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ATTORNEYS FOR THE UNITED STATES

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	No. 3:91-CV-0082 Civil (HRH)
	)	
v.	)	EIGHTIETH
	)	JOINT NOTICE OF
EXXON CORPORATION, EXXON SHIPPING	)	EXPENDITURES FROM
COMPANY, and EXXON PIPELINE COMPANY,	)	THE INVESTMENT FUND
<u>et al., in personam</u> , and the T/V EXXON VALDEZ,	)	
<u>in rem</u> ,	)	
	)	
Defendants.	)	
_____	)	

The United States and the State of Alaska (“the Governments”) jointly provide this notice (“Notice”) of their expenditure of \$4,000,000 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.¹

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.²

The Governments provide Notice of this eightieth expenditure in the amount of \$4,000,000 from the Research Sub-account. This expenditure is for partial funding for the Prince William Sound Science Center facilities replacement project (Project #19190125).³

¹ 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.

² 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, pages 1-2.

³ The Trustee Council unanimously authorized these expenditures at its October 17, 2018 meeting in Resolution 18-04. *Seventy-Fourth Joint Notice of Expenditures from the Investment Fund*, Attachment A, pages 3-33. Dkt. No. 487-1.

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 January 21, 2021 of their Seventy-Ninth Joint Notice of Expenditures. The Governments will submit the meeting notes for the Trustee Council's last meeting on January 19, 2021, once they have been approved by the Trustee Council.

RESPECTFULLY SUBMITTED this 11th day of February, 2021.

FOR THE UNITED STATES

s/ ERIKA M. WELLS
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Environment & Natural Resources Division
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FOR THE STATE OF ALASKA

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EIGHTIETH JOINT NOTICE OF EXPENDITURES
FROM THE INVESTMENT FUND
(Case 3:91-CV-0082 (HRH))

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of February, 2021, a copy of the foregoing, EIGHTIETH 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/ Erika M. Wells



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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February 9, 2021

Shane Carson and Zachary Hanna
Treasury Division, Alaska Dept. of Revenue
P.O. Box 110405
Juneau, AK 99811-0405

Re: *Exxon Valdez* Oil Spill Investment Fund

Mr. Carson and Mr. Hanna:

The *Exxon Valdez* Trustee Council has unanimously determined to expend \$4,000,000 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). This expenditure is entirely from the Research Sub-Account of the Investment Fund of the State of Alaska, Department of Revenue.

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: \$4,000,000 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 February 17, 2021. If you have any questions, please email Elise Hsieh at elise.hsieh@alaska.gov.

Sincerely,

/s Steven E. 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*
Jessica Hood, Alaska Department of Fish and Game, *via email*
Jesse Blackwell, Alaska Department of Revenue, *via email*
Bruce Nesslage, Department of the Interior, *via email*
Elizabeth Gobeski, Department of the Interior, Solicitor's Office, *via email*
Shawn Carey, NOAA, *via email*
Veronica Varela, DOI-USFWS, *via email*
Jo Hinck, DOI-USGS, *via email*
Hannah Lager, DCCED, *via email*
Jenny McDowell, DCCED, *via email*
Linda Kilbourne, Exxon Valdez Oil Spill Trustee Council Restoration Office, *via email*
Steve Sikes, DOR, *via email*