

**EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
GENERAL OPERATING PROCEDURES**

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TRUSTEE COUNCIL

1. ***Basic Governing Procedures.*** The current edition of Roberts Rules of Order will govern the Trustee Council. All provisions of these rules of order will apply to Trustee Council deliberations unless the Trustee Council unanimously decides to proceed differently.
2. ***Trustee Council Membership.*** The following officials act on behalf of the public as trustees: the Attorney General of the State of Alaska; the Commissioner of the Alaska Department of Environmental Conservation; the Commissioner of the Alaska Department of Fish and Game; the Secretary of the United States Department of Agriculture; the Secretary of the United States Department of the Interior; and the Administrator of the National Oceanic and Atmospheric Administration, United States Department of Commerce. Each Trustee may designate a representative to serve on the Trustee Council. Any such designation shall be in writing and the designation shall be maintained in the official record. In the event a Trustee Council member is precluded from attending a meeting or must be excused during a meeting, an alternate may exercise voting privileges on behalf of the Trustee Council member. Alternates shall be designated in writing and the designation shall be maintained in the official record or an alternate may be identified at the meeting and so stated for the record.
3. ***Quorum.*** A quorum of two-thirds (2/3) of the total Trustee Council membership including at least two state members and two federal members shall be required to convene a meeting. All decisions shall be made by unanimous agreement of the six Trustee Council members, their designee or their alternate, except that a quorum may approve the agenda, take public testimony and adjourn a meeting.
4. ***Chair.*** The Trustee Council shall designate a chair to preside at each meeting. The chair shall alternate meeting-to-meeting between the state and federal trustee members. The chair may participate in discussion and debate at the meetings and shall vote on all questions before the Trustee Council.
5. ***Trustee Council Action.*** All matters before the Trustee Council which require a vote, make a recommendation, approve or disapprove an item, or otherwise render a decision shall require the unanimous agreement of the six Trustee Council members, their designee or their alternate. All actions by the Trustee Council shall be taken at duly convened meetings except as provided in Section 10, Emergency Action.
6. ***Recusal.*** In the event a Trustee Council member believes he or she must recuse himself or herself from voting, the Trustee Council member may request the decision be deferred until a designated alternate is available to vote.
7. ***Meetings.*** Meetings shall be held at times and locations determined by the Trustee Council. The Executive Director shall, to the maximum extent possible, provide a

proposed agenda and appropriate briefing materials to the Trustee Council members at least 10 days in advance of the meeting. All materials from the public or from agency personnel for inclusion on that meeting's agenda shall be turned into the Executive Director at least 15 days before the meeting. It is a priority for the Trustee Council to have all materials in advance of the meeting. An exception to this requirement may be allowed by the Executive Director where the information is not available 15 days before the meeting.

8. ***Executive Sessions.*** Executive sessions shall be kept to a minimum and shall be used only for discussion of matters concerning confidential personnel issues, litigation or legal advice, habitat acquisition negotiations, confidential archaeological information, confidential fisheries information or other matters included under AS 37.14.430, AS 44.62.310 (c) or other applicable State or Federal laws.
9. ***Minutes of Trustee Council Meetings.*** All meetings shall be recorded electronically or by a court reporter, and said records shall, along with the written, approved meeting notes, constitute the official record of the Trustee Council's actions.
10. ***Emergency Action.*** In the event of an emergency requiring Trustee Council action before a meeting can be held in accordance with the procedures described herein, the Executive Director shall poll the Trustee Council and take action by unanimous agreement. Any decisions of the Trustee Council shall be reflected in the official record of the Trustee Council along with justification regarding the need to take emergency action. In addition, any emergency action taken shall be ratified at the next meeting of the Trustee Council.

ORGANIZATIONAL STRUCTURE

1. ***General.*** Pursuant to the agreement between the State of Alaska and the United States, the Trustee Council has created the position of Executive Director to manage the day-to-day administrative functions of the Trustee Council and the overall restoration program.
2. ***Trustee Council Office.*** Under supervision of the Executive Director, the Trustee Council Office is responsible for: (1) facilitating communication between the federal and state governments the Trustee Council members, the Science Panel, the Public Advisory Committee, and any Trustee Council-funded programs; (2) maintaining the official record of the Trustee Council's actions; (3) soliciting project proposals and administering the proposal process, including supporting the Science Panel and any additional subcommittees and working groups that are formed to advise on the scientific development of the program; (4) preparing and analyzing financial and project status information; (5) developing and implementing procedures to achieve the goals and objectives of the Trustee Council; (6) performing and/or overseeing special and ongoing projects; and (7) public outreach and public participation. For the purposes of this document, "project" includes any Trustee Council-funded programs.
3. ***Trustee Agencies.*** Under supervision of the agency's Trustee Council member, each

Trustee agency is responsible for administrative oversight of projects funded to or through their agencies. This oversight shall include (1) ensuring that the procedures described herein, and the appropriate state or federal procedures, are followed, including compliance with the National Environmental Policy Act and (2) ensuring that projects funded meet their stated objectives and schedules, and are accomplished consistent with the funds authorized.

