

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

WILLIAM D. BRIGHTON
Assistant Section Chief
Environmental Enforcement Section

ERIKA M. WELLS
Senior Counsel
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
Telephone: (206) 526-6608
Facsimile: (206) 526-6665
Email: erika.wells@usdoj.gov

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.	)	SEVENTY-NINTH
	)	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 \$3,871,612 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 seventy-ninth expenditure in the total amount of \$3,871,612 from the Habitat Sub-account. The expenditure consists of \$1,846,612 for the Copper River Watershed Enhancement Project (Project 18180120) and \$2,025,000 for the purchase of subsurface estates associated with conserved surface estate lands held by the State of Alaska and the U.S. Fish and Wildlife Service on Kodiak and Afognak islands and nearby small islands.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 1-3.

³ The Trustee Council unanimously authorized these expenditures at its April 9, 2018 meeting in Resolution 18-01. *Sixty-Ninth Joint Notice of Expenditures from the Investment Fund*, SEVENTY-NINTH JOINT NOTICE OF EXPENDITURES FROM THE INVESTMENT FUND (Case 3:91-CV-0082 (HRH))

Of the \$3,871,612 that is the subject of this Notice, \$1,813,858 will be provided to the United States and \$2,057,754 will be provided to the State of Alaska.

The Trustee Council has met once since the Governments' filing on November 24, 2020 of their Seventy-Eighth Joint Notice of Expenditures. The Governments will submit the meeting notes for the Trustee Council's meeting on January 19, 2021, once they have been approved by the Trustee Council. The meeting notes for the Trustee Council's meeting on October 14, 2020 are attached as Attachment B.

RESPECTFULLY SUBMITTED this 21st day of January, 2021.

FOR THE UNITED STATES

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
Telephone: (206) 526-6608
Email: erika.wells@usdoj.gov

FOR THE STATE OF ALASKA

By: s/STEVEN E. MULDER (consent)
Chief Assistant Attorney General
State of Alaska
Department of Law
1031 West Fourth Avenue, Suite 200
Anchorage, Alaska 99501-1994
Telephone: (907) 269-5274
Facsimile: (907) 278-7022

Attachment A, pages 5-14. Dkt. No. 482-1. A description of the Kenai subsurface estates property, KEN 4012, is appended to this Notice as Attachment A, pages 4 - 16.

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

Page 4 of 6

Email: Steve.mulder@alaska.gov
Alaska Bar #8106039

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

Page 5 of 6

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of January, 2021, a copy of the foregoing, SEVENTY-NINTH 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

January 19, 2021

SENT VIA EMAIL

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 \$3,871,612 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 Habitat 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:

United States

Amount: \$1,813,858 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: \$2,057,754 from the Habitat Sub-Account

Beneficiary: State of Alaska
Account: ADF&G IRIS Fund 3291
Name: Exxon Valdez Settlement Account

This transfer should take place when most financially advantageous, preferably on or before January 28, 2021. If you have any questions, please email Elise Hsieh at elise.hsieh@alaska.gov.

Sincerely,

/s Steven E. Mulder

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

/s Erika M. Wells

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*
(dfg.das.evos@alaska.gov)
Jessica Hood, Alaska Department of Fish and Game, *via email*
(dfg.das.evos@alaska.gov)
Jesse Blackwell, Alaska Department of Revenue, *via email*
Bruce Nessler, 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*
Linda Kilbourne, Exxon Valdez Oil Spill Trustee Council Restoration Office, *via email*

Property Name:	Koniag Subsurface: Various parcels on Kodiak, Afognak and nearby small islands
Owner:	Koniag, Inc.
Agency Sponsor:	Proposed for ADNR, USFWS
Appraised Value:	To be determined upon completion of appraisal
Funding Request	\$2,025,000, including due diligence and closing costs
Acreage	Approximately 89,475 acres of subsurface estate
Legal Description	See descriptions below

Overview:

The Koniag Subsurface project proposes to acquire subsurface estate associated with conserved surface estate lands held by the State of Alaska and USFWS on Kodiak and Afognak Islands and nearby small islands from Koniag, Inc. The interests in the surface estate parcels associated with this project were acquired with past *Exxon Valdez* Oil Spill Trustee Council (EVOSTC) funding and/or were acquired with associated conservation funding programs which benefit past EVOSTC-funded projects. The EVOSTC has previously purchased approximately 80,000 acres of subsurface interests through the Habitat Protection Program. Subsurface estates are pursued where the associated surface lands are conserved and to prevent impacts from incompatible activities potentially damaging to surface protected habitat values.

