

Exxon Valdez Oil Spill Trustee Council

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TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska

October 14, 2020

Chaired by: Jason Brune
Trustee Council Member

Trustee Council Members Present:

David E. Schmid, USFS
Gregg Renkes, USDOJ
James Balsiger, NOAA/NMFS

Steve Mulder, ADOL **
Doug Vincent-Lang, ADF&G
• Jason Brune, ADEC

- Chair

** Steve Mulder alternate for Acting Attorney General Clyde "Ed" Sniffen, Jr.

The meeting convened at 10:02 a.m., October 14, 2020 using the Zoom conferencing platform.

1. Approval of the October 14, 2020 meeting agenda

APPROVED MOTION: Motion to approve the draft October 14, 2020 meeting agenda dated October 13, 2020.

Motion by Vincent-Lang, second by Balsiger, approved unanimously.

2. Approval of February 28, 2020 meeting notes

APPROVED MOTION: Motion to approve the draft February 28, 2020 Trustee Council meeting notes dated September 3, 2020.

Motion by Vincent-Lang, second by Mulder, approved unanimously.

Federal Trustees

U.S. Department of the Interior
U.S. Department of Agriculture
National Oceanic and Atmospheric Administration

State Trustees

Alaska Department of Fish and Game
Alaska Department of Environmental Conservation
Alaska Department of Law

3. Approval of Annual Investment Fund Asset Allocation

APPROVED MOTION: Motion to adopt the Asset Allocation recommended by the Investment Working Group, Mix Number 4 on page 12 of the Alaska Department of Revenue’s March 31, 2020 presentation for the period of February 1, 2021 through January 31, 2022.

Motion by Vincent-Lang, second by Mulder, approved unanimously.

4. Discussion: Can EVOSTC Funds be Given to an Endowment

The Council heard presentations from the US Department of Justice and Alaska Department of Law and from five individuals representing the Think Tank and discussed the proposal.

Public Comment: **Twelve additional public comments were received.**

5. Discussion: Draft Resolutions A and B: Changing Annual Meeting and Reporting Requirements, and Allowing Multi-Year Funding of Projects

APPROVED MOTION: Motion to initiate a 60-day comment period on draft Resolutions A & B to amend the 1994 Restoration Plan to eliminate the annual meeting and reporting requirements, to establish a new five- or ten-year, multi-year meeting cycle, to allow flexibility for multi-year funding of projects, and to make non-substantive updates to the 1994 Restoration Plan, as appropriate to effectuate these changes.

Motion by Vincent-Lang, second by Mulder, approved unanimously.

6. Discussion: Draft Resolution C: Combining Habitat and Research Accounts

APPROVED MOTION: Motion to initiate a 60-day comment period on draft Resolution C which would approve initiation of the steps to transfer the EVOSTC Trust Funds from the separate Restoration and Habitat sub-accounts into a single account to be used in accordance with the requirements of the Memorandum of Agreement and

Consent Decree entered as settlement of *United States of America v. State of Alaska*, No. A91-081

Motion by Vincent-Lang, second by Mulder, approved unanimously.

7. Discussion: Draft Resolutions D: Changing Spill Area Boundary

APPROVED MOTION: A) Motion to initiate a 60-day comment period on Draft Resolution D to amend the Restoration Plan to incorporate an ecosystem approach to extend the oil spill boundary.

Motion by Schmid, second by Vincent-Lang, approved unanimously.

B) Bering River Coal Fields

Trustee Schmid led a discussion of a proposal for a habitat protection purchase 11,000 acres of coal rights in the Bering River area, outside of the current boundaries of the spill area. No motion was made.

8. Invitation – Focus Areas and Invitation development

APPROVED MOTION: Motion to approve the Draft FY22-31 Ten Year Invitation, dated 10-02-20, and direct publication and the public solicitation of proposals as set forth and described in the Invitation. The Science Director may refine the education and outreach component and make additional non-substantive revisions throughout, as needed before publication.

Motion by Vincent-Lang, second by Mulder, amendment proposed by Balsinger, second by Schmid, to move the mandatory requirement in Item V.A.4, subsection A, “Partner with both Centers of Excellence” to V.B.1, subsection B, stating it as a preference instead of as mandatory. The amendment was approved unanimously, and the motion as amended was then also adopted unanimously.

9. Discussion: Unsolicited Proposals

Public comment was received from the requesters of eight unsolicited proposals listed on the agenda and there was further Trustee discussion of the Think Tank Proposal.

