

MICHAEL C. GERAGHTY
ATTORNEY GENERAL

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Attorneys for the State of Alaska

**UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA**

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

The United States and the State of Alaska (“the Governments”) jointly provide this notice of their expenditure of \$789,942 from the Exxon Valdez Oil Spill Investment Fund (“Investment Fund”). This expenditure consists of \$497,746 from the Research Sub-Account of the Investment Fund and \$292,466 from the Habitat Sub-Account of the 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 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 fifty-first expenditure of \$497,746 from the Research Sub-Account to authorize \$14,388 to fund the Alaska Resources Library and Information Services EVOS Trustee Council Document Digitizing Project, Phase I;² and to authorize \$483,088 in additional funds for Project 13120116-Am2.21.3, Marine Debris

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 February 21, 2013 meeting in Resolution 13-01. Resolution 13-01 is appended to this Notice as Attachment A, pp. 4-10.

Removal, Tsunami Debris Amendment.³ The Governments also provide notice of the expenditure of \$292,466 from the Habitat Sub-Account to authorize \$7,600 to fund due diligence activities for purchase of Small Parcel KAP 3000 (Torsen);⁴ and to authorize \$284,866 to be used by the Great Land Trust to facilitate the acquisition of lands and interests in lands pursuant to the EVOS Trustee Council's Habitat Program.⁵ Of the \$789,942 that is the subject of this Notice, \$292,466 will be provided to the United States and \$497,476 will be provided to the State of Alaska.

The Trustee Council has met once since the Governments' filing on September 28, 2012 of their Fiftieth Joint Notice of Expenditures. The Governments will submit the meeting notes for the February 21, 2013 meeting once they have been approved by the Trustee Council. The meeting notes for the Trustee Council's September 14, 2012 meeting are appended to this Notice at Attachment B.

³ The Trustee Council unanimously authorized these funds at its February 21, 2013 meeting in Resolution 13-04. Resolution 13-04 is appended to this Notice as Attachment A, pp. 11-17.

⁴ The Trustee Council unanimously authorized these funds at its February 21, 2013 meeting in Resolution 13-02. Resolution 13-02 is appended to this Notice as Attachment A, pp. 18-31.

⁵ The Trustee Council unanimously authorized these funds at its February 21, 2013 meeting in Resolution 13-03. Resolution 13-03 is appended to this Notice as Attachment A, pp. 32-39.

RESPECTFULLY SUBMITTED this 18th day of March, 2013 at Anchorage,
Alaska.

FOR THE STATE OF ALASKA

MICHAEL C. GERAGHTY
ATTORNEY GENERAL

By: /s/ JENNIFER L. SCHORR
Assistant Attorney General
State of Alaska
Department of Law
1031 West Fourth Avenue, Suite 200
Anchorage, Alaska 99501-1994
Telephone: (907) 269-5274
Facsimile: (907) 278-7022
Email: jennifer.schorr@alaska.gov
Alaska Bar #0811082

FOR THE UNITED STATES

/s/ ERIKA M. ZIMMERMAN (consent)
Trial Attorney
Environmental Enforcement Section
Environment & Natural Resources Division
United States Department of Justice
c/o NOAA/Damage Assessment
7600 Sand Point Way, NE
Seattle, Washington 98115
Telephone: (206) 526-6608
Facsimile: (907) 526-6665
Email: Erika.Zimmerman@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18th day of March, 2013, a copy of the foregoing FIFTY-FIRST 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 Fourth 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
Christine O'Sullivan 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
Erika M. Zimmerman U.S. Department of Justice c/o NOAA/Damage Assessment 7600 Sand Point Way NE Seattle, WA 98115		

/s/Jennifer L. Schorr, AAG

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

SEAN PARNELL, GOVERNOR

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

March 14, 2013

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 \$789,942 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). This expenditure consists of \$497,476 from the Research Sub-Account and \$292,466 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: \$497,467 from the Research Sub-Account
Beneficiary: State of Alaska
Account: GeFONSI 33070, Account 22177
Name: Exxon Valdez Settlement Account

United States

Amount: \$292,466 from the Habitat Sub-Account

Beneficiary

account: 14X5198
name: Natural Resource Damage Assessment and Restoration Fund

 Printed on Recycled Paper

ATTACHMENT A

Page 1 of 39

Mr. Gary Bader
Treasury Division, Department of Revenue

Page 2
March 14, 2013

(NRDAR)

Beneficiary

account: 14010001
name: Department of the Interior
Financial Management Services National Business Center

Beneficiary Bank

account: 021030004
name: Treasury, NYC

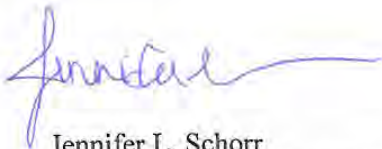
OBI Text

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

Beneficiary Reference

A91-082Civil

This transfer should take place when most financially advantageous, preferably on or before March 27, 2013. If you have any questions, please call Elise Hsieh at (907) 265-9330.