Koniag Inc., is interested in selling subsurface estate under approximately 89,475 acres of past habitat protection projects on Kodiak and Afognak Islands. (Approximately 88,719.58 subsurface acres would go to the State of Alaska and 755.42 acres to the U.S.) The attached maps provide locations of the various parcels. Conserving this subsurface acreage would further benefit many past Trustee Council projects and investments.

Added Benefit to Past EVOS Trustee Council Actions:

This project will benefit past EVOSTC actions by conserving subsurface estate interests in habitat projects previously funded by EVOSTC actions, as described in the chart below.

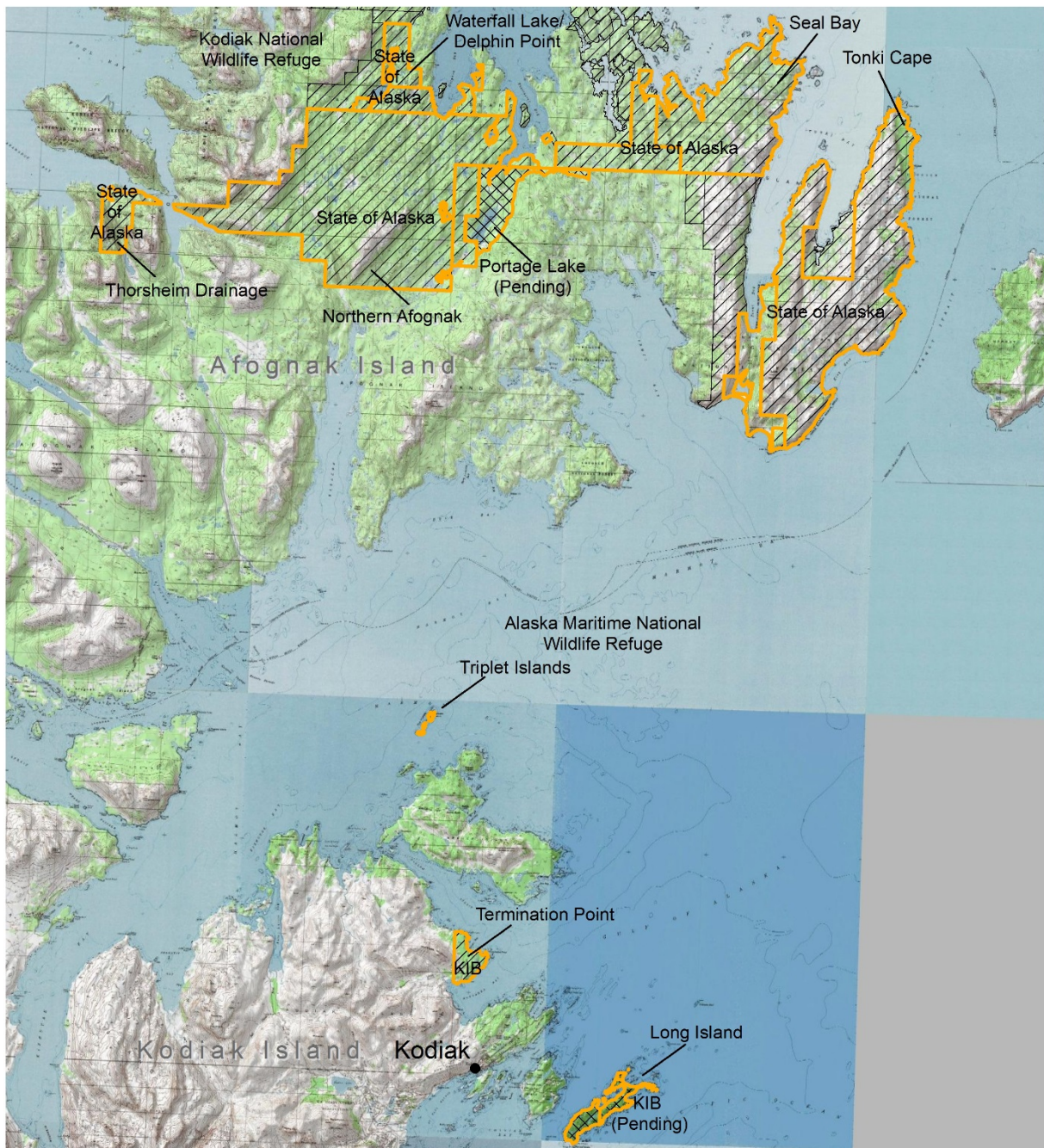
Proposed Management:

