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**UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA**

STATE OF ALASKA,	)	
	)	
Plaintiff,	)	No. 3:91-CV-0083 (HRH)
	)	
v.	)	
	)	<b>SEVENTY-THIRD</b>
	)	<b>JOINT NOTICE OF</b>
EXXON CORPORATION, and EXXON	)	<b>EXPENDITURES FROM</b>
SHIPPING COMPANY,	)	<b>THE INVESTMENT</b>
	)	<b>FUND</b>
Defendants.	)	
_____	)	

The United States and the State of Alaska (“the Governments”) jointly provide this notice (“Notice”) of their expenditure of \$327,000 from the Exxon Valdez Oil Spill Investment Fund (“Investment Fund”). The Governments’ natural resource trustee agencies will use these funds for purposes consistent with the Memorandum of Agreement and Consent Decree entered by this Court in *United States v. State of Alaska*, No. A91-081 CIV (D. Alaska), on August 28, 1991 (“MOA”).

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

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

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.<sup>2</sup>

The Governments provide Notice of this seventy-third expenditure in the amount of \$327,000 from the Research Sub-Account for the Kenai River Flats portion of the State Parks Riverbank Restoration and Protection project – Project Number 17170116.<sup>3</sup>

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<sup>1</sup> The Koniag Sub-Account has been terminated. The funds previously held in that sub-account were transferred to the Habitat Sub-Account on March 14, 2014. *See Fifty-Fifth Joint Notice of Expenditures from the Investment Fund*. Dkt. No. 349.

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

<sup>3</sup> The Trustee Council unanimously authorized this expenditure at its November 3, 2016 meeting in Resolution 16-02. *Sixty-Third Joint Notice of Expenditures from the Investment Fund*, Att. A, Dkt. No. 475-1, pp. 3-11. The expenditure was reauthorized by the Trustee Council at its meetings on November 14, 2017 and October 17, 2018 in Resolutions 17-03 and 18-03. *Sixty-Eighth Joint Notice of Expenditures from the Investment Fund*, Att. A, Dkt. No. 388-1, pp. 5-13; *Seventy-first Joint Notice of Expenditures from the Investment Fund*, Att. A, Dkt. No. 392-1, pp. 4-13. The funding for this expenditure is being released at this time following the award of a federal grant for partial funding for the project. *See Attachment A*, pp. 3-4.

The entire amount that is the subject of this Notice will be provided to the State of Alaska.

The Trustee Council has not met since the Governments' filing on April 15, 2019 of their Seventy-Second Joint Notice of Expenditures. The Governments will submit the meeting notes for the Trustee Council's last meeting on October 17, 2018, once they have been approved by the Trustee Council.

RESPECTFULLY SUBMITTED this 5<sup>th</sup> day of June, 2019.

FOR THE STATE OF ALASKA

KEVIN G. CLARKSON  
ATTORNEY GENERAL

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FOR THE UNITED STATES

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Environment & Natural Resources Division  
United States Department of Justice

s/ ERIKA M. WELLS (consent)  
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Environment & Natural Resources Division  
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7600 Sand Point Way, NE  
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SEVENTY-THIRD JOINT NOTICE OF EXPENDITURES  
FROM THE INVESTMENT FUND  
(Case 3:91-CV-0082 (HRH))

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 5<sup>th</sup> day of June, 2019, a copy of the foregoing,  
SEVENTY-THIRD JOINT NOTICE OF EXPENDITURES FROM THE INVESTMENT  
FUND, was served by the Court's CM/ECF system upon all persons registered to receive filings  
in this matter.

s/ Steve E. Mulder



**U.S. Department of Justice**

**Environment and Natural Resources Division**

*Environmental Enforcement Section  
7600 Sand Point Way NE  
Seattle, Washington 98115*

*Erika M. Wells  
Direct (206) 526-6608  
erika.wells@usdoj.gov*

June 4, 2019

Mr. Bob Mitchell  
State Investment Officer  
Treasury Division, Dept. of Revenue  
P.O. Box 110405  
Juneau, AK 99811-0405

Re: *Exxon Valdez* Oil Spill Investment Fund

Dear Mr. Mitchell:

The *Exxon Valdez* Trustee Council has unanimously determined to expend \$327,000 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). Of this expenditure, the entire amount is from the Research Sub-Account.

Under the terms of the Reimbursable Services Agreement between the Alaska Department of Fish and Game and the Alaska Department of Revenue, please transfer the following amounts from cash held in the *Exxon Valdez* Oil Spill Investment Fund to the accounts described below:

**State of Alaska**

Amount: \$327,000 from the Research Sub-Account

Beneficiary: State of Alaska  
Account: ADF&G IRIS Fund 3386  
Name: Exxon Valdez Settlement Account

This transfer should take place when most financially advantageous, preferably on or before June 15, 2019. If you have any questions, please email Elise Hsieh at [elise.hsieh@alaska.gov](mailto:elise.hsieh@alaska.gov).