Jennifer L. Schorr
Assistant Attorney General
State of Alaska

Sincerely,



Erika M. Zimmerman
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*
Christine O'Sullivan, Alaska Department of Fish and Game, *via email*
Barbara Mason, Alaska Department of Fish and Game, *via email*
Carol Petraborg, Alaska Department of Fish and Game, *via email*
Bronze Ickes, Alaska Department of Revenue, *via email*
Bob Mitchell, Alaska Department of Revenue, *via email*
Bruce Nesslage, Department of the Interior, *via email*

ATTACHMENT A

Page 2 of 39

Mr. Gary Bader
Treasury Division, Department of Revenue

Page 3
March 14, 2013

Cherri Womac, *Exxon Valdez* Oil Spill Trustee Council Restoration Office, *via*
email

Linda Kilbourne, *Exxon Valdez* Oil Spill Trustee Council Restoration Office, *via*
email

**RESOLUTION 13-01 OF THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
REGARDING THE ALASKA RESOURCES LIBRARY AND INFORMATION
SERVICES (ARLIS)
EVOSTC DOCUMENT DIGITIZING PROJECT PHASE I**

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 \$14,388, which includes 9% General Administration costs, for FY 2013 to fund the EVOSTC Document Digitizing Project Proposal Phase I: Restoration Planning Work Group Administrative Record and Restoration Plan Final Environmental Impact Statement Administrative Record, dated January 22, 2013.

The funds are to be distributed according to the following schedule:

Alaska Department of Fish and Game	\$14,388
TOTAL APPROVED TO STATE OF ALASKA – FY 2013	\$14,388

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 \$14,388 for the EVOSTC Document Digitizing Project from the appropriate account(s) designated by the Executive Director.

/// /// ///

Approved by the Council at its meeting of February 21, 2013, held in Anchorage, Alaska,
as affirmed by our signatures affixed below.



TERRI MARCERON
Forest Supervisor
Chugach National Forest
U.S. Department of Agriculture

MICHAEL C. GERAGHTY
Attorney General
Alaska Department of Law

PAT POURCHOT
Special Assistant to the Secretary of the
Interior for Alaska Affairs
Office of the Secretary
U.S. Department of the Interior

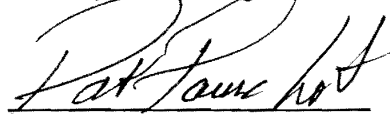
JAMES BALSIGER
Administrator, Alaska Region
National Marine Fisheries Service
U.S. Department of Commerce

CORA CAMPBELL
Commissioner
Alaska Department of Fish and Game

LARRY HARTIG
Commissioner
Alaska Department of Environmental
Conservation

Approved by the Council at its meeting of February 21, 2013, held in Anchorage, Alaska,
as affirmed by our signatures affixed below.

TERRI MARCERON
Forest Supervisor
Chugach National Forest
U.S. Department of Agriculture



PAT POURCHOT
Special Assistant to the Secretary of the
Interior for Alaska Affairs
Office of the Secretary
U.S. Department of the Interior

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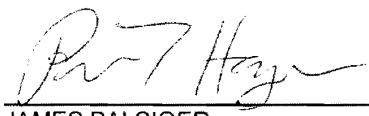
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U.S. Department of the Interior

for 

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

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**RESOLUTION 13-04 OF THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
REGARDING PROJECT 13120116-AM2.21.13
GoAK EVOSTC MARINE DEBRIS REMOVAL**

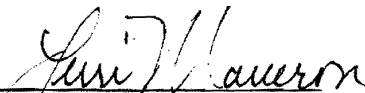
We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council (Council) do hereby certify that, in accordance with the Memorandum of Agreement and Consent Decree entered as settlement of United States of America v. State of Alaska, No. A91-081 Civil, U.S. District Court 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 Fiscal Year 2013 for Project 13120116-Am2.21.13 by Pallister for Gulf of Alaska Keeper (GoAK) EVOSTC Marine Debris Removal, Tsunami Debris Amendment, dated December 19, 2012. The total amount of approved funding is \$483,088, which includes 9% General Administration (GA) costs.

The monies are to be distributed according to the following schedule:

Alaska Department of Fish and Game	\$483,088
TOTAL APPROVED TO STATE OF ALASKA	\$483,088

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 above-mentioned project the amount of \$483,088 from the appropriate account(s) designated by the Executive Director. Funds must be spent as noted above, 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) the 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 Council's data and reporting requirements before any project funds may be expended.