Where the associated surface estate interest is held by the State of Alaska or a municipal subdivision, the subsurface interest would be held by the State of Alaska Department of Natural Resources, with a conservation easement to the U.S.

Where the associated surface estate interest is held by the U.S., the subsurface interest would be held by the USFWS, with a conservation easement to the State of Alaska Department of Natural Resources.

Funding Request:

\$2,025,000, including due diligence and closing costs. Final expenditure amount to be determined upon completion of the appraisal. The purchase amount would be adjusted accordingly if any pending surface estate projects do not close.



Koniag Subsurface EVOS Project

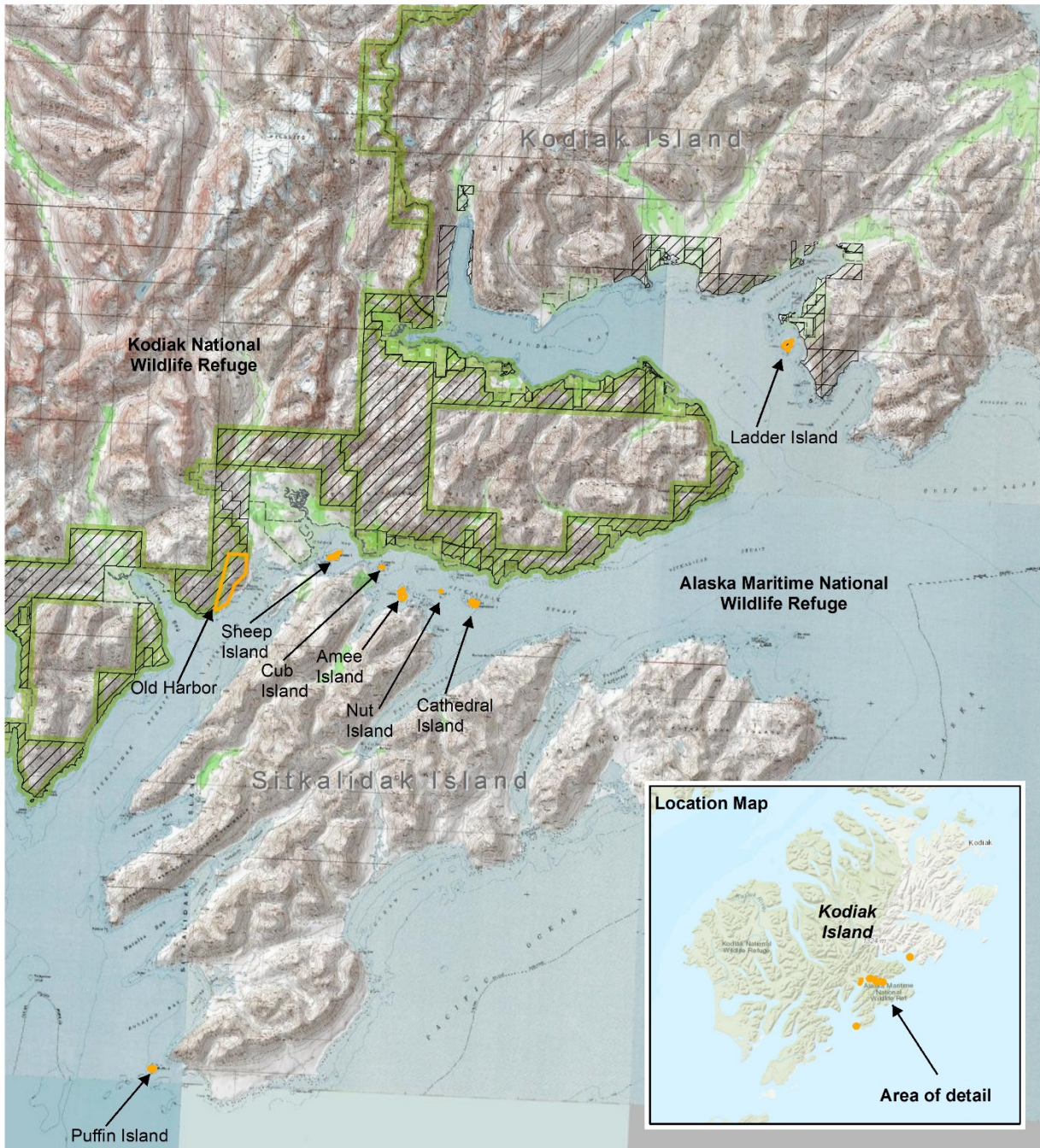
Koniag Subsurface with Conserved or Pending State or Federal Surface
 Past EVOS Action
 Active EVOS project

