\$1,682,681
GA - 9%	\$151,442
Total	\$1,834,123

Total FY11 APDI Budget by Agency											DOI BLM	TOTAL BUDGET
Cost Type	ADFG	ADEC	ADNR	ADOL	NOAA	DOI USGS	DOI FWS	DOI SEC	DOI OEPC	USFS		
Personnel	\$771,014	\$31,300	\$61,734	\$0	\$81,000	\$44,145	\$57,400	\$22,300	\$7,500	\$28,373	\$8,000	\$1,112,766
Travel	\$39,200	\$3,300	\$0	\$3,300	\$3,300	\$0	\$0	\$3,300	\$0	\$0	\$0	\$52,400
Contractual	\$283,015	\$0	\$40,000	\$0	\$0	\$126,000	\$0	\$0	\$0	\$12,500	\$4,500	\$466,015
Commodities	\$27,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$27,000
Equipment	\$24,500	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$24,500
Subtotal	\$1,144,729	\$34,600	\$101,734	\$3,300	\$84,300	\$170,145	\$57,400	\$25,600	\$7,500	\$40,873	\$12,500	\$1,682,681
GA - 9%	\$103,026	\$3,114	\$9,156	\$297	\$7,587	\$15,313	\$5,166	\$2,304	\$675	\$3,679	\$1,125	\$151,442
FY11 Total Budget	\$1,247,755	\$37,714	\$110,890	\$3,597	\$91,887	\$185,458	\$62,566	\$27,904	\$8,175	\$44,552	\$13,625	\$1,834,123

ADMINISTRATION MANAGEMENT - \$813,693

	Total Budget
Personnel	\$503,727
Travel	\$6,000
Contractual	\$201,780
Commodities	\$15,000
Equipment	\$20,000
Subtotal	\$746,507
GA - 9%	\$67,186
Total	\$813,693

PERSONNEL - \$498,256

Position	Range/Step	Months	Monthly Cost	Annual Cost
Executive Director – Elise Hsieh	28/B	9	\$8,284	\$109,317
Deputy Executive Director – Jen Schorr	26/B	9	\$7,733	\$102,697
Acting Administrative Manager- Linda Kilbourne	19/B	12	\$5,002	\$93,182
Associate Coordinator – Cherri Womac	18/K	12	\$5,877	\$107,495
Administrative Assistant - Vacant	15/L	12	\$4,868	\$91,036
Personnel Total			\$31,764	\$503,727

Monthly cost is w/o benefits, annual is w/benefits.

TRAVEL - \$6,000

Travel support for Executive Director and Administrative staff to attend meetings and trainings.

CONTRACTUAL – \$201,780

- Professional Development** **\$3,000**

Administrative funds are budgeted for training and professional meetings with state, federal and program agency representatives on administrative, program and budget issues as necessary. Funds will be utilized for in-state training opportunities.

- Trustee Council's Office Space** **\$126,000**

The lease for the Trustee Council's office space is administered by the Government Services Administration (GSA) through the U.S. Geological Survey of the Department of the Interior. This amount includes a monthly PBS fee to GSA and a mandatory Homeland Securities fee. To decrease costs, this space was reduced by approximately 37% during 2010. *This cost is an estimate as of 7-12-10 until final billing is received.*

- Annual Parking Fees for Trustee Office Staff & Parking Validation** **\$4,080**

EVOS has 5 parking permits; 3 are provided with the building lease and 2 paid directly to the Anchorage Parking Authority by EVOS (\$95/mo per space. \$150 per month validation minimum charge).

- Audit Contract** **\$35,000**

These funds are used to support a contract to conduct a financial audit of the FY10 records of the Trustee Office and all agencies receiving EVOSTC funds.

- Telephone Service** **\$4,500**

These funds are to cover telecommunications, teleconferencing meetings, and long distance phone services.

- **Trustee Council Meetings** **\$3,000**

These funds are to cover expenses for up to six Trustee Council meetings, at an estimated cost of \$500.00 per meeting.

- **Public Notices** **\$2,500**

These funds are to cover the cost of advertising Trustee Council public meetings and workshops in newspapers in the spill affected areas.

- **Postage & Courier Services** **\$1,200**

These funds are to cover cost of US Postal Service mailings, express mailings, and courier services.

- **Equipment Maintenance and Agreements** **\$4,500**

These funds are for the postage meter annual rental, copier annual maintenance agreement, and any unforeseen maintenance expenses on other office equipment.

- **Transcription** **\$2,500**

These funds are to cover transcription services. (Last renewal option utilized- contract ends 6/30/11)

- **Interagency Contracted Services** **\$15,500**

These funds are to cover the Trustee Office's share of the Reimbursable Services Agreement Costs for the EPR Telecommunications, Computer Services, ADA, Central Mail and AKSAS & AKPAY charge-backs paid by all ADF&G divisions. These costs are based on the number of full time positions divided by the total cost.

COMMODITIES - \$15,000

- **Office supplies** **\$10,000**

These funds are to cover the cost of miscellaneous office supplies, paper, toner, meeting materials etc. Also includes anticipated supplies needed to complete the official record.

- **Interpretive Information** **\$5,000**

These funds are to purchase materials to produce documents in-house for public outreach and information.

EQUIPMENT - \$20,000

\$20,000

- **Multifunction copier**

These funds are to cover the cost of a new copier/fax/scanner and a maintenance agreement. The new machine replaces the Lanier 375 Printer/copier/scanner purchased 10/20/2006.

AGENCY DISTRIBUTION:

Admin Mgmt	ADFG	USGS	Total
Personnel	\$503,727	\$0	\$503,797
Travel	\$6,000	\$0	\$6,000
Contractual	\$75,780	\$126,000	\$201,780
Commodities	\$15,000	\$0	\$15,000
Equipment	\$20,000	\$0	\$20,000
Subtotal	\$620,057	\$126,000	\$746,507
GA - 9%	\$55,846	\$11,340	\$67,186
Component Total	\$676,353	\$137,340	\$813,693

DATA MANAGEMENT - \$152,080

Cost Category	Total Budget
Personnel	\$121,023
Travel	\$1,500
Contractual	\$2,000
Commodities	\$10,500
Equipment	\$4,500
Subtotal	\$139,523
GA - 9%	\$12,557
Total	\$152,080

PERSONNEL - \$121,023

Position	Range/Step	Months	Monthly Cost	Annual Cost
Data Systems Manager – Karen Hickling	22/E	12	\$6,740	\$121,023
Personnel Total			\$6,740	\$121,023

Monthly cost is w/o benefits, annual is w/benefits.

