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ATTORNEY GENERAL

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**UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA**

STATE OF ALASKA,	)	
	)	
Plaintiff,	)	No. 3:91-CV-0083 (HRH)
	)	
v.	)	<b>SEVENTY-SEVENTH</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 \$2,388,825 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-seventh expenditure in the total amount of \$2,388,825 from Habitat Sub-Account. The expenditure includes \$435,000 for due diligence related to purchase of the Shuey Kenai River parcel (KEN 4010) and \$1,953,825 for the Copper River Watershed Enhancement Project 18180120.<sup>3</sup>

Of the \$2,388,825 that is the subject of this Notice, \$1,942,925 will be provided to the United States and \$445,900 will be provided to the State of Alaska.

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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. 427.

<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.

<sup>3</sup> The Trustee Council unanimously authorized these expenditures at its April 9, 2018 meeting in Resolution 18-01, Dkt. No. 482-1, pages 5-14, and unanimously reauthorized these expenditures at its October 11, 2019 meeting in Resolution 19-02, Dkt. No. 490-1, pages 5-15.

The Governments also provide notice of a correction to their Seventy-Third Joint Notice of Expenditures filed on June 5, 2019. Dkt. No. 486. The Notice incorrectly stated that the \$327,000 for the Kenai River Flats project 17170116 that was the subject of notice was to be expended from the Research Sub-Account, instead the notice should have reported that such funds were to be expended (and have been expended) from the Habitat Sub-Account.

The Trustee Council has met once since the Governments' filing on November 19, 2019 of their Seventy-Sixth Joint Notice of Expenditures. The Governments will submit the meeting notes for the Trustee Council's last meeting on February 28, 2020, once they have been approved by the Trustee Council. The meeting notes for the Trustee Council's meeting on October 11, 2019 are appended to this Notice as Attachment B.

RESPECTFULLY SUBMITTED this 4th day of June, 2020.

FOR THE STATE OF ALASKA

KEVIN G. CLARKSON  
ATTORNEY GENERAL

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Chief Assistant Attorney General  
State of Alaska  
Department of Law  
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SEVENTY-SEVENTH JOINT NOTICE OF EXPENDITURES  
FROM THE INVESTMENT FUND  
(Case 3:91-CV-0083 (HRH))

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FOR THE UNITED STATES

BRUCE S. GELBER  
Deputy Assistant Attorney General  
Environment & Natural Resources Division  
United States Department of Justice

s/ ERIKA M. WELLS  
Senior Counsel, Oregon No. 055004  
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  
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SEVENTY-SEVENTH JOINT NOTICE OF EXPENDITURES  
FROM THE INVESTMENT FUND  
(Case 3:91-CV-0083 (HRH))

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 4th day of June, 2020, a copy of the foregoing, SEVENTY-SEVENTH 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/ Steven Mulder

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

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THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

1031 West Fourth Avenue, Suite 200  
Anchorage, AK 99501  
Main: (907) 269-5100  
Fax: (907) 276-3697

June 1, 2020

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; AGO No. AN2012103697

Dear Mr. Mitchell:

The *Exxon Valdez* Trustee Council has unanimously determined to expend \$2,388,825 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 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:

**United States**

Amount: \$1,942,945 from the Habitat Sub-Account

Beneficiary

Account: 14X5198  
Name: Natural Resource Damage Assessment and Restoration Fund  
(NRDAR)

Beneficiary

Account: 14010001  
Name: Department of the Interior  
Financial Management Services National Business Center

Beneficiary Bank

Account: 021030004

Name: Treasury, NYC

OBI Text  
Natural Resource Damage Assessment Restoration Fund 14X5198  
EVOS Exxon Valdez, Civil Settlement

***Beneficiary Reference***

A91-082Civil

**State of Alaska**

Amount: \$445,900 from the Habitat 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 18, 2020. If you have any questions, please email Elise Hsieh at [elise.hsieh@alaska.gov](mailto:elise.hsieh@alaska.gov).

