

TREG R. TAYLOR
ATTORNEY GENERAL

GARRISON TODD
Assistant Attorney General
State of Alaska
Department of Law
1031 West Fourth Avenue, Suite 200
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Attorneys for the State of Alaska

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

STATE OF ALASKA,	)	
	)	
Plaintiff,	)	No. 3:91–CV-0083 Civil (HRH)
	)	
v.	)	EIGHTY-SIXTH
	)	JOINT NOTICE OF
EXXON CORPORATION, and EXXON	)	EXPENDITURES FROM
SHIPPING COMPANY,	)	THE INVESTMENT FUND
	)	
Defendants.	)	
_____	)	

The United States and the State of Alaska (“the Governments”) jointly provide this notice (“Notice”) of their expenditure of \$500,000 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 this Notice of the eighty-sixth expenditure in the amount of \$500,000. These funds are from the Research Sub-account and will be provided to the State of Alaska and will fund project 20200131 at the Alaska SeaLife Center. This expenditure was approved in Resolution 20-03 for Fiscal Year 2021.³ The expenditure of these funds was contingent on the Center receiving equivalent matched funding from an alternative source which occurred on March 10, 2022.⁴

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. 349.

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.

³ *See* Attachment A, pages 4–13 of *Seventy-Eighth Joint Notice of Expenditures from the Investment Fund*. Dkt. No. 400.

⁴ A copy of the Matching Grant Agreement is appended to this Notice as Attachment B.

EIGHTY-SIXTH JOINT NOTICE OF EXPENDITURES
FROM THE INVESTMENT FUND

The Trustee Council has not met since the Governments' last filing on March 23, 2022 of their Eighty-Fifth Joint Notice of Expenditures. The Governments will submit the meeting notes for the Trustee Council's last meeting on January 18, 2022, once they have been approved by the Trustee Council.

RESPECTFULLY SUBMITTED this 25 day of April, 2022.

FOR THE STATE OF ALASKA

By: s/ GARRISON TODD
Assistant Attorney General
State of Alaska
Department of Law
1031 West Fourth Avenue, Suite 200
Anchorage, Alaska 99501-1994
Telephone: (907) 269-5232
Email: garrison.todd@alaska.gov
Alaska Bar # 2011097

FOR THE UNITED STATES

s/ ERIKA M. WELLS (consent)
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: (202) 532-3258
Email: erika.wells@usdoj.gov
Oregon Bar # 055004

EIGHTY-SIXTH JOINT NOTICE OF EXPENDITURES
FROM THE INVESTMENT FUND

(Case 3:91-CV-0083 (HRH))

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25 day of April, 2022, a copy of the foregoing, EIGHTY-SIXTH 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/ Reif Andrews
Reif Andrews
Law Office Assistant I

EIGHTY-SIXTH JOINT NOTICE OF EXPENDITURES
FROM THE INVESTMENT FUND

(Case 3:91-CV-0083 (HRH))

TODD KIM
Assistant Attorney General
Environment & Natural Resources Division
United States Department of Justice

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: (202) 532-3258
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.	)	EIGHTY-SIXTH
	)	JOINT NOTICE OF
EXXON CORPORATION, EXXON SHIPPING	)	EXPENDITURES FROM
COMPANY, and EXXON PIPELINE COMPANY,	)	THE INVESTMENT FUND
et al., <u>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 \$500,000 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

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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.

³ *See* Attachment A, pages 4–13 of *Seventy-Eighth Joint Notice of Expenditures from the Investment Fund*. Dkt. No. 492-1.

⁴ A copy of the Matching Grant Agreement is appended to this Notice as Attachment B.
EIGHTY-SIXTH JOINT NOTICE OF EXPENDITURES
FROM THE INVESTMENT FUND
(Case 3:91-CV-0082 (HRH))

The Trustee Council has not met since the Governments' last filing on March 23, 2022 of their Eighty-Fifth Joint Notice of Expenditures. The Governments will submit the meeting notes for the Trustee Council's last meeting on January 18, 2022, once they have been approved by the Trustee Council.

RESPECTFULLY SUBMITTED this 25th day of April, 2022.

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: (202) 532-3258
Email: erika.wells@usdoj.gov
Oregon Bar # 055004

FOR THE STATE OF ALASKA

By: s/GARRISON TODD (consent)
Assistant Attorney General
State of Alaska
Department of Law
1031 West Fourth Avenue, Suite 200
Anchorage, Alaska 99501-1994
Telephone: (907) 269-5232
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EIGHTY-SIXTH JOINT NOTICE OF EXPENDITURES
FROM THE INVESTMENT FUND
(Case 3:91-CV-0082 (HRH))

Page 4 of 5

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of April, 2022, a copy of the foregoing,
EIGHTY-SIXTH 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
Environmental Section

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

April 22, 2022

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 \$500,000 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 account described below:

State of Alaska

Amount: \$500,000 from the Research 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 May 6, 2022. If you have any questions, please email Shiway Wang at shiway.wang@alaska.gov.