Approved by the Council at its meeting of February 21, 2013, held in Anchorage, Alaska,
as affirmed by our signatures affixed below:



TERRI MARCERON
Forest Supervisor
Chugach National Forest
U.S. Department of Agriculture

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Alaska Department of Law

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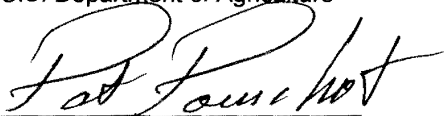
JAMES BALSIGER
Administrator, Alaska Region
National Marine Fisheries Service
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CORA CAMPBELL
Commissioner
Alaska Department of Fish and Game

LARRY HARTIG
Commissioner
Alaska Department of Environmental
Conservation

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Forest Supervisor
Chugach National Forest
U.S. Department of Agriculture



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Special Assistant to the Secretary of the
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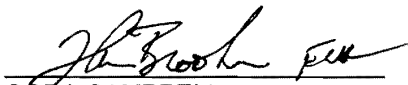
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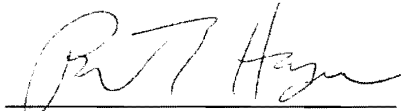
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U.S. Department of Agriculture

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U.S. Department of the Interior

For 

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

CORA CAMPBELL
Commissioner
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LARRY HARTIG
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U.S. Department of Commerce

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Alaska Department of Fish and Game



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Alaska Department of Environmental
Conservation

**RESOLUTION 13-02 OF THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
REGARDING SMALL PARCEL KAP 3000 (TORSEN)**

We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council (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 as follows:

1. The owner of small parcel KAP 3000 (Torsen or Seller) Lot 1 U.S. Survey 13916, as described in Attachment A, has indicated an interest in selling this small parcel.

2. KAP 3000 has attributes that, if it is 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.

3. 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 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 laws and regulations to protect resources, scientists and other resources 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.

4. There has been widespread public support within Alaska, as well as on a national basis, for the acquisition of lands within the oil spill area.

5. The purchase of small parcel KAP 3000 is an appropriate means to restore a portion of the injured resources and services in the oil spill area.

6. Acquisition of the parcel is consistent with the Final Restoration Plan.

THEREFORE, we authorize the transfer of \$107,600 to the United States Fish and Wildlife Service: \$7,600 to conduct due diligence activities and up to \$100,000 to purchase all of the Seller's rights and interests in small parcel KAP 3000, as described in Attachment A. The purchase of this small parcel is subject to the following conditions:

- a. The fair market value of the parcel as established by an appraisal satisfactory to the State of Alaska and United States must fall within the range of \$60,000 - \$100,000;
- b. Authorization for the purchase of this small parcel shall terminate if a purchase agreement is not executed by February 21, 2015;
- c. A title search satisfactory to the State of Alaska and the United States will be completed, and the Seller shall be willing and able to convey fee simple title by warranty deed;
- d. No timber harvesting, road development or any alteration of the land will be initiated on KAP 3000 prior to the purchase of this parcel without the express written agreement of the State of Alaska and the United States;
- e. A hazardous materials survey satisfactory to the State of Alaska and United States will be completed;

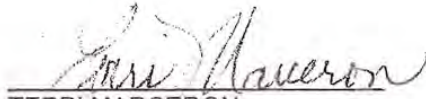
- f. An appropriate federal agency will undertake any necessary environmental compliance measures;
- g. Purchase of the parcel is otherwise consistent with any other applicable federal requirements; and
- h. A conservation easement on parcel KAP 3000 will be conveyed to the State of Alaska that is satisfactory to the United States and the State of Alaska Departments of Law and Natural Resources. It is the intent of the Council that the conservation easement will provide:
 - 1. that any development on parcel KAP 3000 shall be of limited impact and consistent with the goals of restoration; and
 - 2. 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 Council.

The funds authorized above are to be distributed as follows:

U.S. Fish and Wildlife Service	\$107,600
TOTAL APPROVED TO UNITED STATES	\$107,600

By unanimous consent, we hereby 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 to make available \$107,600, for the purposes noted above, from the appropriate account(s) designated by the Executive Director.

Approved by the Council at its meeting of February 21, 2013 held in Anchorage,
Alaska, as affirmed by our signatures affixed below.



TERRI MARCERON
Forest Supervisor
Chugach National Forest
U.S. Department of Agriculture

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Attorney General
Alaska Department of Law

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Special Assistant to the Secretary of the
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Office of the Secretary
U.S. Department of the Interior

JAMES BALSIGER
Administrator, Alaska Region
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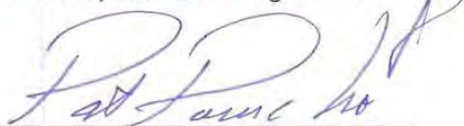
CORA CAMPBELL
Commissioner
Alaska Department of Fish and Game

LARRY HARTIG
Commissioner
Alaska Department of Environmental
Conservation

Attachment A - Restoration Benefits Report and Maps for Torsen Parcel, Shasta Creek,
Kodiak

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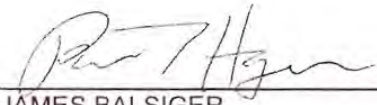
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Attachment A - Restoration Benefits Report and Maps for Torsen Parcel, Shasta Creek, Kodiak

Torsen Parcel, Shasta Creek, Kodiak

Owner: Ernest Torsen
Physical Location: This parcel is located on Shasta Creek, a tributary of the Karluk River, Kodiak Island, Alaska.
Acreage: 87.99 acres
Brief Description: Native Allotment on Shasta Creek
Agency Sponsor: U.S. Fish and Wildlife Service
Appraised Value:

Parcel Description. This parcel, aka Lot 1, U.S. Survey 13916, is a Native allotment comprising 87.99 acres granted to Mr. Torsen by the Bureau of Land Management (BLM). It is located on Shasta Creek a tributary to the Karluk River on Kodiak Island, Alaska. The parcel is located in Section 28, T. 30 S., R. 31 W. of the Seward Meridian. It is bounded by BLM lands to the east, west and south and Koniag lands to the north. Originally this parcel was BLM land. Lands were conveyed to Mr. Torsen under provisions of the Alaska Native Veterans Allotment Act. The parcel is in a natural condition at this time. The parcel is composed of a low tundra mountain which slopes into Shasta Creek.