TRAVEL - \$1,500

Travel support for Data Management staff to attend meetings and participate in data management training.

CONTRACTUAL – \$2,000

- **Professional Development**

These funds are to cover registration fees to participate in training.

\$1,000
- **Equipment Maintenance**

These funds are for minor equipment maintenance/repairs.

\$1,000

COMMODITIES - \$10,500

- **Computer Software, Hardware & Upgrades**

These funds are to cover ongoing support and upgrades to computer hardware, software, and networking equipment for the Trustee Council Office.

\$10,000
- **Equipment supplies**

These funds are to cover miscellaneous supplies for equipment.

\$500

EQUIPMENT - \$4,500

- This figure includes costs to replace obsolete equipment (\$4,500).

AGENCY DISTRIBUTION

Cost Category	ADFG
Personnel	\$121,023
Travel	\$1,500
Contractual	\$2,000
Commodities	\$10,500
Equipment	\$4,500
Subtotal	\$139,523
GA - 9%	\$12,557
Component Total	\$152,080

SCIENCE MANAGEMENT – \$231,336

Cost Category	Total Budget
Personnel	\$0
Travel	\$10,000
Contractual	\$202,235
Commodities	\$0
Equipment	\$0
Subtotal	\$212,235
GA - 9%	\$19,101
Component Total	\$231,336

TRAVEL - \$10,000

Travel for meetings and symposia as needed.

CONTRACTUAL - \$202,235

- **Science Management Contract: Catherine Boerner** **\$84,235**

This contract provides science management services including project management, FY12 Invitation for Proposals coordination and implementation, and Annual Work Plan support. The Council has approved these funds through FY11 on July 23, 2010 in Resolution #10-08.

- **Alaska Marine Sciences Symposium** **\$10,000**

These funds are to assist with the support of the annual Alaska Marine Sciences Symposium.

- **Science Panel, Herring, and Long-Term Monitoring Groups** **\$105,000**

The Science Panel, Herring, and Long-Term Monitoring groups are tasked with providing the following services to the Trustee Council for FY11:

- Provide funding recommendations on scientific proposals to the Executive Director. This includes review of both the pre-proposals and final proposals from preferred proposers.
- Provide assistance on special projects at the Executive Director's or Trustee Council's request

The members are: Gary Cherr, Charles Peterson, Ronald O'Dor, Tom Dean, Robert Spies, Doug Hay, Marilyn Sigman, Jeep Rice, Phil Mundy, Doug Woodby, and Kimberly Trust. Jeep Rice (NOAA), Phil Mundy (NOAA), Doug Woodby (ADFG), and Kimberly Trust (USFWS) are not eligible for compensation, but contracts will be put in place for the remainder of the group. Each contract will cover services provided October 1, 2010 through September 30, 2011, and will not exceed \$15,000 per member.

- **Peer Review Contracts** **\$3,000**

To ensure the scientific integrity of the findings, the Trustee Council requires scientific peer review by nationally recognized experts within appropriate and respective disciplines. This contract line item provides compensation for the scientific and technical review of EVOS final reports.

AGENCY DISTRIBUTION:

Cost Category	ADFG
Personnel	\$0
Travel	\$10,000
Contractual	\$202,235
Commodities	\$0
Equipment	\$0
Subtotal	\$212,235
GA - 9%	\$19,101
Component Total	\$231,336

PUBLIC ADVISORY COMMITTEE (PAC) - \$33,136

Cost Category	Total Budget
Personnel	\$7,500
Travel	\$18,400
Contractual	\$3,000
Commodities	\$1,500
Equipment	\$0
Subtotal	\$30,400
GA - 9%	\$2,736
Component Total	\$33,136

PERSONNEL - \$7,500

Annual funds are provided for the designated federal officer (currently Doug Mutter) assigned to the PAC as required by the Federal Advisory Committee Act (FACA). This individual coordinates the scheduling of meetings, development of the agenda and meeting minutes, and provides assistance to the PAC Chair and the Restoration Office as needed.

TRAVEL - \$18,400

- PAC Meetings**

\$16,000

Travel support for 10 PAC members to attend approximately two meetings for an estimated average cost of \$800 per person per trip to include: airfare, ground transportation, per diem, and lodging.

- TC Meetings**

\$2,400

Travel support for the PAC chair (currently Stacy Studebaker) to attend all non-telephonic Trustee Council meetings for an estimated average cost of \$800 per trip to include: airfare, ground transportation, per diem, and lodging.

CONTRACTUAL - \$3,000

- PAC Meetings**

\$3,000

These funds cover public announcements.

COMMODITIES - \$1,500

- PAC Meetings**

\$1,500

These funds cover public meeting materials and incidentals.

AGENCY DISTRIBUTION

Cost Category	ADFG	DOI-OEPC	Total
Personnel	\$0	\$7,500	\$7,500
Travel	\$18,400	\$0	\$18,400
Contractual	\$3,000	\$0	\$3,000
Commodities	\$1,500	\$0	\$1,500
Equipment	\$0	\$0	\$0
Subtotal	\$22,900	\$7,500	\$30,400
GA - 9%	\$2,061	\$675	\$2,736
Component Total	\$24,961	\$8,175	\$33,136

TRUSTEE COUNCIL MEMBER EXPENSES- \$17,985

Cost Category	Total Budget
Personnel	\$0
Travel	\$16,500
Contractual	\$0
Commodities	\$0
Equipment	\$0
Subtotal	\$16,500
GA - 9%	\$1,485
Component Total	\$17,985

TRAVEL - \$16,500

- \$3,300**

• **ADFG Trustee Council Member Travel**
Travel support for the Trustee Council member or Alternate's travel expenses to participate in approximately three one-day meetings in Anchorage at a cost of approximately \$1,100 per trip.
- \$3,300**

• **DOI Trustee Council Member Travel**
Travel support for the Trustee Council member or Alternate's travel expenses to participate in approximately three one-day meetings in Anchorage, at a cost of approximately \$1,100 per trip.
- \$3,300**