Approximate Acreage:

Northern Afognak: 36,299; Termination Point: 1,028; Long Island: 1,258; Thorsheim Drainage: 1,953; Portage Lake: 2,880;
 Delphin Point: 3,752; Seal Bay Tonki Cape: 41,549; Triplet Islands: 65

0 5 10 Miles

Great Land Trust
 EVOS Habitat Prioritization



Koniag Subsurface EVOS Project Alaska Maritime Wildlife Refuge Surface Estate

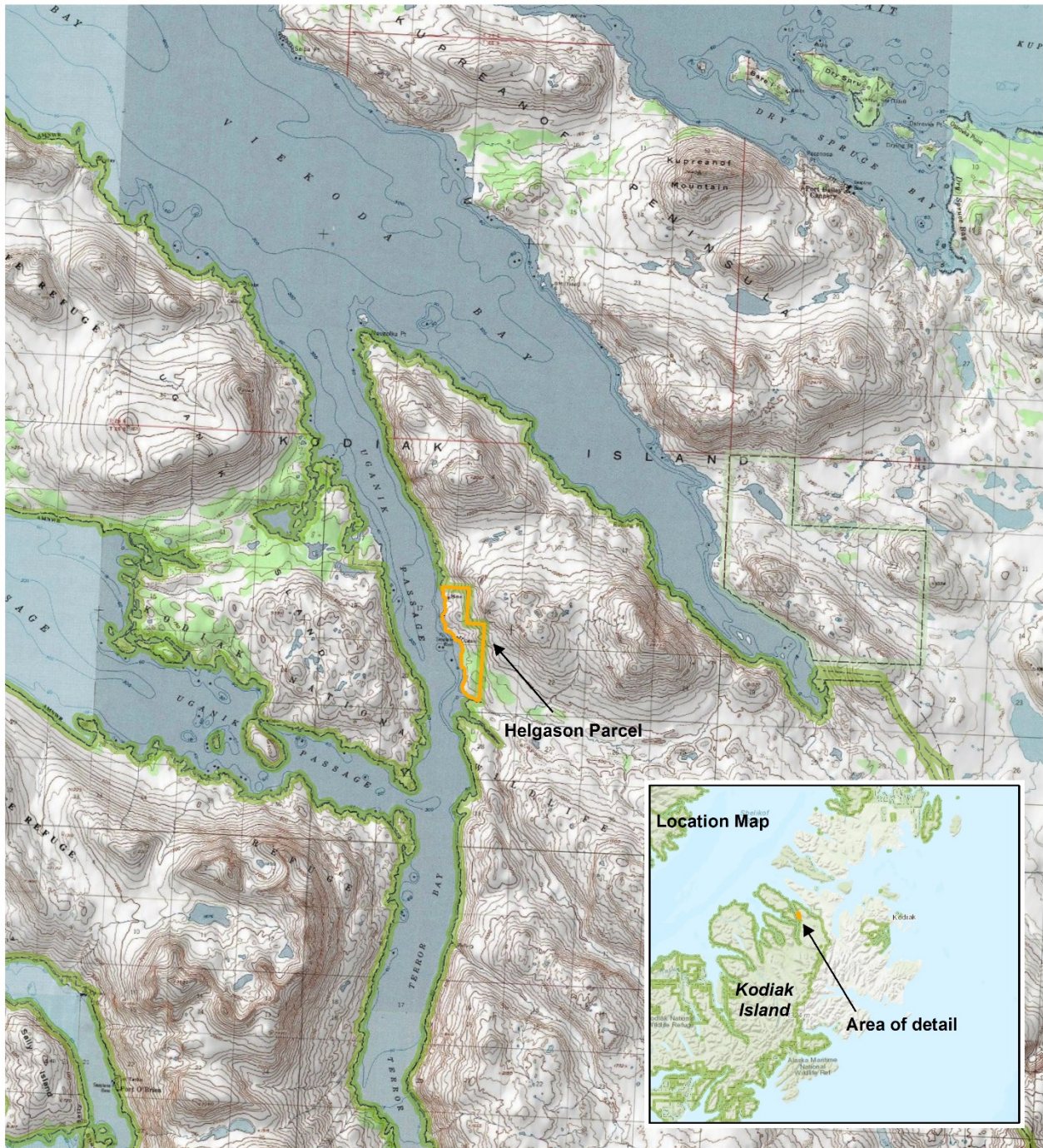
Koniag Subsurface with Conserved Federal Surface
 Past EVOS Action
 Kodiak NWR

Approximate Acreage:

Nut Island 1; Sheep Island 19; Cub Island 5.75; Amee Island 22; Puffin Island 0.92; Ladder Island 31; Cathedral Island 20.75
Old Harbor 440

0 5 10 Miles

Great Land Trust
EVOS Habitat Prioritization



**Koniag Subsurface EVOS Project
Kodiak National Wildlife Refuge Surface Estate**

Koniag Subsurface with Conserved Federal Surface Kodiak NWR

Approximate Acreage:
Helgason Parcel, 150 acres

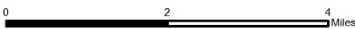


Table 1. Parcel information

Property Name	Acres	Legal Description	Surface Estate owner	Past Trustee Council Resolution
