

DRAFT RESOLUTION

**RESOLUTION 20-A OF THE *EXXON VALDEZ* OIL SPILL TRUSTEE COUNCIL
TO AMEND THE RESTORATION PLAN TO ELIMINATE THE ANNUAL
TRUSTEE COUNCIL PUBLIC MEETING AND FUNDING PROCESS AND
CHANGE REPORTING SCHEDULES**

The *Exxon Valdez* Oil Spill Trustee Council ("Trustee Council" or "Council") approved a Restoration Plan in 1994 that sets forth a process for the Council to consider and approve proposed expenditures of the *Exxon Valdez* Oil Spill joint trust funds ("joint trust funds") to restore, replace, enhance, rehabilitate, or acquire the equivalent of natural resources and natural resource services lost or injured as a result of the oil spill. The Restoration Plan was adopted, in part, to implement the requirements of the Consent Decree entered in 1991 resolving the governments' civil claims related to the oil spill ("Consent Decree") and the Memorandum of Agreement and Consent Decree entered in *United States v. State of Alaska*, No. A91-081 CIV (D. Alaska) on August 28, 1991, which include, among other things, requirements for meaningful public participation in the restoration process.

The Restoration Plan describes an annual funding process through which the Council invites proposals from the public for restoration projects that meet the requirements of the Consent Decree and MOA and are consistent with the policies and objectives identified in the Restoration Plan. The Council approves projects at annual Trustee Council meetings that are then included in Trustee Council annual or multi-year work plans for implementing the restoration program. The Restoration Plan also identifies that the Council will provide timely access to restoration information to the public and scientific community and provide annual status reports to the public describing the restoration program and the current condition of injured resources and services.

The Trustees may change the Restoration Plan if the Trustees determine that the plan is no longer responsive to restoration needs. Many, but not all, of the resources and services injured by the spill have now recovered. Given the status of remaining injured resources and services and the nature of anticipated restoration needs, the Council, after having sought public comment on a draft of this Resolution and having considered all public comments received, has determined a change to the Restoration Plan to eliminate the requirement for an annual public meeting and funding process [and to change the schedule of reporting set forth in the plan from an annual status report to ...?] is appropriate. The elimination of an annual meeting to fund projects [and change to the reporting schedule] will allow the Council to focus on overseeing a multi-year plan of approved projects and reduce the administrative burden and expenses for the Council. The Council will schedule a public meeting at any time the Council believes necessary or desirable to address changes to the restoration program or additional restoration needs.

[The Council plans to issue a ten-year invitation for proposals for Fiscal Years 2022-2031, with project proposals to be considered by the Council for funding at a Trustee

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Council public meeting to be held in 2021. The Council will maintain oversight of the projects and expenditures during their implementation [through ... *Add any detail here on continued oversight? Eg, address the PAC or Science Panel involvement?*]. The Council anticipates providing reports to the public regarding the restoration program [*at least ???*].

The District Court for the District of Alaska maintains oversight of the implementation of the Consent Decree. Pursuant to order of the Court, the governments have regularly reported to the Court regarding the Trustee Council's approved annual work plans and all expenditures. The governments would continue to provide the same notice to the Court of any approved multi-year work plan or expenditures.

THEREFORE, BE IT RESOLVED THAT the Council, after having sought public comment on a draft of this Resolution and having considered all public comments received, unanimously agrees to amend the Restoration Plan to eliminate the requirements for an annual Trustee Council public meeting and funding process [and to change the reporting schedule] as set forth herein.

BE IT FURTHER RESOLVED THAT the Executive Director shall amend the Restoration Plan and any other Council documents consistent with this Resolution.

Approved by the Council at its _____ meeting.

[signature/date blocks]