• **NOAA Trustee Council Member Travel**
Travel support for the Trustee Council member or Alternate's travel expenses to participate in approximately three one-day meetings in Anchorage, at a cost of approximately \$1,100 per trip.
- \$3,300**

• **ADEC Trustee Council Member Travel**
Travel support for the Trustee Council member or Alternate's travel expenses to participate in approximately three one-day meetings in Anchorage, at a cost of approximately \$1,100 per trip.
- \$3,300**

• **DOL Trustee Council Member Travel**
Travel support for the Trustee Council member or Alternate's travel expenses to participate in approximately three one day meetings in Anchorage, at a cost of approximately \$1,100 per trip

AGENCY DISTRIBUTION

Cost Category	ADFG	DOI-SEC	NOAA	ADEC	ADOL	Total
Personnel	\$0	\$0	\$0	\$0	\$0	\$0
Travel	\$3,300	\$3,300	\$3,300	\$3,300	\$3,300	\$16,500
Contractual	\$0	\$0	\$0	\$0	\$0	\$0
Commodities	\$0	\$0	\$0	\$0	\$0	\$0
Equipment	\$0	\$0	\$0	\$0	\$0	\$0
Subtotal	\$3,300	\$3,300	\$3,300	\$3,300	\$3,300	\$16,500
GA - 9%	\$297	\$297	\$297	\$297	\$297	\$1,485
Component Total	\$3,597	\$3,597	\$3,597	\$3,597	\$3,597	\$17,985

HABITAT PROTECTION PROGRAM - \$109,000

Cost Category	Total Budget
Personnel	\$43,000
Travel	\$0
Contractual	\$57,000
Commodities	\$0
Equipment	\$0
Subtotal	\$100,000
GA - 9%	\$9,000
Component Total	\$109,000

PERSONNEL - \$43,000

Funds are provided in support of agency efforts to bring viable small parcel proposals to the Council for consideration. Expenses such as title review, hazmat review and survey review and similar expenses are appropriate due diligence efforts which may be undertaken by sponsoring agencies under this program. The budgeted due diligence expenditures under personnel are those to be accomplished through the use of in-house staff as most efficient and/or cost effective. The purchase of any interest in land requires additional Trustee Council review and approval.

CONTRACTUAL - \$57,000

Funds are provided in support of agency efforts to bring viable proposals to the Council for consideration. Expenses such as title review, hazmat review and survey review and similar expenses are appropriate due diligence efforts which may be undertaken by sponsoring agencies under this program. The budgeted due diligence expenditures under contractual services are those contracted out by the agency as most efficient and/or cost effective. The purchase of any interest in land requires additional Trustee Council review and approval.

AGENCY DISTRIBUTION

Cost Category	ADNR	DOI-FWS	DOI-BLM	USFS	Total
Personnel	\$10,000	\$25,000	\$8,000	\$0	\$43,000
Travel	\$0	\$0	\$0	\$0	\$0
Contractual	\$40,000	\$0	\$4,500	\$12,500	\$57,000
Commodities	\$0	\$0	\$0	\$0	\$0
Equipment	\$0	\$0	\$0	\$0	\$0
Subtotal	\$50,000	\$25,000	\$12,500	\$12,500	\$100,000
GA - 9%	\$4,500	\$2,250	\$1,125	\$1,125	\$9,000
Component Total	\$54,500	\$27,250	\$13,625	\$13,625	\$109,000

LIAISON PROGRAM SUPPORT/PROJECT MANAGEMENT – \$339,774

Cost Category	Total Budget
Personnel	\$311,719
Travel	\$0
Contractual	\$0
Commodities	\$0
Equipment	\$0
Subtotal	\$311,719
GA - 9%	\$28,055
Component Total	\$339,774

PERSONNEL - \$311,719**Project Management - \$138,079**

Project Management funds provide lead Trustee Agencies with funds necessary to manage contracts and report on the status of projects; to facilitate communication between the agencies, Principal Investigators, and the Restoration Office; to assist with the annual financial audit; and perform other administrative functions necessary for implementation of projects authorized by the Trustee Council. Project management funds are also included below for management of multi-year projects that have been previously authorized to continue in FY11. Additional funds (one month's salary per project managed – up to 12 months maximum) will be included in this approved budget to manage the new FY11 projects once they have been approved.

DNR – Carol Fries	\$12,934
DOI/USGS – Dede Bohn	\$44,145
NOAA – Pete Hagen	<u>\$81,000</u>
TOTAL	\$138,079

TC Council Support - \$173,640

Trustee Council Support funds provide Trustee Agencies with funds necessary to cover liaison staff costs for time and expenses related to preparing for, communicating with, and representation of Trustee Agency positions at EVOS sponsored meetings or when participating in EVOS program activities and providing future program direction, unless waived by the agency.

ADFG – Tom Brookover	\$20,467
ADNR – Carol Fries	\$38,800
USFS – Steve Zemke	\$28,373
NOAA – Pete Hagen	\$0
ADEC – Marit Carlson-Van Dort	\$31,300
DOI/FWS – Veronica Varela	\$32,400
DOI/SEC – Federal Budget Officer – Bruce Nesslage	<u>\$22,300</u>
TOTAL	\$173,640

AGENCY DISTRIBUTION:

Cost Category	ADEC	ADFG	ADNR	DOI/USGS	USFS	NOAA	FWS	DOI/SEC	Total
Personnel	\$31,300	\$20,467	\$51,734	\$44,145	\$28,373	\$81,000	\$32,400	\$22,300	\$311,719
Travel	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Contractual	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Commodities	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Equipment	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Subtotal	\$31,300	\$20,467	\$51,734	\$44,145	\$28,373	\$81,000	\$32,400	\$22,300	\$311,719
GA - 9%	\$2,817	\$1,842	\$4,656	\$3,973	\$2,554	\$7,290	\$2,916	\$2,007	\$28,055
Component Total	\$34,117	\$22,309	\$56,390	\$48,118	\$30,927	\$88,290	\$35,316	\$24,307	\$339,774

**ALASKA RESOURCES LIBRARY & INFORMATION SERVICES – \$137,119
(ARLIS)**

Cost Category	Total Budget
Personnel	\$125,797
Travel	\$0
Contractual	\$0
Commodities	\$0
Equipment	\$0
Subtotal	\$125,797
GA - 9%	\$11,322
Component Total	\$137,119

PERSONNEL – \$125,797

Position	Range/Step	Months	Monthly Cost	Annual Cost
Librarian III – Carrie Holba	19/N	12	\$7,016	\$125,797
Personnel Total			\$7,016	\$125,797

Monthly cost is w/o benefits, annual is w/benefits.