Thorsheim Drainage (2017 EVOSTC Uyak Natives Inc. acquisition)	1,953	Legal Description of Uyak Thorsheim Drainage Property TRACT A and TRACT B OF THE UYAK PARTITION SUBDIVISION, according to the official plat thereof, filed under Plat Number 2006-7 in records of Kodiak Recording District, Third Judicial District, State of Alaska; Located within Township 22 South, Ranges 21 and 22 West, Seward Meridian, Alaska. The acres described aggregate 1952.94 acres.	State of Alaska	EVOSTC Resolution 16-02
Portage Lake (anticipated 2018 EVOSTC-Natives of Kodiak acquisition)	2,880	Legal description TBD based on survey results expected April 2018. Habitat protection project is in progress. Subsurface interest would be acquired if surface estate interest is purchased from NOK.	Proposed for State of Alaska	EVOSTC Resolution 16-02
Termination Point (2016 EVOSTC – Leisnoi Inc. acquisition)	1,028	Legal Description of Leisnoi Termination Point Parcel Tract C, T. 27S., R. 19W., Seward Meridian, Alaska, Kodiak Recording District Containing 1028.00 acres, more or less According to the Supplemental Survey Plat accepted by the United States Department of the Interior Bureau of Land Management in Washington, D.C. on April 11, 1978. Located in the Kodiak Island Borough, Kodiak Recording District, Alaska.	Conservation Easement Kodiak Island Borough/U.S.	EVOSTC Resolution 15-03