The Torsen Native allotment was nominated under the *Exxon Valdez* Oil Spill Trustee Council (Council) Small Parcel program in July of 2011 and has been under consideration by the U.S. Fish and Wildlife Service (Service) for several years. This nomination was deferred from Council consideration until approximately 2,082 acres of federal lands managed by the BLM that surround the allotment could be incorporated into the Kodiak National Wildlife Refuge (Refuge), consolidating land ownership. The BLM has recently concurred with the Service's proposal, pursuant to Alaska National Interest Land Conservation Act Section 103(b), to make a minor adjustment to the Refuge boundary that formally incorporates these lands in to the Refuge. Acquisition of the Torsen Native allotment would complete the consolidation of these lands under a single management regime to facilitate the preservation and effective management of water quality, fish and wildlife habitats in this area.

Linkage to Restoration:

Restoration Benefits.

Shasta Creek is a main tributary of the Karluk River, Kodiak's largest river. The Karluk River supports one of only two freshwater king fisheries on Kodiak Island. The king fishery has seriously declined over the past 20 years to the point that sport fish opportunities, once a significant activity on the river, are almost non-existent. The reasons for the decline of the run have not been identified and maybe a result of several factors including bycatch from off shore fisheries, ocean warming and lack of primary food sources. King salmon on Kodiak Island rely on Pacific Herring as a primary food source. Pacific Herring are also known to spawn in the nearshore waters of the Karluk

Page 1 of 2

River Lagoon. The 2010 Injured Resources & Services Update (adopted in May 2010) by the Council lists Pacific Herring as "not recovered". The Karluk drainage is also known to provide critical winter feeding habitat for pigeon guillemots, a species also listed as "not recovered" in the 2010 Injured Resources & Services Update. Acquisition of the Torsen parcel would help support recovery of these injured resources. Shasta Creek is also used by resident Dolly Varden.

The area also supports recreational use by kayakers, nature viewers, fishers, birdwatchers and hikers, particularly those floating down the Karluk River, which Shasta Creek flows into. Shasta Creek is one of the designated campsites on the Karluk River downstream of the Kodiak National Wildlife Refuge. So anyone floating the Karluk River and staying at the campsite would likely notice development on the Torsen parcel.

Potential Threats.

Under private ownership, uses that would be incompatible with Kodiak Refuge management are allowable. Such uses include subdivision, development, limited timber cutting, and denial of public use and access. These uses would change the character of the land and would adversely affect natural resources and visitor experiences.

Proposed Management.

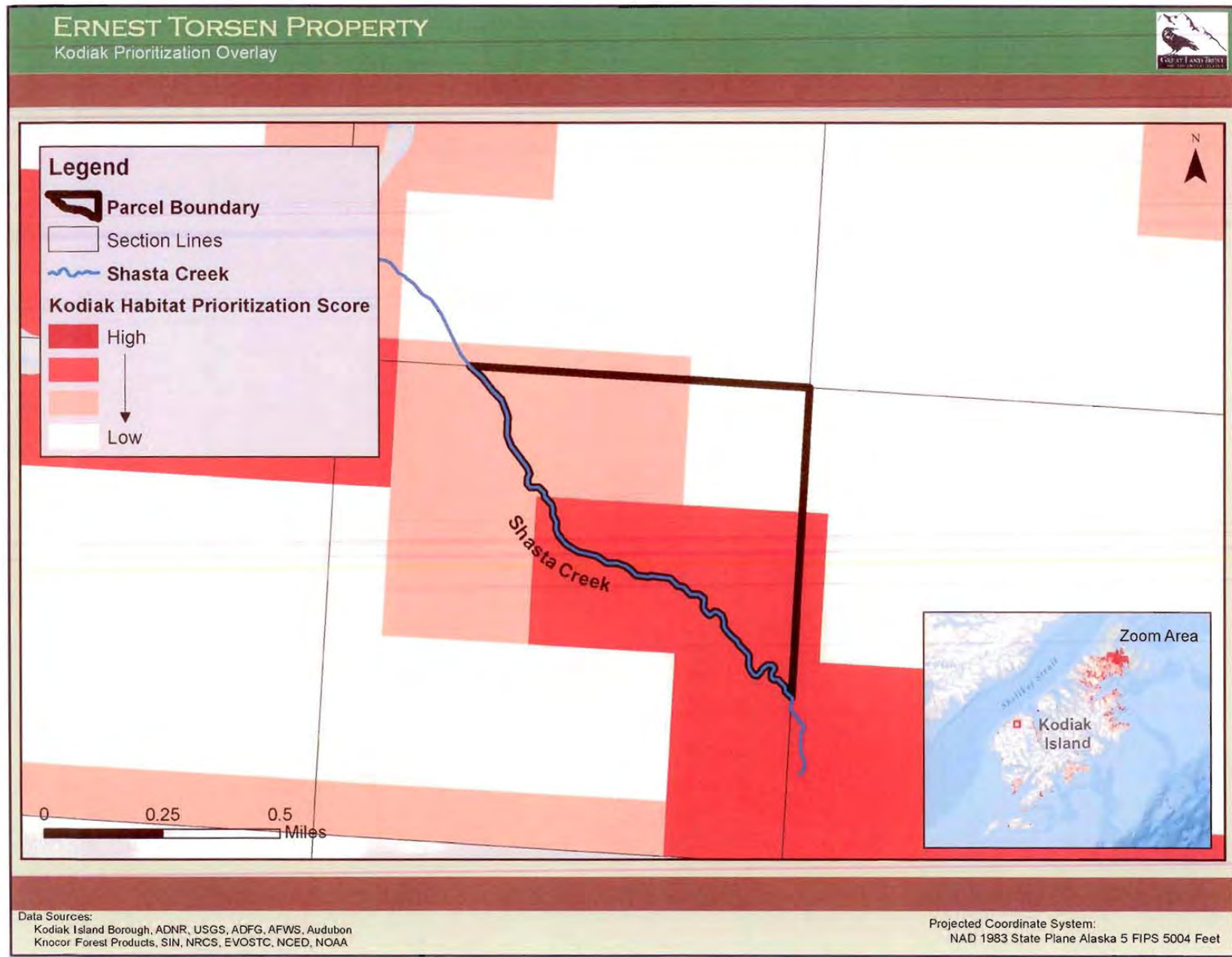
Upon acquisition, this parcel will be managed by the Kodiak Refuge consistent with applicable federal laws and policy.