Funding provides 1.0 FTE librarian to meet the ongoing information and research needs of the Trustee Council staff, Public Advisory Committee, researchers, and the general public, manage the EVOS collection at ARLIS, and represent the Trustee Council on the ARLIS Management Team.

AGENCY DISTRIBUTION:

Cost Category	ADFG
Personnel	\$125,797
Travel	\$0
Contractual	\$0
Commodities	\$0
Equipment	\$0
Subtotal	\$125,797
GA - 9%	\$11,322
Component Total	\$137,119

FY2011 Budget Summary All Projects - Final

Summary of All Projects (State & Federal)

Project Number & Date Approved:	Lead Agency & Principal Investigator:	Project Title:	Approved FY10 Amount:	Requested and Approved FY11 Amount:	Approved FY12 Amount:	Approved FY13 Amount:	Total Multi-Year Budget Approved:
11100100 08/26/2010	ADF&G EVOS Admin.	EVOS 2011 Annual Program Development and Implementation (APDI) Budget	\$0	\$1,247,755 (\$1,144,729 + GA \$103,026)	\$0	\$0	\$0
Continuing Projects:							
10100340 08/31/2009	ADF&G Weingartner, T.	Long-Term Monitoring of the Alaska Coastal Current	\$141,500 (\$129,800 + GA \$11,700)	\$138,700 (\$127,200 + GA \$11,400)	\$133,600 (\$122,600 + GA \$11,000)	\$0	\$413,800
10100128 08/31/2009	ADF&G Quinn, T.	Historical Humpback Whale Abundance in PWS in Relation to Pacific Herring Dynamics	\$94,300 (\$86,500 + GA \$7,800)	\$69,500 (\$63,800 + GA \$5,700)	\$0	\$0	\$163,800
10100839 08/31/2009	ADF&G Hollmen, T.	Evaluating Injury to Harlequin Ducks	\$218,300 (\$200,300 + GA \$18,000)	\$32,400 (\$29,700 + GA \$2,700)	\$0	\$0	\$250,700
		ADF&G Subtotal:	\$0	\$1,488,355	\$0	\$0	\$0
11100100 08/26/2010	ADEC EVOS Admin.	EVOS 2011 Annual Program Development and Implementation (APDI) Budget	\$0	\$37,714 (\$34,600 + GA \$3,114)	\$0	\$0	\$0
		ADEC Subtotal:	\$0	\$37,714	\$0	\$0	\$0
11100100 08/26/2010	ADNR EVOS Admin.	EVOS 2011 Annual Program Development and Implementation (APDI) Budget	\$0.00	\$110,890 (\$101,734 + GA \$9,156)	\$0	\$0	\$0
		ADNR Subtotal:	\$0	\$110,890	\$0	\$0	\$0
11100100 08/00/2010	ADOL EVOS Admin.	EVOS 2011 Annual Program Development and Implementation (APDI) Budget	0	\$3,597 (\$3,300 + GA \$297)	\$0	\$0	\$0
		ADOL Subtotal:	\$0	\$3,597	\$0	\$0	\$0
		State of Alaska subtotal:	\$0	\$1,640,556	\$0	\$0	\$0

FY2011 Budget Summary All Projects - Final

Summary of All Projects (State & Federal)

Project Number & Date	Lead Agency & Principal Investigator	Project Title	Approved FY10 Amount:	Requested and Approved FY11 Amount:	Approved FY12 Amount:	Approved FY13 Amount:	Total Multi-Year Budget Approved:
11100100 08/26/2010	NOAA EVOS Admin.	EVOS 2011 Annual Program Development and Implementation (APDI) Budget	\$0	\$91,887 (\$84,300 + GA \$7,587)	\$0	\$0	\$0
Continuing Projects:							
10100132 08/31/2009	NOAA Pegau, S.	PWS Herring Survey: Community Involvement, Outreach, Logistics, & Synthesis	\$343,100 (\$314,800 + GA \$28,300)	\$385,600 (\$353,800 + GA \$31,800)	\$354,300 (\$325,000 + GA \$29,300)	\$97,400 (\$89,300 + GA \$8,000)	\$1,180,400
10100132-A 08/31/2009	NOAA Campbell, R.	PWS Herring Survey: Plankton & Oceanographic Observations	\$201,500 (\$184,800 + GA \$16,600)	\$197,300 (\$181,000 + GA \$16,300)	\$200,100 (\$183,600 + GA \$16,500)	\$64,400 (\$59,100 + GA \$5,300)	\$663,200
10100132-B 08/31/2009	NOAA Thorne, R.	PWS Herring Survey: Assessment of Juvenile Herring Abundance & Habitat Utilization	\$170,300 (\$156,200 + GA \$14,100)	\$196,700 (\$180,500 + GA \$16,200)	\$173,600 (\$159,200 + GA \$14,300)	\$56,200 (\$51,600 + GA \$4,600)	\$596,700
10100132-C 08/31/2009	NOAA Kline, T.	PWS Herring Survey: Pacific Herring Energetic Recruitment Factors	\$258,700 (\$237,300 + GA \$21,400)	\$256,600 (\$235,400 + GA \$21,200)	\$265,000 (\$243,100 + GA \$21,900)	\$218,300 (\$200,300 + GA \$18,000)	\$998,600
10100132-D 08/31/2009	NOAA Heintz, R.	PWS Herring Survey: Predictors of Winter Performance	\$99,000 (\$90,800 + GA \$8,200)	\$99,000 (\$90,800 + GA \$8,200)	\$0	\$0	\$306,600
1000132-E 08/31/2009	NOAA Gay, S.	PWS Herring Survey: Physical Oceanographic Characteristics of Nursery Habitats of Juvenile Pacific	\$88,400 (\$81,100 + GA \$7,300)	\$83,100 (\$76,200 + GA \$6,900)	\$90,000 (\$82,600 + GA \$7,400)	\$91,500 (\$84,000 + GA \$7,600)	\$353,000
10100132-F 08/31/2009	NOAA Brown, E.	PWS Herring Survey: Sound-wide Juvenile Herring, Predator, & Competitor Density via Aerial Surveys	\$160,141 (\$146,918 + GA \$13,223)	\$153,056 (\$140,418 + GA \$12,638)	\$153,056 (\$140,418 + GA \$12,638)	\$35,001 (\$32,111 + GA \$2,890)	\$501,253
10100132-G 08/31/2009	NOAA Bishop, M.	PWS Herring Survey: Top-Down Regulation by Predatory Fish on Juvenile Herring	\$185,500 (\$170,200 + GA \$15,300)	\$183,200 (\$168,100 + GA \$15,100)	\$193,400 (\$177,500 + GA \$16,000)	\$116,700 (\$107,100 + GA \$9,600)	\$678,900