APPROVED MOTION: Motion to approve up to \$500,000 in matching funds for a 50/50 (1:1) match with other funding verified as raised by the Alaska SeaLife Center for its infrastructure proposal, for any of the items within the scope of project 21210130. Funding is approved for 18 months (until May 1, 2022).

Motion by Mulder, second by Balsiger, approved unanimously.

APPROVED MOTION: Motion to encourage the Think Tank lawyers and Department of Justice and Department of Law to sit down and collaboratively discuss their different positions.

Motion by Schmid, second by Renkes.
Motion by Mulder, second by Balsiger, to table the previous Think Tank motion. Approved unanimously.

APPROVED MOTION: Motion by Mulder, second by Balsiger, to accept the Think Tank's June 2020 proposal for an alternative structure consisting of transferring the remaining unencumbered Trust Funds to the Alaska Community Foundation and for the Foundation, as they proposed in their proposal, to make the decisions on how the money is spent in the future. Several individual Trustees expressed opposition to the motion. Motion failed for lack of unanimity.

10. 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 21120114

APPROVED MOTION: Motion to approve funding of \$2,579,500 which includes GA, for FY21 funding of the Long-Term

Monitoring of Marine Conditions and Injured Resources and Services Project 21120114, proposal dated August 15, 2020.

Motion by Vincent-Lang, second by Mulder, approved unanimously.

PWS Herring Research and Monitoring Program: Herring Research and Monitoring, Project 21120111

APPROVED MOTION: Motion to approve funding of \$1,320,700, which includes GA, for FY21 funding of the Herring Research and Monitoring Project 21120111 proposal, dated August 27, 2020, excluding project 2017011-D Gorman.

Motion by Vincent-Lang, second by Mulder, approved unanimously.

Data Management for Programs and Projects, Project 21120113

APPROVED MOTION: Motion to approve funding of \$253,600, which includes GA, for FY21 funding of the Data Management for Programs and Projects, Project 21120113, proposal dated September 30, 2020.

Motion by Vincent-Lang, second by Mulder, approved unanimously.

11. Non-Program Science Projects

Pigeon Guillemot Restoration Research in Prince William Sound, Project 21110853

APPROVED MOTION: Motion to approve funding of \$68,500, which includes GA, for FY21 funding of the Pigeon Guillemot Restoration Research in Prince William Sound, Alaska Project 21110853, proposal dated August 18, 2020.

Motion by Vincent-Lang, second by Mulder, approved unanimously.

Ocean Acidification Sampling, Project 21200127

APPROVED MOTION: Motion to approve funding of \$34,300, which includes GA, for FY21 funding of the Ocean Acidification Sampling, Project 21200127, proposal dated August 18, 2020.

Motion by Vincent-Lang, second by Mulder, approved unanimously.

12. Reauthorization of Habitat Enhancement Projects and Habitat Protection Parcel

APPROVED MOTION: A) Motion to reauthorize funding 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, 2022.

B) Motion to reauthorizing funding of up to \$6,419,010, which includes GA, for FY21 funding of the ADNR State Parks Eagle Rock Facility Improvements

Project 20200135, on the Bookey Parcel, proposal dated August 16, 2019.

Motion by Vincent-Lang, second by Mulder, approved unanimously.

ADNR/DPOR Outreach Project 20180119

APPROVED MOTION: Motion to reauthorize funding of \$49,100, which includes GA, for FY21 funding of the EVOS Outreach and Education Project 20180119, proposal dated August 16, 2019.

Motion by Vincent-Lang, second by Mulder, approved unanimously.

USFWS Geospatial Mapping Project 21210129

APPROVED MOTION: Motion to approve funding of \$1,798,500, which includes GA, for FY21 funding of the Standardized High-Resolution Wetlands and Hydrography Data across the EVOS Region Project 21210129, proposal dated July 7, 2020.

Motion by Vincent-Lang, second by Mulder, approved unanimously.

13. FY21 EVOSTC Annual Budget, Project 21210100

APPROVED MOTION: Motion to approve funding of \$2,004,311 which includes GA, for funding of the FY21 EVOSTC Annual Budget Project 21210100, budget dated August 28, 2020, for FY21, except where noted within the Annual Budget to begin November 1, 2020.

Motion by Mulder, second by Balsiger, approved unanimously.

Closing comments provided by Trustees.

Adjourned to executive session for a personnel matter at 4:15 p.m.