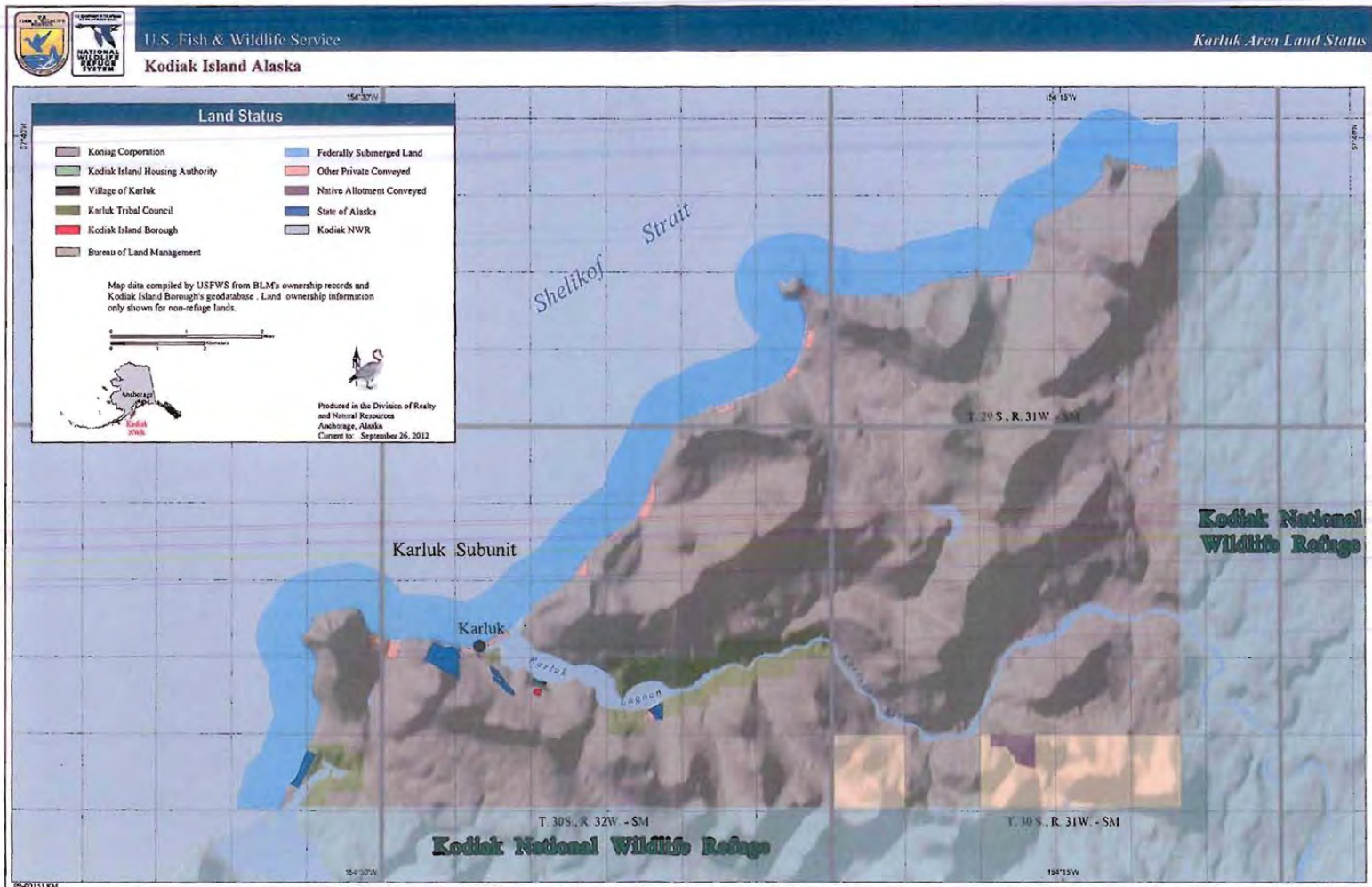
Request.