FY2011 Budget Summary All Projects - Final

Summary of All Projects (State & Federal)

Project Number & Date	Lead Agency & Principal Investigator	Project Title	Approved FY10 Amount	Requested and Approved FY11 Amount	Approved FY12 Amount	Approved FY13 Amount	Total Multi-Year Budget Approved
10100290 08/31/2009	NOAA Carls, M	Exxon Valdez Trustee Hydrocarbon Database	\$9,300 (\$8,500 + GA \$800)	\$9,300 (\$8,500 + GA \$800)	\$9,300 (\$8,500 + GA \$800)	\$9,300 (\$8,500 + GA \$800)	\$37,200
10100574 08/31/2009	NOAA Lees, D.	Reassessment of Bivalve Recovery on Treated Beaches in PWS	\$133,600 (\$122,600 + GA \$11,000)	\$95,500 (\$87,600 + GA \$7,900)	\$32,600 (\$29,900 + GA \$2,700)	\$0	\$261,600
10100624 08/31/2009	NOAA Bychov, A.	Measuring Interannual Variability in the Herring's Forage from the Gulf of Alaska	\$61,900 (\$56,800 + GA \$5,100)	\$63,600 (\$58,300 + GA \$5,200)	\$65,100 (\$59,700 + GA \$5,400)	\$15,000 (\$13,800 + GA \$1,200)	\$205,600
10100742 08/31/2009	NOAA Matkin, C.	Monitoring, Tagging, Feeding Studies, & Restoration of Killer Whales in PWS & Kenai Fjords	\$132,310 (\$121,385 + GA \$10,925)	\$132,310 (\$121,385 + GA \$10,925)	\$125,775 (\$115,390 + GA \$10,385)	\$0	\$390,394
		NOAA Subtotal:	\$0	\$1,947,153	\$0	\$0	\$0
11100100 08/26/2010	DOI-USGS EVOS Admin.	EVOS 2011 Annual Program Development and Implementation (APDI) Budget	\$0	\$185,458 (\$170,145 + GA \$15,313)	\$0	\$0	\$0
11100808 08/26/2010	DOI-USGS Esler, D.	Nearshore Synthesis - Sea Otters and Sea Ducks	\$0	\$103,200 (\$94,700 + GA \$8,500)	\$0	\$0	\$0
Continuing Projects:							
10100132-1 08/31/2009	DOI-USGS Hersherberger, P.	PWS Herring Survey: Herring Disease Program	\$81,800 (\$75,000 + GA \$6,800)	\$284,100 (\$260,600 + GA \$23,500)	\$295,800 (\$271,400 + GA \$24,400)	\$313,500 (\$287,600 + GA \$25,900)	\$975,200
10100808 08/31/2009	DOI-USGS Bodkin, J.	Monitoring for Evaluation of Recovery & Restoration of Injured Nearshore Resources	\$166,419 (\$152,678 + GA \$13,741)	\$166,419 (\$152,678 + GA \$13,741)	\$165,329 (\$151,678 + GA \$13,651)	\$103,412 (\$94,873 + GA \$8,539)	\$601,579
		DOI-USGS Subtotal:	\$0	\$739,177	\$0	\$0	\$0

FY2011 Budget Summary All Projects - Final

Summary of All Projects (State & Federal)

Project Number & Date	Lead Agency & Principal Investigator:	Project Title:	Approved FY10 Amount:	Requested and Approved FY11 Amount:	Approved FY12 Amount:	Approved FY13 Amount:	Total Multi-Year Budget Approved:
11100100 08/26/2010	DOI-USFWS EVOS Admin.	EVOS 2011 Annual Program Development and Implementation (APDI) Budget	\$0	\$62,566 (\$57,400 + GA \$5,166)	\$0	\$0	\$0
Continuing Projects:							
10100132-H 08/31/2009	DOI-USFWS Kuletz, K.	PWS Herring Survey: Trends in Seabird Predation	\$147,200 (\$135,000 + GA \$12,200)	\$163,900 (\$150,400 + GA \$13,500)	\$150,900 (\$138,400 + GA \$12,500)	\$102,900 (\$94,400 + GA \$8,500)	\$564,900
10100751 08/31/2009	DOI-USFWS Irons, D.	PWS Marine Bird Surveys, Synthesis, & Restoration	\$254,500 (\$233,486 + GA \$21,014)	\$339,240 (\$36,000 + GA \$3,240)	\$0	\$0	\$293,740
		DOI-USFWS Subtotal:	\$0	\$265,706	\$0	\$0	\$0
11100100 08/26/2010	DOI-BLM Admin.	EVOS 2011 Annual Program Development and Implementation (APDI) Budget	\$0	\$13,625 (\$12,500 + GA \$1,125)	\$0	\$0	\$0
		DOI-BLM Subtotal:	\$0	\$13,625	\$0	\$0	\$0
11100100 08/26/2010	DOI-SEC EVOS Admin.	EVOS 2011 Annual Program Development and Implementation (APDI) Budget	\$0	\$27,904 (\$25,600 + GA \$2,304)	\$0	\$0	\$0
		DOI-SEC Subtotal:	\$0	\$27,904	\$0	\$0	\$0
11100100 08/26/2010	DOI-OEPC EVOS Admin.	EVOS 2011 Annual Program Development and Implementation (APDI) Budget	\$0	\$8,175 (\$7,500 + GA \$675)	\$0	\$0	\$0
		DOI-OEPC Subtotal:	\$0	\$8,175	\$0	\$0	\$0
11100100 08/26/2010	USFS EVOS Admin.	EVOS 2011 Annual Program Development and Implementation (APDI) Budget	\$0	\$44,552 (\$40,873 + GA \$3,679)	\$0	\$0	\$0
		USFS Subtotal:	\$0	\$44,552	\$0	\$0	\$0
		United States subtotal:	\$0	\$3,046,292	\$0	\$0	\$0
		Grand Total:	\$0	\$4,686,848	\$0	\$0	\$0