Mr. Bob Mitchell  
Treasury Division, Department of Revenue

June 4, 2019



Steven E. Mulder  
Chief Assistant Attorney General  
Environmental Section  
State of Alaska  
Department of Law

Sincerely,



Erika M. Wells  
Trial Attorney  
Environmental Enforcement Section  
Environment & Natural Resources Division  
U.S. Department of Justice  
United States of America

cc: Jennifer L. Schorr, Alaska Department of Law, *via email*  
Rae Mosier, Alaska Department of Fish and Game, *via email*  
Jesyca Ellenbecker, Alaska Department of Fish and Game, *via email*  
Samantha Gatton, Alaska Department of Fish and Game, *via email*  
Bronze Ickes, Alaska Department of Revenue, *via email*  
Jesse Blackwell, Alaska Department of Revenue, *via email*  
Bruce Nessler, Department of the Interior, *via email*  
Elizabeth Gobeski, U.S. Department of the Interior, Solicitor's Office, *via email*  
Peter Hagen, U.S. Department of Commerce – NOAA, *via email*  
Jo Hinck, U.S. Department of the Interior-USGS, *via email*  
Veronica Varela, U.S. Department of the Interior, Fish & Wildlife Service, *via email*  
Cherri Womac, Exxon Valdez Oil Spill Trustee Council Restoration Office, *via email*  
Linda Kilbourne, Exxon Valdez Oil Spill Trustee Council Restoration Office, *via email*



**From:** [Hsieh, Elise M \(EVOSTC\)](#)  
**To:** [Miranda, Rys B \(DNR\)](#)  
**Cc:** [Adams, Lauri \(EVOSTC sponsored\)](#); [Gease, Ricky John \(DNR\)](#); [Blackwell, Jack D \(DNR\)](#); [Richie, Melissa A \(DNR\)](#); [Kilbourne, Linda L \(EVOSTC\)](#)  
**Subject:** Re: TAP Award Notification  
**Date:** Tuesday, May 14, 2019 8:57:53 AM

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Thank you Rys! We are pleased to hear it and will be in touch regarding funding transfer.

Best,

Elise

On May 14, 2019, at 8:48 AM, Miranda, Rys B (DNR) <[rys.miranda@alaska.gov](mailto:rys.miranda@alaska.gov)> wrote:

Good morning Elise and Lauri.

I'm pleased to announce that DOT&PF has awarded funding in the amount of \$1,149,320 for our Kenai River Flats Facility Improvements project under the Alaska Transportation Alternatives Program (ATAP). The required match for the grant is the \$300,000, plus \$27,000 for GA, reauthorized by the EVOSTC under Resolution 18-03 (Project Number 17170116). We will draw those funds at the beginning of FY2020 to advance the project.

Thank you for your support on this project and please call me if you have any questions.

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**From:** Moulton, Marcheta A (DOT)  
**Sent:** Monday, May 13, 2019 3:38 PM  
**To:** Miranda, Rys B (DNR) <[rys.miranda@alaska.gov](mailto:rys.miranda@alaska.gov)>  
**Cc:** Bilon, Joselyn (DOT) <[joselyn.bilon@alaska.gov](mailto:joselyn.bilon@alaska.gov)>; Vanhove, Todd E (DOT) <[todd.vanhove@alaska.gov](mailto:todd.vanhove@alaska.gov)>  
**Subject:** TAP Award Notification

Dear Rys Miranda, P.E.  
Chief, DNR, Parks Design and Construction

*Congratulations!*

On behalf of The Department of Transportation and Public Facilities (DOT&PF) and the Transportation Alternatives Project Evaluation Board, I am pleased to inform you that your project nomination has been accepted for award.

**Project title:** Kenai River Flats Facility Improvements  
Construct an elevated, light-penetrating walkway along the banks of the Kenai River for ADA complaint access to the edges of the Kenai River. Install interpretive signage.

**Federal Award:** \$1,149,320.00  
**Committed Match** \$ 287,330.00  
**Your total project cost:** \$ 1,436,650.00

Next steps:

- Prepare the Project Memorandum of Agreement detailing match and maintenance commitments. This agreement will need to be signed and match funds provided (by phase) before the project can begin.

Please expect to hear from Jocelyn Biloan, your Regional Planner to complete the Project Agreement within the next few weeks.

Your DOT&PF lead contact for this project will be:

Joselyn Biloan, Central Region Planner  
907-269-0508  
[Joselyn.biloan@alaska.gov](mailto:Joselyn.biloan@alaska.gov)

Sincerely,  
Marcheta Moulton  
Small Federal Programs Manager  
DOT&PF, Program Development  
907-465-8769

“The cure for anything is salt water: sweat, tears or the sea”.  
Isak Denesen  
“May the peace of the wilderness be with you”  
Unknown

<EVOS Project 17170116 Reauthorization 2018-12-07.pdf>