Torsen Funding and Conditional-Purchase Authorization Request: The Service requests due diligence (appraisal, appraisal review, environmental reviews, and title work) funding in the amount of \$7,600. In addition, the Service requests that the Council conditionally authorize the purchase of this parcel:

- a. if the estimated fair market value falls within the bracketed value of \$60,000 - \$100,000; and
- b. due diligence reports are acceptable to ADNR and ADOL; and
- c. provided that the Council Executive Director, ADNR and ADOL find that it is in best interest of the Council to move forward with acquisition of the parcel.

The authorization would be valid for a two-year period.





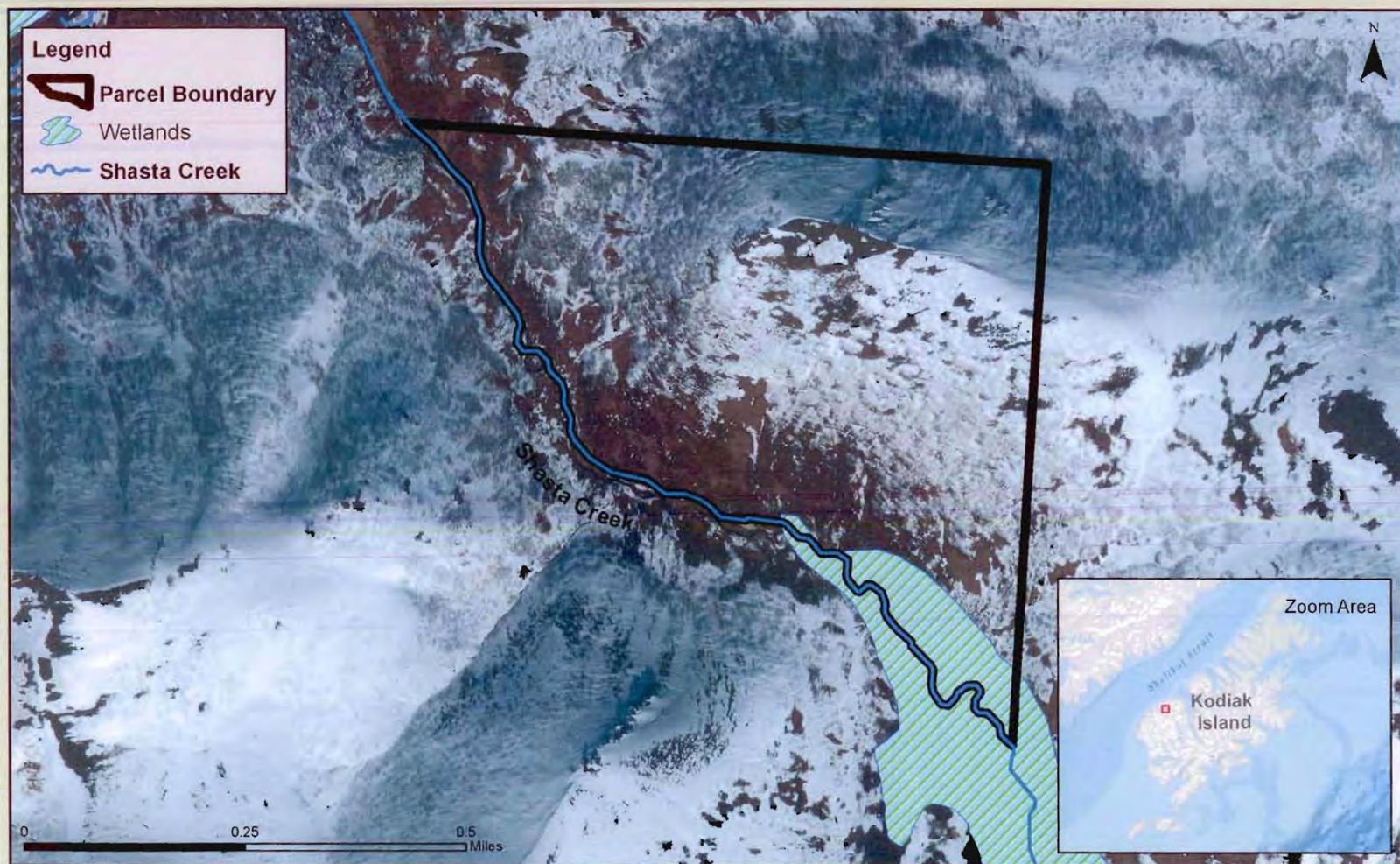
ERNEST TORSEN PROPERTY

Aerial Photograph and Features



Legend

-  Parcel Boundary
-  Wetlands
-  Shasta Creek



Data Sources:

Kodiak Island Borough, ADNIR, USGS, ADFG, AFWS, Audubon
Knocor Forest Products, SIN, NRCS, EVOSTC, NCED, NOAA

Projected Coordinate System:
NAD 1983 State Plane Alaska 5 FIPS 5004 Feet

**RESOLUTION 13-03 OF THE *EXXON VALDEZ* OIL SPILL TRUSTEE COUNCIL
REGARDING A CONTRACT WITH THE
GREAT LAND TRUST FOR HABITAT PROTECTION**

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

1. The Council seeks to increase the capacity of its existing, established habitat program;
2. Private, non-profit organizations can bring certain efficiencies to a habitat protection program, such as responding more quickly than government to opportunities for acquisition of priority lands and leveraging resources by attracting matching funds; and
3. The Great Land Trust (GLT) is a private, non-profit organization which has substantial experience in negotiating land acquisition packages in Alaska, which experience demonstrates an ability to facilitate the Council's existing habitat program. GLT has expressed interest in implementing a collaborative habitat program on behalf of the Council.

THEREFORE, we, the undersigned, duly authorized members of the 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 \$284,866, which includes 9% General Administration (GA), to fund the Great Land Trust EVOS Funding Proposal, dated December 13, 2012 (Proposal).

The monies are to be distributed according to the following schedule:

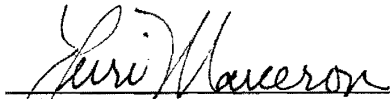
U.S. Fish and Wildlife Service (includes 9% GA)	\$284,866
TOTAL APPROVED TO UNITED STATES	\$284,866

Funds shall be spent in accordance with the following conditions:

1. The funds are to be used by GLT, as described in the Proposal, to facilitate the acquisition of lands and interests in lands (e.g., fee title, conservation easements, mineral rights, timber rights) important to the conservation and protection of marine and coastal resources, ecosystems, and habitats in order to aid in the overall recovery of, and to enhance the long-term health and viability of, those resources injured by the *Exxon Valdez* oil spill and the spill-area ecosystems;
2. GLT shall pursue parcels only from willing sellers and the sellers shall complete the relevant Council nomination form;
3. GLT shall pursue protection, including identification, appraisal, commitments and approvals, of any specific parcel only after consultation and agreement by the entities that would own or manage the interests in the parcel and with the U.S. Fish and Wildlife Service (USFWS), Alaska Department of Natural Resources (ADNR), and the Alaska Department of Law (ADOL);
4. GLT shall ensure that any entity which would own or manage the interests in the parcel, as well as USFWS, ADNR, and ADOL, shall review and approve all conveyance documents and required actions, such as determining the required appraisal instructions, environmental reviews and site visits;
5. GLT shall submit quarterly reports to ADNR, ADOL and the EVOSTC Executive Director in addition to the reports it submits to the USFWS, as per the USFWS reporting schedule, and shall ensure the reports convey the information needed by USFWS, ADNR, ADOL and EVOSTC.
6. GLT shall acquire parcels only after unanimous approval of the Council; the approval process shall include reasonable and adequate public notice about the proposed acquisition and an opportunity for public comment.

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 \$284,866 for the Contract with GLT from the appropriate account(s) designated by the Executive Director.

Approved by the Council at its meeting of February 21, 2013 held in Anchorage,
Alaska, as affirmed by our signatures affixed below.



TERRI MARCERON
Forest Supervisor
Chugach National Forest
U.S. Department of Agriculture

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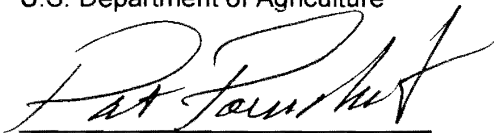
JAMES BALSIGER
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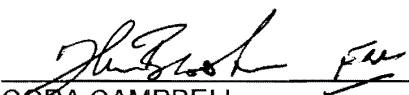
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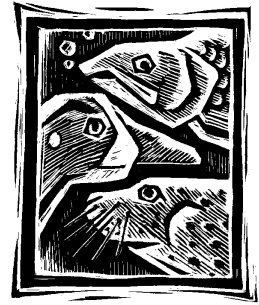
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Exxon Valdez Oil Spill Trustee Council

4210 University Drive • Anchorage, AK 99508-4626 • 907 278 8012 • fax 907 276 7178



TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska

September 14, 2012

Chaired by: Larry Hartig
Trustee Council Member

Trustee Council Members Present:

Steven Zemke, USFS *
Kim Elton, USDO
James Balsiger, NOAA

Jennifer Schorr, ADOL ***
Tom Brookover, ADF&G **
• Larry Hartig, ADEC

- Chair
- * Steven Zemke alternate for USFS
- ** Tom Brookover alternate for Cora Campbell
- *** Jennifer Schorr alternate for Michael Geraghty

The meeting convened by at 9:30 a.m., September 14, 2012 in Anchorage at the Glenn Olds Hall Conference Room, 4210 University Drive.