Long Island (anticipated 2018 EVOSTC- Leisnoi Inc. acquisition)	1,258.5	Habitat protection project is in progress. Subsurface interest would be acquired if surface estate interest is purchased from Leisnoi. Legal Description of Leisnoi Long Island Parcel A Township 27 South, Range 18 West, Seward Meridian, Alaska. Section 32: Government Lot 1, According to the Bureau of Land Management Township Plat Accepted by the Chief, Cadastral Survey on January 9, 1980. Township 28 South, Range 18 West, Seward Meridian, Alaska. Section 4: Government Lots 1 and 2; Section 5: Government Lot 2; Section 6: Government Lot 2; Section 7: Government Lot 1; Section 8: Government Lot 1, and portions of: Section 5: Government Lot 1; Section 6: Government Lot 1, Situated southerly of a line more particularly described as follows: Commencing at U.S.C. & G.S. "HEAD 1907, 1933" Published UW1868, as shown on the Bureau of Land Management plat of Township 28 South, Range 18 West, of the Seward Meridian, Alaska accepted January 9, 1980; Thence South 39°55'36" East 2,600.7 feet to a point on the line of Mean High Water of Vera Bay. This being the "True Point of Beginning" for the boundary between Parcels A and B of this conservation easement. Thence South 61°53'00" West 135.7 feet to a witness corner to the meander corner for Vera Bay, a 2 1/2 inch stainless steel pipe monument with 3 1/4 inch brass	Proposed Conservation Easement to Kodiak Island Borough/U.S.	EVOSTC Resolution 15-03
---	---------	--	--	-------------------------------

Long Island cont.		cap marked "WCMC, PUBLIC EASEMENT, 10201S, 2016"; Thence continuing South 61°53'00" West 164.0 feet to a witness corner to the meander corner for Cook Bay, a 2 1/2 inch stainless steel pipe monument with 3 1/4 inch brass cap marked "WCMC, PUBLIC EASEMENT, 10201S, 2016"; Thence continuing South 61°53'00" West 49.8 feet to a point on the line of Mean High Water of Cook Bay, and the Terminus of the Boundary Line. Township 28 South, Range 19 West, Seward Meridian, Alaska. Section 1: Government Lot 1; Section 11: Government Lot 2; Section 12: Government Lot 1; Section 13: Government Lot 1; and Section 14: Government Lot 1, According to the Bureau of Land Management Township Plat Officially Filed September 20, 1991. As shown on the maps attached hereto and made a part of this description as "Exhibit A 2". The natural meanders of mean high water form the true bounds of this easement description. Legal Description of Long Island Parcel B Township 27 South, Range 18 West, Seward Meridian, Alaska. Section 31: Government Lot 1, According to the Bureau of Land Management Township Plat Accepted by the Chief, Cadastral Survey on January 9, 1980. Township 28 South, Range 18 West, Seward Meridian, Alaska. The portions of:		
-------------------	--	--	--	--