Sincerely,

/s Garrison Todd

/s Erika Wells

Garrison Todd
Assistant Attorney General
Environmental Section
State of Alaska
Department of Law

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

cc (via email):

Dayna Mackey, Alaska Department of Fish and Game
Melissa Hill, Alaska Department of Fish and Game
Macy Cook, Alaska Department of Fish and Game
Jessica Hood, Alaska Department of Fish and Game
Jesse Blackwell, Alaska Department of Revenue
Bruce Nessler, Department of the Interior
Elizabeth Gobeski, Department of the Interior, Solicitor's Office
Veronica Varela, DOI-USFWS
Mandy Lindeberg, NOAA
Joy Maglaqui, *EVO*STC Restoration Office



Grant Agreement

March 10, 2022

Dr. Tara Riemer
President and CEO
Alaska SeaLife Center
PO Box 1329
Seward, AK 99664

Reference No.: 202117401:02/24/2022

Dear Dr. Riemer:

It is a pleasure to convey to you the good news that the Trustees recently met and approved a grant in the amount of \$500,000 for the project titled *Facility Improvements*. This grant is based on the proposal (reference above) and any additional information that may have been provided.

We ask you to carefully review the enclosed *Grant Agreement*, which contains important detailed information pertinent to this grant, the Trust's practices, and grantee responsibilities. Sign the agreement and return to the Trust within two weeks.

Please refer to the Grant Agreement for information and details about grant payments.

Information and other details regarding grant administration can be found on the Trust's website and on the grants portal. Please ensure that those responsible for administering this grant award are aware of this resource.

Should you have any questions concerning this grant, please feel free to contact me or Moses Lee. We extend our congratulations and best wishes as you seek to strengthen and implement the ideals and mission of Alaska SeaLife Center.

With best regards,

A handwritten signature in blue ink that reads 'Steve Moore'.

Steven G. W. Moore, Ph.D.
Executive Director

Grant Agreement

Reference No: 202117401:02/24/2022

Grantee: Alaska SeaLife Center

Total Award Amount: \$500,000

Comment on Award: Toward purchasing and installing a new Trane direct digital control (DDC) for the proposed electrical system upgrade. Trust funds must not exceed 50 percent of the total project cost.

Title of Grant: Facility Improvements—*To support outreach, marine science education, and research*

Date Awarded: 02/24/2022

General

Definition of Budget as Used in Grant Agreement

Every grant given by the Trust is based on a budget submitted by the applicant. On occasion, in response to interactions with the Trust, an applicant may submit a revised budget to better reflect costs and anticipated expenses. In such cases, a grant, when awarded, is based on the *most recent form* of the budget submitted; this revised budget therefore becomes the one on which all financial accounting is based.

Expenditure of Funds

This grant is made based upon a specific proposal you submitted which contained a project budget. It is expected that the entire amount of this grant will be applied to the budget and not used for any other purposes. Should it become advantageous to the project to slightly modify the project and/or budget, permission to do so must be requested of the Trust in writing. The grantee is prohibited from using any portion of this donation for political purposes, included but not limited to the support or opposition of candidates or ballot proposition campaigns.

Unexpended Funds

If all funds awarded in this grant are not needed to complete the project as proposed in the grant application, such funds should not be requested or, if received, should be returned to the Trust. If appropriate, the Trust may approve the use of such funds for purposes that are consistent with the original proposal and that will strengthen the project along the lines proposed. Permission to use funds for such purpose must be requested of the Trust in writing.

Completing the Project as Proposed

Since an award is based on a project and budget presented in a proposal, the grantee is expected to carry out the project as proposed within the budget presented. Furthermore, our judgment of the success of this project and the value of our investment will rely on what you presented in your proposal.

360-694-8415

655 W Columbia Way, Suite 700

Vancouver, WA 98660

murdocktrust.org

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Grant Agreement

Changes in either project or budget are viewed as permissible only in extremely exceptional cases. Even then, these changes should be minor to retain rights to grant funds. Minor changes may be requested of the Trust in writing and such changes may be made only upon written authorization from the Trust.

Nontransferability of Grant

Since a grant is awarded to a specific organization for a specific purpose, transfer of the grant or any portion of the grant to another organization for its use and management is not permissible unless such transfer is explicitly set forth in the grant proposal or is approved in writing by the Trust. While the original grantee may subcontract parts of the grant to implement the purposes for which the grant was awarded, the original grantee remains responsible for the fiscal and management oversight of the grant.

Unanticipated Events

Grant payments may be discontinued, modified, or withheld if, in the sole judgment of the Trust, this is deemed necessary or appropriate for any reason, including but not limited to (a) a violation of any of the terms or conditions of this grant agreement; (b) a material adverse event affecting the grantee or the project; (c) failure to make adequate progress towards achieving the goals of the project; or (d) as necessary to comply with any law, regulation or order.

Conditions of Grant

No condition has been placed on this grant beyond normal reporting requirements.