1. Approval of the Agenda

APPROVED MOTION: Motion to approve the September 14, 2012 agenda with verbal amendments.

No objections to the agenda as proposed.

2. Approval of March 27, 2012 meeting notes

APPROVED MOTION: Motion to approve the March 27, 2012 meeting notes.

Motion by Elton, second by Zemke

ATTACHMENT B

Page 1 of 5

Executive Session

APPROVED MOTION: Motion to go into Executive Session to discuss specifics and process of the Koniag extension, no action will be taken in Executive Session

Motion by Schorr, second by Balsiger

Off the record 10:15 a.m.
Executive Session
On the record 11:10 a.m.

Public Comment: **none offered**

3. Shift in Council funding cycle

APPROVED MOTION: Motion to approve shifting the Trustee Council's annual funding cycle from the federal fiscal year to the February 1 through January 31 cycle.

Motion by Zemke, second by Balsiger

4. Reporting and Financial Policies

APPROVED MOTION: Motion to adopt the revised Reporting Policies dated June 14, 2012 and that we adopt the revised Financial Policies dated June 19, 2012.

Motion by Elton, second by Schorr

5. Investment Policy

APPROVED MOTION: Motion to adopt the revised Investment Policy dated September 13, 2012.

Motion by Zemke, second by Brookover

6. Asset Allocation

APPROVED MOTION: Motion to approve the following Asset Allocation for the period October 1, 2012 through January 31, 2014: Domestic Equities 47 percent, plus or minus 7 percent; International Equities 23 percent, plus or minus 7 percent; and Domestic Bonds 30 percent, plus or minus 5 percent.

Motion by Schorr, second by Elton

Off the record 12:00 p.m.
On the record 1:00 p.m.

7. Public Advisory Committee

APPROVED MOTION:

Motion to approve the selection of the following individuals to the U.S. Secretary of Interior for appointment to October 1, 2012 to September 30th, 2014 term of the EVOS Trustee Council Public Advisory Committee: For aquaculture/mariculture, Gary Fandrei; public-at-large, Emilie Springer; commercial fishing, Steve Aberle; recreational users, Stacy Studebaker; commercial tourism, Amanda Bauer; science and technical, John French; conservation/environmental, Kate McLaughlin; sport hunting and fishing, Kurt Eilo; Native landowner, David Totemoff; subsistence, Patience Anderson Faulkner.

Motion by Balsiger, second by Zemke

Public comment opened at 2:00 p.m.

One public comment offered.

Public Comment closed at 2:05 p.m.

8. Koniag Conservation Easement

APPROVED MOTION:

Motion to direct the Council staff and legal counsel to take necessary actions to amend the Koniag conservation easement and related agreements, an amendment to provide Koniag the ability to unilaterally terminate the conservation easement and related agreements. Notice must be given by Koniag within 30 days after the next regularly scheduled Council meeting with the termination effective 30 days after notification of the termination. If Koniag terminates the conservation easement and related agreements, the annual payment for 2013 would be reduced on a pro rata basis.

Motion by Brookover, second by Balsiger

9. Annual Program Development and Implementation Budget (APDI)

APPROVED MOTION:

Motion to approve \$2,025,279 funding for the Annual Program Development and Implementation budget, October 1, 2012 through January 31, 2014, project 13130100, revised as of August 21, 2012. This funding amount includes General Administration (GA).

Motion by Elton, second by Balsiger

Off the record
On the record

10. FY 2013 Work Plan

Non-Program Continuing Project Amendment

APPROVED MOTION: Motion to approve funding \$31,000 for Irvine Project Amendment 11100112B. Funding is authorized for October 1, 2012 – January 31, 2013. The funding amount includes General Administration (GA).

Motion by Balsiger, second by Schorr

Long-Term Monitoring Program

APPROVED MOTION: Motion to approve \$2,614, 026 for the Long-Term Monitoring Program, 13120114. Funding is authorized for February 1, 2013 – January 31, 2014. This funding amount includes General Administration (GA).

Motion by Balsiger, second by Zemke

Herring Program

APPROVED MOTION: Motion to approve funding of \$1,240,529 for Long-Term Herring Program 13120111, February 1, 2013 through January 31, 2014.

Motion by Elton, second by Balsiger

Non-Program Continuing Projects

APPROVED MOTION: Motion to approve funding of \$2,350,609 for the non-program continuing projects identified in Attachment B: FY 2013 Work Plan Funding Summary revised as of September 13, 2012. Funding is authorized for October 1, 2012 – September 30, 2013, with the exception of Anderson Project 12120115 and Pallister Project 12120116, funding is authorized for October 1, 2012 – January 31, 2014. The funding amount includes General Administration (GA).

Motion by Brookover, second by Schorr

Executive Session

APPROVED MOTION:

Motion to go into executive session to discuss personnel matters.

Motion by Zemke, second by Elton

Off record
Executive Session
On record

11. Adjourn

Motion to adjourn

Motion by Elton, second by Schorr

Adjourn 3:00 p.m.