PROPOSAL SOLICITATION AND REVIEW

1. ***Invitation.*** Upon the decision by the Trustee Council to issue an invitation, the public, private sector, non-profit groups, and government agencies will be invited to submit proposals for funding based on identified restoration priorities and needs.
2. ***Review.*** Proposals are subject to policy, content, budget, legal and peer review, and may also receive recommendations by independent scientists, the Science Panel, Agency Staff, and the Public Advisory Committee. A draft work plan, including funding recommendations from Trustee Council designees, will be available for public review and comment.
 - a. ***Non-Distribution Agreement/Confidentiality Statement.*** Project proposals received in response to an invitation issued by the Trustee Council are closely held within the review process until Trustee Council approval is complete, at which time funded proposals are released to the public. The Science Panel may review the project proposals and make recommendations to the Executive Director as a part of the funding process. Members of the Public Advisory Committee (PAC) and other Trustee Council designees may also be asked to review the project proposals. A non-distribution agreement and confidentiality statement will be signed by each reviewer. The reviewer will agree not to distribute the project proposals to others, nor discuss them with anyone that has not been approved by the Executive Director. The agreement does not preclude the reviewer from discussing the project proposal with an individual or group that has been established as part of the review process for that proposal by the Executive Director: an example of such a group may be the Science Panel.
 - b. ***Conflict of Interest Statement.*** Anyone reviewing full proposals will be asked to sign a statement that disavows any financial conflict of interest between themselves and the funding decisions of the Trustee Council.
3. ***Approval.*** Based on recommendations received during the review processes and as presented within the draft work plan, the Executive Director shall make a recommendation to the Trustee Council on which proposals should be funded. The Trustee Council, in open session, shall review the Executive Director's recommendation. The Trustee Council may make changes to the proposals or include terms and conditions of funding as the Trustee Council deems appropriate. Upon unanimous approval, the recommendation shall be adopted by the Trustee Council.

4. **Multi-Year Projects.** For multi-year projects, the Executive Director's recommendation shall include the number of years of funding to be provided for each project. Multi-year funded projects are reviewed and approved annually by the Trustee Council.

HABITAT PROTECTION AND ACQUISITION

1. **General.** Habitat Protection and Acquisition is an important means of restoring injured resources and the services that are dependent upon those resources. Habitat Protection and Acquisition may include the purchase of lands or interests in land such as conservation easements, mineral rights, or timber rights.
2. **Parcel Nomination.** Only those parcels nominated by a willing seller shall be considered for purchase. The Executive Director shall prepare and maintain written procedures regarding nomination of parcels.
3. **Parcel Evaluation.** Nominated parcels shall be evaluated based on their importance 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 oil spill and the spill area ecosystem.
4. **Terms and Conditions.** By unanimous agreement of the six Trustees, their designee or their alternate, a resolution shall be adopted authorizing the purchase of land or ownership rights. The resolution shall set forth the terms and conditions appropriate for the identified parcel(s).
5. **Title and Management.** The title of any lands or ownership rights shall be specified in the resolution adopted by the Trustee Council. All land acquired shall be managed in accordance with the terms and conditions of the Trustee Council.
6. **Public Review and Comment.** Prior to final Trustee Council action, reasonable public notice shall be given and the public shall be provided an opportunity to comment.

PUBLIC PARTICIPATION

1. **General.** The Trustee Council recognizes that public participation in the restoration program is an integral part of the process. To that end, the public is invited to review, comment on and participate in the development and implementation of the restoration program.
2. **Exxon Valdez Oil Spill Public Advisory Committee.** By order of the District Court for the District of Alaska, the Public Advisory Committee is to advise the Trustees, appointed to administer the fund established in settlement of United States v. Exxon Corporation, Civil Action No. A91-082, and State of Alaska v. Exxon Corporation, Civil Action No. 091-083, both in the United States District Court for the District of Alaska, in all matters described in Paragraph V.A.1 of the MOA referenced above. The overall

procedures for the Public Advisory Committee are contained in a Charter unanimously approved by the Trustee Council and signed by the Secretary of the United States Department of the Interior. The Public Advisory Committee consists of members recommended by the Trustee Council and appointed by the Secretary of the United States Department of the Interior.

3. **Public Notice.** Reasonable public notice shall be given for all meetings of the Trustee Council. The notice shall include, when possible, publication in one or more newspapers of general circulation in the following communities: Anchorage, Cordova, Homer, Juneau, Kenai, Kodiak, Seward, and Valdez. To the maximum extent possible, reasonable public notice shall also be provided to other communities within the spill area. The public notice shall identify the purpose of the meeting and include a reasonable opportunity for public comment.
4. **Access to Information.** Except where documents are confidential under state or federal law, the public shall have access to the official record of the Trustee Council's actions and information regarding proposed or completed projects or other activities funded by the Trustee Council. A public version of the official record is available at ARLIS.