Payments

Grants awarded by the Trust may be paid in full or in installments, either of which to coincide with the actual need for funds. Most grants, and especially large grants, are paid out in several installments. Grant payments are made at the end of the month, requiring notice of need from the grantee no later than the first of the month when payment is needed.

Payments are scheduled based upon a combination of the award type (e.g. outright, up to, contingency, match, top off), the project budget, and the timing of the project's implementation. Payments are triggered by completion of one or more forms including the Grant Agreement, Progress Report, and Conditions Met Report.

If no conditions are placed on this grant, the entire amount may be paid out in increments consistent with the project budget. If needed, the entire amount of the grant may be paid out in a single payment. Funds upon which conditions have been placed will be paid only when those conditions have been met. Deadlines for conditional grants should be closely observed. Notification of conditions met should be made in advance of any deadline whenever possible or as soon as possible after the stated conditional deadline.

If you have a preferred payment schedule for the portion of grant funds that are **not** conditional, please fill in the space provided in the Requested Payment Schedule below. All other grant payments should align with the project budget as presented to the Trust.

Grant Agreement

Grants for staff positions are typically paid out in six-month intervals coinciding with the date employment begins. The outright portion (listed as the first payment in the Tentative Payment Schedule table below) will show as a lump sum, but it will be proportionally paid out in typically three six-month intervals coinciding with the date employment begins.

Tentative Payment Schedule

Payment Due Date	Amount Due
04/01/2022	\$500,000

Requested Payment Schedule (for non-conditional payments)

Payment Month / Year	Amount

Reporting Requirements

The Trust expects to be kept fully informed of progress on this project. To this end, each grantee is required to submit progress and final reports, and when conditions exist (contingency, match, top off), a Conditions Report is also needed. A *Progress Report Form* is used to report progress, changes, etc., and may be used to request a payment. A *Conditions Report Form* is used to report satisfactory fulfillment of a contingency, match, or top off, etc., and may be used to request a payment. After receiving the final payment, or if only one payment is made, grantees are required to submit a final report as soon as all Trust funds have been expended. A *Final Report* must be returned before the file on this grant can be closed. Information and other details regarding grant administration can be found on the Trust's website and in the grants portal (<https://murdocktrust.fluxx.io/>).

Tentative Report Schedule

Report Name	Due Date

Publicity

Congratulations on your recent Murdock Trust grant! We are excited to see your work come to fruition and help change lives across our region in positive ways.

You may wish to share this news with your network to amplify your work.

You can find our Grant Publicity Guidelines on our website [here](#). We would appreciate copies of your announcements as we may share the exciting news on our website and social media. To use our logo, please contact Colby Reade, director of communications, at colbyr@murdocktrust.org or 360-694-8415.

The Murdock Trust also engages in publicity activities throughout the year to help promote the work of our grantees.

If you would like to be included in our outreach, please complete [this form on our website](#).

360-694-8415
655 W Columbia Way, Suite 700
Vancouver, WA 98660
murdocktrust.org

Grant Agreement

Please note that the decision to publicize or not publicize your grant is entirely your decision and is in no way an obligation of your grant, nor will it have bearing on any future potential partnerships.

For any questions or feedback, please contact Colby Reade at colbyr@murdocktrust.org or 360.694.8415.

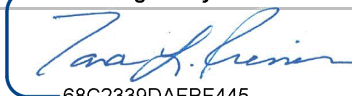
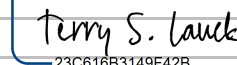
Certification of IRS Status

By signing this document, the grantee certifies that it is a tax-exempt agency under Section 501(c)(3) of the Internal Revenue Code and is classified as: "not a private foundation under Section 509(a)(1) or Section 509(a)(2) of the Code." (Further description is available in Section 170(b)(1)(a) of the Code.)

Formal interactions between the Trust and the grantee, including correspondence and grant checks, will address the grantee using the current legal name appearing in the IRS ruling of charitable status. Any change in IRS status must be promptly reported to the Trust, such as a change from an advanced ruling status to a final determination of status under section 509(a) of the Code. Should a grantee undergo a name change, the Trust will use the new name in formal interactions only after the organization has submitted to the Trust a new IRS ruling addressing the name change and confirming the required charitable status pertains under the new name.

In the event a grantee is considering or has executed a merger with another organization, the Trust should be contacted immediately to determine the nature of any formal continuing relationship with the Trust and the future of the project or program for which the grant was awarded.

By signing this document, the grantee agrees to accept any and all conditions of this grant award and to comply with the expectations of the Trust as outlined.

By:	M. J. Murdock Charitable Trust	By:	Alaska SeaLife Center
			Organization's IRS Legal Name
			DocuSigned by:
			
	Executive Director		68C2339DAFBF445...
			Chief Executive Officer
Date:	March 10, 2022	Date:	3/16/2022
			DocuSigned by:
			
			23C616B3149F42B...
			Board Chair / Board Officer
		Date:	