**RESOLUTION OF THE
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL**

WHEREAS the *Exxon Valdez* Oil Spill Trustee Council ("Trustee Council"), at its January 4, 2001 meeting by resolution 01-05 did offer to enter into a long-term agreement with Koniag, Inc. for the protection of certain lands on Kodiak Island; and

WHEREAS the Board of Directors of Koniag, Inc. has by its resolution dated January 12, 2001, generally accepted that offer but has requested certain provisions in a form different than that previously approved by the Trustee Council; and

WHEREAS the Trustee Council now wishes to respond to those requested changes and to reach a long term agreement, does hereby rescind such January 4, 2001 resolution and we, the undersigned, duly authorized members of the Trustee Council, after extensive review and after consideration of the views of the public, find as follows:

1. In accordance with the Trustee Council Resolution of December 2, 1994, the United States, acting through the U.S. Fish and Wildlife Service, Department of the Interior ("Service" and "Department," respectively) and Koniag, Inc. ("Koniag"), have completed the fee purchases of certain lands and interests in lands within the Kodiak National Wildlife Refuge ("Refuge").
2. Consistent with the foregoing Resolution, the United States also received from Koniag the Non-Development Easements covering certain other lands within the Refuge for the term expiring December 2, 2001, and the State of Alaska ("State") received from Koniag an Access and Use Easement for those lands for the same period. The purpose of the foregoing easements was to protect the key resources

on certain lands owned by Koniag, primarily within the Karluk and Sturgeon River drainages, while the parties sought to reach a long term agreement to protect this key habitat.

3. Negotiators for the Trustee Council and Koniag have now reached a tentative agreement, subject to review, ratification and approval of their principals, the Trustee Council and the Koniag Board of Directors, respectively, covering the surface estate of the lands generally depicted on the maps at Attachment A hereto (the "Lands") and totaling approximately 57,900 acres. This tentative agreement will, if implemented, provide long-term protection and opportunities for restoration of natural resources and services that were injured by the *Exxon Valdez* oil spill. The tentative agreement, which is set forth at Attachment B, includes the various exhibits thereto (the tentative agreement and attachments thereto are hereafter referred to as the "Agreement").
4. The Lands were selected and conveyed to Koniag or its predecessors pursuant to the Alaska Native Claims Settlement Act. The subsurface rights associated with the Lands are held by the United States of America ("United States").
5. The Lands are within the oil spill area as defined by the Trustee Council in the Final Restoration Plan approved November 2, 1994.
6. The Lands include important habitat for various species of fish and wildlife for which significant injury resulting from the spill has been documented through the Trustee Council's habitat benefits analysis. This analysis has indicated that these lands have high value for the restoration of such injured natural resources as sockeye salmon, pink salmon, Dolly Varden, Pacific herring, black oystercatcher, bald eagles, harbor seals, harlequin ducks, intertidal/subtidal biota, marbled murrelet, pigeon guillemot, river otters, sea otters, and cultural and archeological resources. This analysis has also indicated that the Lands have high value for the restoration

of injured services that rely on these natural resources, including commercial fishing, wilderness, recreation, tourism and subsistence. Restoration of the injured species will benefit from acquisition and protection of this important habitat through the elimination of activities and disturbances which may adversely affect their recovery.

7. The Lands are located wholly within the boundaries of the Refuge and their protection will ensure the preservation of a significant portion of one of the nation's most productive and unique ecosystems. The benefits resulting from such acquisition and protection are further described in the Habitat Benefits Report at Attachment C .
8. Existing laws and regulations, including but not limited to the Alaska Native Claims Settlement Act, the Alaska National Interest Lands Conservation 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 from activities on the lands. However, restoration, replacement and enhancement of resources injured by EVOS present a unique situation. Without passing judgment on the adequacy or inadequacy of existing laws and regulations to protect resources, biologists, 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 likely have a beneficial effect on recovery of injured resources and lost or diminished services provided by these resources.
9. There has been widespread public support for the acquisition of the Lands, locally, within the spill zone and nationally.
10. Implementation of the Agreement is an appropriate means to restore a portion of

the injured resources and services in the oil spill area and is consistent with the Final Restoration Plan.

11. Recently, on private lands within the Refuge, development and construction have included lodges, private residences and recreational cabins. Such sites have been near key water bodies and can have a significant impact, particularly on a cumulative basis, on water quality and injured natural resources and services well beyond the boundaries of the individual sites. In the event the subject lands are not acquired or protected at this time, development by the owners is certain to occur on them in a manner that will adversely impact the water quality and the injured EVOS resources and services sensitive to human disturbance.
12. The approved appraisal procured on behalf of the Trustee Council as of September 8, 1994 provided an estimate of fair market value totaling approximately \$7,297,100 (Seven million two hundred ninety-seven one hundred and no/100 dollars) for the fee acquisition of the Lands.
13. The Service prepared and submitted an offer to Koniag to purchase its Kodiak Island lands as per the September 8, 1994 estimate of fair market value in the approved appraisal. This offer was rejected and negotiations and discussions ensued over the past several years between Koniag and a joint Federal/State of Alaska negotiating team which resulted in the Agreement. Koniag has also advised the Federal/State negotiators that it is unwilling to sell the Lands in fee at the present time, but would consider a long-term agreement that would provide for habitat protection and economic opportunities for the residents of Karluk and Larsen Bay, Alaska, as well as Koniag's other shareholders.
14. It is ordinarily the federal government's practice to pay its estimate of fair market value for lands it acquires. However, due to the unique circumstances of this proposed acquisition, including the exceptional habitat value of the Lands for

purposes of promoting recovery of natural resources and services injured by EVOS and the levels of compensation paid in other transactions providing for the protection of key habitat within the Oil Spill Zone, including that for the prior acquisitions from Koniag, the Trustee Council believes the payment structure provided in the attached Agreement is appropriate.