Long Island cont.		Section 5: Government Lot 1; Section 6: Government Lot 1, Situated northerly of a line more particularly described as follows: Commencing at U.S.C. & G.S. "HEAD 1907, 1933" Published UW1868, as shown on the Bureau of Land Management plat of Township 28 South, Range 18 West, of the Seward Meridian, Alaska accepted January 9, 1980; Thence South 39°55'36" East 2,600.7 feet to a point on the line of Mean High Water of Vera Bay. This being the "True Point of Beginning" for the boundary between Parcels A and B of this conservation easement. Thence South 61°53'00" West 135.7 feet to a witness corner to the meander corner for Vera Bay, a 2 1/2 inch stainless steel pipe monument with 3 1/4 inch brass cap marked "WCMC, PUBLIC EASEMENT, 10201S, 2016"; Thence continuing South 61°53'00" West 164.0 feet to a witness corner to the meander corner for Cook Bay, a 2 1/2 inch stainless steel pipe monument with 3 1/4 inch brass cap marked "WCMC, PUBLIC EASEMENT, 10201S, 2016"; Thence continuing South 61°53'00" West 49.8 feet to a point on the line of Mean High Water of Cook Bay, and the Terminus of the Boundary Line. As shown on the maps attached hereto and made a part of this description as "Exhibit A 3". The natural meanders of mean high water form the true bounds of this easement description.		
-------------------	--	--	--	--

Northern Afognak (2016 EVOSTC - Ouzinkie Native Corporation acquisition)	36,299	Seward Meridian Alaska T 21 S., R. 19 W., Section 21, excluding Discoverer Island; Section 28, lot 1; Sections 29, lots 1 to 5, inclusive; Sections 30, 31 and 32; Section 33, lots 2, and 3. Containing 2,875.92 acres, as shown on the BLM plat of survey officially filed December 22, 1989. T. 22 S., R. 19 W., Sections 6 and 7; Section 18, lot 2; Section 19. Containing 2,127.47 acres, as shown on the BLM plat of survey officially filed December 22, 1989. T. 21 S., R. 20 W. Sections 25 to 36, inclusive. Containing 7,585.19 acres, as shown on the BLM plat of survey officially filed December 22, 1989. T. 22 S., R. 20 W., Sections 1 to 11, inclusive; Section 12, lots 1 to 5, inclusive; Section 13, lots 1, 2 and 3; Sections 14 to 29, inclusive. Containing 18,285.20 acres, as shown on the BLM plat of survey officially filed December 22, 1989. T. 21 S., R. 21 W., Section 36, SE 1/4. Containing 160 acres, as shown on the BLM plat of survey officially filed December 22, 1989. T. 22 S., R. 21 W., Section 1, S 1/2, NE 1/4; Sections 10 – 15, inclusive; Section 16, lot 1;	State of Alaska	EVOSTC Resolution 14-02
--	--------	---	-----------------	-------------------------

Northern Afognak cont.		Section 17, lots 1 and 2; Section 18, lot 1. Containing 5,146.01 acres, as shown on the BLM plat of survey officially filed December 22, 1989. Together with the following two parcels within T. 21 S., R. 19 W., S.M. as created by deed recorded in Book 91 at Page 901 on July 12, 1988, Kodiak Recording District: 1. The portion of Section 34, lot 1, identified on the BLM plat of survey officially filed December 22, 1989, south and west of the center line of Slough Creek; now described by the land survey performed in 2015 by Joshua Frantz Ivaniszek, Alaska Professional Land Surveyor No. 12314, and the Record of Survey recorded on September 14, 2015 as Plat No. 2015-24 in the Kodiak Recording District, containing 68.6 acres. 2. Starting at a rock point located in Discoverer Bay approximately 200' SW from the log transfer site in T.21.S., R.19 W., Section 27, S23°E to the line of mean high water, the true point of beginning. Then S36°E for 1400', then S54°W for 1555', then N36°W to the line of mean high water, then meander along the line of mean high water to the point of beginning; now described by the land survey performed in 2015 by Joshua Frantz Ivaniszek, Alaska Professional Land Surveyor No. 12314, and the Record of Survey recorded on September 14, 2015 as Plat No. 2015-24, in the Kodiak Recording District, containing 51.1 acres.		
-----------------------------------	--	---	--	--