Sincerely,

/s Steven Mulder

/s Erika M. Wells

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

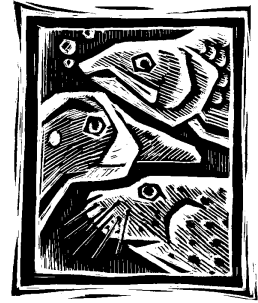
Erika M. Wells  
Trial Attorney  
Environmental Enforcement Section  
Environment & Natural Resources Division  
U.S. Department of Justice  
United States of America

cc: Rae Mosier, Alaska Department of Fish and Game, *via email*  
Jesyca Ellenbecker, Alaska Department of Fish and Game, *via email*  
Zachary Hanna, Alaska Department of Revenue, *via email*  
Jesse Blackwell, Alaska Department of Revenue, *via email*  
Bruce Nesslage, 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*



# 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**

**October 11, 2019**

Chaired by: Jason Brune  
Trustee Council Member

Trustee Council Members Present:

David E. Schmid, USFS  
Stephen Wackowski, USDOJ  
James Balsiger, NMFS

Emma Pokon, ADOL \*  
Doug Vincent-Lang, ADF&G  
•Jason Brune, ADEC

- Chair
- \* Emma Pokon alternate for Kevin G. Clarkson

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The meeting convened at 10:09 a.m., October 11, 2019 in Ed Rasmuson Hall, 2<sup>nd</sup> Floor of the Atwood Center, Alaska Pacific University Campus, 4455 University Drive, Anchorage.

1. Approval of the October 11, 2019 meeting agenda

APPROVED MOTION: Motion to approve the draft October 11, 2018 meeting agenda dated September 30, 2019.

Motion by Vincent-Lang, second by Wackowski

2. Approval of October 17, 2018 meeting notes

APPROVED MOTION: Motion to approve the draft October 17, 2019 Trustee Council meeting notes dated November 6, 2018.

Motion by Wackowski, second by Pokon

3. Approval of the Investment Fund Annual Asset Allocation

APPROVED MOTION: Motion to adopt the following Asset Allocation for the period encompassing February 1, 2020 through January 31, 2021:

ASSET ALLOCATION

<i>Research Sub-Account</i>	%	± %		<i>Habitat Sub-Account</i>	%	± %
Domestic Equities	32	7		Domestic Equities	29	7
International Equities	21	7		International Equities	20	7
Fixed Income	47	5		Fixed Income	51	5
Cash Equivalents	0	10		Cash Equivalents	0	10

Motion by Vincent-Lang, second by Schmid

Public Comment: **Nine public comments were offered.**

4. Approval of FY20 EVOSTC Annual Budget, Project 20200100

APPROVED MOTION: Motion to approve \$2,350,622, which includes GA, for funding of the FY20 EVOSTC Annual Budget Project 20200100, budget dated September 9, 2019 for FY20, except where noted within the Annual Budget to begin November 1, 2019.

Motion by Vincent-Lang, second by Balsiger

5. Approval of Long-Term EVOSTC Science Programs

**Long-Term Monitoring Program: Long-Term Monitoring of Marine Conditions and Injured Resources and Services (Gulf Watch Alaska – GWA), Project 20200114**

APPROVED MOTION: Motion to approve funding of \$2,778,400, which is the recommendation from the Science Panel and the Science Coordinator, which includes GA, for FY20 funding of the Long-Term Monitoring of Marine

Conditions and Injured Resources and Services Project 20120114, proposal dated August 16, 2019, excluding the new July survey component in project 20120114-M Kuletz & Kaler.

Motion by Vincent-Lang, second by Schmid

**PWS Herring Research and Monitoring Program: Herring Research and Monitoring, Project 20120111**

APPROVED MOTION: Motion to approve funding of \$1,817,200, which includes GA, for FY20 funding of the Herring Research and Monitoring Project 20120111 proposal, dated August 23, 2019, excluding project 2017011-D Gorman. Those are the recommended funding levels from the Science Panel and Science Director.

Motion by Vincent-Lang, second by Balsiger

**Data Management for Programs and Projects, Project 20120113**

APPROVED MOTION: Motion to approve funding of up to \$290,100, which includes GA, for FY20 funding of the Data Management for Programs and Projects, Project 20120113, proposal dated September 27, 2019. This amount may be reduced as appropriate for the number of projects to be included in the Data Program and as determined by the EVOSTC Science Coordinator.

Motion by Vincent-Lang, second by Pokon

6. Approval of Non-Program Science Projects

**Pigeon Guillemot Restoration Research in Prince William Sound, Project 20110853**

APPROVED MOTION: Motion to approve funding of \$69,514, which includes GA, for FY20 funding of the Pigeon Guillemot Restoration Research in Prince William Sound, Alaska Project 20110853, proposal dated August 16, 2019.