15. The acquisition of these lands or interests in lands is in compliance with the National Environmental Policy Act; Section 810 of the Alaska National Interest Lands Conservation Act; Section 7 of the Endangered Species Act; and the provisions of E.O. 11593 implementing the National Historic Preservation Act; and has been determined to be consistent with Section 307 of the Coastal Zone Management Act.
16. A satisfactory hazardous substance survey has been or will be completed prior to the initial closing with respect to the lands or interests in lands being acquired.

THEREFORE, we resolve to provide the funds as set forth below and in the Agreement for the United States and the State to enter into the Agreement with Koniag, in conformity with applicable Federal and State laws. In the event that there are any disagreements among the Parties as to the legal descriptions and the scope of the lands intended to be the subject of this Agreement, the maps at Attachment A are intended to be controlling. Any substantive changes in the language contained in the Agreement, including the exhibits attached thereto, or modifications in the legal descriptions that would be at variance with the foregoing attached maps, must be approved by the Trustee Council. Non-substantive changes may be made by the Alaska Department of Law and the U.S. Department of the Interior.

PROVIDED FURTHER, that the Agreement shall contain or be subject to the following terms or conditions:

1. Receipt by the United States and the State of Alaska of the remaining settlement payment due on October 1, 2001, from Exxon Corporation, et al.
2. Filing by the United States Department of Justice and the Alaska Department of Law of a notice(s), 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 Treasury ("Investment Fund"), and transfer of the necessary monies from the Investment Fund to the United States.
3. Completion of a title search satisfactory to the Alaska Department of Law and consistent with the title regulations of the Attorney General of the United States.
4. No development is to take place prior to closing on the Lands which is inconsistent with that provided for in the various granting documents attached as exhibits to the tentative agreement.
5. The terms and conditions of the granting instruments attached as exhibits to the Agreement are subject to review and approval as to form and substance by the U.S. Department of Justice and the Alaska Department of Law.
6. Should title to any lands be conveyed in fee to the United States pursuant to the Agreement, such lands shall be subject to a conservation easement in the State of Alaska authorizing it to enforce in a court of competent jurisdiction, the restoration and conservation purposes for which this acquisition is made as set forth in the State Conservation Easement, attached as an exhibit to the Agreement.

THEREFORE, by unanimous consent, and upon execution of the Agreement and written notice from the Department and the Alaska Department of Law to the Executive Director that the terms and conditions set forth herein and in the 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 the Trustee Council to provide joint settlement funds as set forth below:

1. (a) \$150,000 (One hundred fifty thousand and no/100 dollars) unless Koniag instead elects to complete the land exchange set forth in Section 20 of the Agreement, in which event the amount shall be \$300,000 (Three hundred thousand and no/100 dollars) to be paid to Koniag by December 15, 2001, for the extension of the existing Non-Development Easements and the State Access and Use Easement until October 15, 2002. The provision of the foregoing \$150,000 is conditioned upon the United States providing funding of an equal amount for this payment in the event that Koniag does not elect such land exchange.

(b) For purposes of the March 1, 1999 Trustee Council Resolution concerning the Restoration Reserve, the foregoing \$150,000 or \$300,000 payment from the joint settlement funds, as applicable, and any interest attributable to that amount between December 1, 2001 (or such other date on which these funds are transferred from the Investment Fund) and October 1, 2002 shall reduce the \$55 million (Fifty-five million and no/100 dollars) available for habitat protection on October 1, 2002.

(c) In the event that Koniag does not elect and complete the exchange option, then from the funds then available and previously authorized by the Trustee Council by its resolution dated December 11, 1995 and motion dated June 8, 1998 concerning the acquisition of certain small parcels within the Refuge, \$50,000 is reallocated therefrom to be used for the deposit to the Special Account.

(d) In the event that Koniag initially elects to pursue the exchange option, but does not complete such exchange for any reason, then the Department of Interior shall reimburse the joint settlement funds in the amount of \$150,000 from the federal criminal restitution funds for the payment due December 15, 2001 from the joint funds for the extension of the existing Non-Development Easements and the State Access and Use Easement in order to fulfill the federal payment obligation set forth in the above paragraph 1(a).

2. The Trustee Council, will cause to be established and fund as of October 15, 2002, a special account in the amount of \$29,800,000 (Twenty-nine million, eight hundred thousand and no/100 dollars), unless Koniag instead elects to complete the land exchange set forth in Section 20 of the Agreement, in which event the amount shall be \$29,550,000 (Twenty-nine million, five hundred fifty thousand and no/100 dollars)("Special Account"). The Special Account shall be established by the United States and the State, acting through the Trustee Council or its successors in function (the "Governments"), with the State of Alaska investment system in accordance with the authority provided by Congress in Section 350 of P.L. 106-113, 113 Stat.1501 (1999). The Governments will manage the Special Account and are solely responsible for its investment. Notwithstanding the foregoing, over the life of this Agreement, the Governments shall (a) consult with Koniag concerning the investment strategy for the Special Account and (b) establish an initial investment target of a projected average annual return of 5.75% above inflation when considered over a ten year period, unless after consultation with Koniag, the Governments determine that such investment targets would be imprudent and would require an investment strategy relying on undue risk of principal of these joint governmental funds. Koniag shall be provided a financial report on the Special Account at least quarterly, which report shall identify the investments held therein, their value and all transactions made with respect to the Special Account during the reporting period. Such reports shall be provided within thirty (30) days of the close of the reporting period.