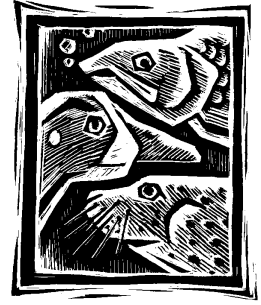
Northern Afognak cont.		Aggregating 36,299.49 acres, as shown on the BLM plats of survey officially filed December 22, 1989 and the record of survey recorded on September 14, 2015 as Plat No. 2015-24, referenced above.		
Triplet Islands (2016 EVOSTC Ouzinkie Native Corporation acquisition)	65	Seward Meridian Alaska T. 25 S., R. 20 W., Sections 23 and 26 (Fractional), all. (The Triplet Islands) Aggregating 65 acres more or less.	U.S.	EVOSTC Resolution 14-02
Waterfall Lake/ Delphin Point (2009 EVOSTC/Rocky Mountain Elk Foundation/ American Land Conservancy Uganik/ Shuyak acquisition)	1,754.82	<u>Uganik</u> Parcel No. 1: Tract A and Tract D of Delphin Bay addition to the Afognak JV Subdivision, according to the official Plat thereof, filed under Plat No 2004-14, located in the Kodiak Recording District, Third Judicial District, State of Alaska Containing 1,748.65 acres, more or less Parcel No. 2: Township 21 South Range 20 West Section 21: Lot 2 Section 22: Lot 2 Containing 6.17 acres more or less	State of Alaska	EVOSTC Resolution 08-16
Waterfall Lake/ Delphin Point (2009 EVOSTC/Rocky Mountain Elk Foundation/ American Land Conservancy Uganik/ Shuyak acquisition)	1,996.79	<u>Shuyak</u> Tract B and Tract C of Delphin Bay addition to the Afognak JV Subdivision, according to the official Plat thereof, Filed under Plat No 2004-14, located in the Kodiak Recording District, Third Judicial District, State of Alaska Containing 1,996.79 acres, more or less.	State of Alaska	EVOSTC Resolution 08-17

Seal Bay/Tonki Cape (1993 EVOS AKI/ Old Harbor acquisition; 1994-0131-852)	41,549	TBD	State of Alaska	EVOSTC Resolution 93-08-23
Nut Island (September 27, 1995 EVOSTC- Old Harbor acquisition; 1995-0139-091)	1	T34S R24W, SM Lot 1 Section 30	U.S.	EVOSTC Resolution 94-11-02
Sheep Island (September 27, 1995 EVOSTC- Old Harbor acquisition; 1995-0139-091)	19	T34S R25W, SM Lot 1 Section 22	U.S.	EVOSTC Resolution 94-11-02
Cub Island (September 27, 1995 EVOSTC- Old Harbor acquisition; 1995-0139-091)	5.75	T34S R24W SM Lots 1,2,3,4,5,7 Section 23	U.S.	EVOSTC Resolution 94-11-02
Amee Island (September 27, 1995 EVOSTC- Old Harbor acquisition; 1995-0139-091)	22	T34S R25W SM Lots 1-5 Section 25	U.S.	EVOSTC Resolution 94-11-02
Puffin Island (September 27, 1995 EVOSTC- Old Harbor acquisition; 1995-0139-091)	0.92	T36S R26W SM (TBD: Sections 35 and 36 contain approximately 3.5 acres)	U.S.	EVOSTC Resolution 94-11-02
Ladder Island (May 25, 1995 EVOSTC- Old Harbor acquisition; 1995-0137-219)	31	T33S R23W SM Lot 2 Section 14 Lot 3 Section 15 Lot 1 Section 22 Lot 2 section 23	U.S.	EVOSTC Resolution 94-11-02

Cathedral Island (May 25, 1995 EVOSTC- Old Harbor acquisition; 1995-0137-219)	20.75	T34S R24W SM Lots 1-5 Section 29	U.S.	EVOSTC Resolution 94-11-02
Helgason (Kodiak NWR inholding)	150	USS 7886	U.S.	Acquired with Land and Water Conservation Funds

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 14, 2020

Chaired by: Jason Brune
Trustee Council Member

Trustee Council Members Present:

David E. Schmid, USFS
Gregg Renkes, USDO
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.

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.