Motion by Vincent-Lang, second by Balsiger

**Ocean Acidification Sampling, Project 20200127**

APPROVED MOTION: Motion to approve funding of \$34,300, which includes GA, for FY20 funding of the Ocean Acidification Sampling, Project 20200127, proposal dated August 16, 2019.

Motion by Vincent-Lang, second by Pokon

**Murrelet, Pigeon Guillemot Status & Trends in Resurrection Bay and nearby fjords, Project 20200128**

APPROVED MOTION: Motion to defer Project 20200128 until the Science Panel and PAC have an opportunity to review it prior to the next Trustee Council meeting.

Motion by Wackowski, second by Vincent-Lang

**Marbled Murrelet Nesting Ecology on Kodiak, Project 20200129**

APPROVED MOTION: Motion to defer Project 20200129 until the Science Panel and PAC have an opportunity to review it prior to the next Trustee Council meeting.

Motion by Wackowski, second by Vincent-Lang

**Status and recovery of Kittlitz's and Marbled Murrelets within an EVOS affected area, Kachemak Bay, Project 20200130**

APPROVED MOTION: Motion to defer Project 20200130 until the Science Panel and PAC have an opportunity to review it prior to the next Trustee Council meeting.

Motion by Wackowski, second by Vincent-Lang

7. Approval of Habitat Enhancement Projects

**Copper River Watershed Enhancement Project 18180120**

APPROVED MOTION: Motion to reauthorize \$3,800,437, which includes GA, for the Copper River Watershed Enhancement Project 18180120, proposal update dated June 2019.

Motion by Schmid, second by Balsiger

**ADNR/DPOR Outreach Project 20180119**

APPROVED MOTION: Motion to defer Project 20180119 until the next Trustee Council meeting.

Motion by Vincent-Lang, second by Pokon

**Kenai Watershed Forum: Stream Watch Program, Project 20180117**

APPROVED MOTION: Motion to defer Project 20180117 until next Trustee Council meeting.

Motion by Vincent-Lang, second by Pokon

**ADNR State Parks Habitat Restoration and Recreational Enhancement Projects, Project 20200134**

APPROVED MOTION: Motion to defer Project 20200134 until next Trustee Council meeting.

Motion by Vincent-Lang, second by Pokon

8. Approval of Habitat Protection Parcels

**KAP 4020 North Kodiak Coast (Ouzinkie Property); KAP 4021 North Kodiak Sharatin Bay (Alaska Mental Health Trust Property); KEN 4017 Ninilchik River/Copper Properties Parcel; and KEN 4019 Kenai River/Stewart's Landing/King Parcel**

APPROVED MOTION: Motion to defer KAP 4020, KAP 4021, KEN 4017 and KEN 4019 until the next Trustee Council meeting.

Motion by Vincent-Lang, second by Schmid

**ADNR Eagle Rock Boat Launch (Bookey Parcel 4018) and Recreational Access Improvement Project 20200135**

**KEN 4018 Bookey Parcel**

APPROVED MOTION: Motion to approve funding as of November 1, 2019 for the purchase of the Bookey parcel, KEN 4018, interests in land at the fair market value established by an approved appraisal and the total cost of which,

including due diligence and closing costs, not to exceed \$2,300,000.

This purchase is further conditioned upon:

1. due diligence reports, which are acceptable to the Alaska Department of Natural Resources, U.S. Department of Interior Solicitor's Office and the Alaska Department of Law; and
2. provided that the EVOSTC Executive Director, in consultation with the Alaska Department of Natural Resources, U.S. Department of Interior Solicitor's Office and Alaska Department of Law, determines that it is in the interest of the Council to move forward with purchase of interests in the Parcel.

Authorization of funding for the purchase of interests in the Parcel shall terminate if a purchase agreement is not executed by May 1, 2021.

Motion by Pokon, second by Vincent-Lang

**ADNR State Parks Eagle Rock Boat Launch and Recreational Access Improvements Project 20200135**

APPROVED MOTION: Motion to approve up to \$6,419,010, which includes GA, for FY20 funding of the ADNR State Parks Eagle Rock Facility Improvements Project on the Bookey Parcel, proposal dated August 16, 2019.

Motion by Wackowski, second by Pokon

9. Alaska SeaLife Center Proposal

APPROVED MOTION: Motion to defer Project 20200131 until the next Trustee Council meeting.

Motion by Vincent-Lang, second by Wackowski

10. Adjourn

Motion to adjourn.

APPROVED MOTION:

Motion to Adjourn

Motion by Wackowski, second by Schmid

Adjourn at 2:44 p.m.