3. Investment management fees shall be paid from the Special Account in accordance with the provisions set forth below:

- (a) If the Special Account is held in the State of Alaska's Treasury, the management fees for the account shall be the actual fees assessed by, and commensurate with other management fee charges of, the Alaska Department of Revenue, Division of Treasury for an account of this nature.
- (b) If the Special Account is held in an entity other than that of the State of Alaska, the fees to be charged shall be the actual fees assessed by, and commensurate with, the management fees charged for an account of this nature.
- (c) For each entire year that the Conservation Easement is in effect, an annual payment from the Special Account shall be made to Koniag as follows:

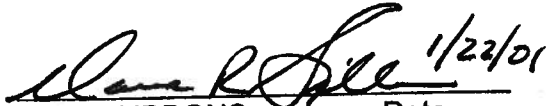
Year 1	\$372,100, paid on October 15, 2003
Year 2	\$405,589, paid on October 15, 2004
Year 3	\$439,078, paid on October 15, 2005
Year 4	\$472,567, paid on October 15, 2006
Year 5	\$506,056, paid on October 15, 2007
Year 6	\$539,545, paid on October 15, 2008
Year 7	\$573,034, paid on October 15, 2009
Year 8	\$606,523, paid on October 15, 2010
Year 9	\$640,012, paid on October 15, 2011
Year 10	\$673,501, paid on October 15, 2012
Year 11	\$706,990, paid on October 15, 2013
Year 12	\$744,200, paid on October 15, 2014
Year 13	\$744,200, paid on October 15, 2015
Year 14	\$744,200, paid on October 15, 2016


Year 15	\$744,200, paid on October 15, 2017
Year 16	\$744,200, paid on October 15, 2018
Year 17	\$744,200, paid on October 15, 2019
Year 18	\$744,200, paid on October 15, 2020
Year 19	\$744,200, paid on October 15, 2021
Year 20	\$744,200, paid on October 15, 2022


- (d) If Koniag elects in accordance with the Agreement not to subsequently sell the lands to the United States in fee, and otherwise allows the easements to terminate, Koniag shall cease to have any right or claim with respect to any amounts in the Special Account, and the balance thereof shall be subject to use by the Governments in accordance with the consent decrees applicable to the use of the proceeds from the EVOS settlement and other applicable law. If Koniag elects to sell the lands covered by the Conservation Easement in fee to the United States, then it shall receive the balance in the Special Account in accordance with the terms of the Agreement.
- (e) So long as the Conservation Easement and the Camp Island Limited Development Easement are in effect, no funds in the Special Account may be withdrawn therefrom except in accordance with the terms of the Agreement. The funds in such Special Account may not otherwise be transferred to another account without the prior written consent of Koniag.

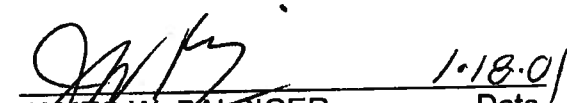
PROVIDED FURTHER, that the funds provided above represent the only amounts under this resolution due to Koniag which are to be funded from the joint federal-State funds.


Adopted this 16th day of January, 2001, in Anchorage, Alaska.


 1/22/01
DAVE GIBBONS Date
Trustee Representative
Alaska Region
USDA Forest Service

 1/18/01
CRAIG TILLERY Date
Assistant Attorney General
State of Alaska

 1/18/01
DAVID B. ALLEN Date
Trustee Representative
Director, Alaska Region
U.S. Fish and Wildlife Service
U.S. Department of the Interior

 1-18-01
JAMES W. BALSIGER Date
Director, Alaska Region
National Marine Fisheries Service

 1-22-01
FRANK RUE Date
Commissioner
Alaska Department of
Fish and Game

 1/18/01
MICHELE BROWN Date
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

June 23, 2010

Chaired by: Craig Tillery

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 9:35 a.m., June 23, 2010 in Anchorage at the EVOS Conference Room.

1. Approval of the Agenda

APPROVED MOTION: Motion to approve the June 23, 2010 agenda

Motion by O'Connor, second by Tillery

2. Approval of May 14, 2010 meeting notes

APPROVED MOTION: Motion to approve the May 14, 2010 meeting notes

Motion by Zemke, 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

There were no Public Advisory Committee (PAC) comments.

Public comment opened at 9:40 a.m.

There were no public comments offered.

3. Science Management Services Contract

APPROVED MOTION: Motion to approve Resolution 10-08 authorizing the Executive Director to enter into a contract for Science Management Services July 1, 2010 through September 30, 2011 with Catherine Boerner of Natura Consulting in the amount of \$119,332 which includes nine percent General Administration (GA). The remaining amount in the FFY 2010 Administrative Budget devoted to Catherine's FFY 2010 salary is no longer to be used for that purpose. Project management fees are not applicable to this contract.

Motion by O'Connor, second by Zemke

4. Habitat – Capjohn parcel KAP 3002

APPROVED MOTION: Motion to approve Resolution 10-11 reauthorization of funds in the amount of \$192,000 authorized for the purchase of the Capjohn parcel KAP 3002. Authorization shall terminate if a purchase agreement is not executed by June 30, 2011.

Motion by Tillery, second by O'Connor

5. Habitat - Leisnoi

APPROVED MOTION: Motion to approve Resolution 10-12 authorizing expenditure of \$43,600 which includes nine percent General Administration (GA) from FFY 2010 funds 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.
Authorization of the approved funding shall
terminate if not executed by September 30, 2011.

Motion by Tillery, second by Elton

6. Habitat – Coal Creek Moorage Subdivision KEN 3006

APPROVED MOTION: Motion to approve Resolution 10-13 authorizing expenditure of \$100,000 for the State of Alaska to purchase all of the Seller's rights and interests in small parcel KEN 3006 comprised of Lots 4 and 5, Block 1 of Coal Creek Moorage Subdivision. Authorization of the approved funding shall terminate if the purchase agreement is not executed by July 31, 2011.

Motion by O'Connor, second by Tillery

7. Draft Integrated Herring Restoration Program

APPROVED MOTION: Motion to approve releasing the Draft Integrated Herring Restoration Program (IHRP) for public comment after incorporating comments from the Alaska Department of Fish and Game

Motion by Lloyd, second by Zemke

8. Project 070836-B Amendment, Boufadel, Factors

APPROVED MOTION: Motion to approve Boufadel Project 070836-B Amendment requesting additional funds in the amount of \$81,030, which includes nine percent General Administration (GA). NOAA waives the project management fees.

Motion by O'Connor, second by Zemke

9. Adjourn

Motion to adjourn by O'Connor

Off the record 11:35 a.m.