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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-SEVENTH               |
|                             | ) | 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 \$7,000,000 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.<sup>1</sup>

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.<sup>2</sup>

The Governments provide this Notice of the eighty-seventh expenditure in the amount of \$7,00,000. These funds are from the Research Sub-account and will be provided to the State of Alaska and will provide funding for the Prince William Sound Science Center and Technology Institute Facilities Replacement project (project number 19190125), as approved in Resolution 18-04.<sup>3</sup>

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> *See* Attachment A, pages 3–11 of *Seventy-Fourth Joint Notice of Expenditures from the Investment Fund*. Dkt. No. 395-1.

The Trustee Council has not met since the Governments' last filing on April 25, 2022 of their Eighty-Sixth 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 28 day of July 2022.

FOR THE STATE OF ALASKA

TREG R. TAYLOR  
ATTORNEY GENERAL

By: s/GARRISON TODD  
Assistant Attorney General  
State of Alaska  
Department of Law  
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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  
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Oregon Bar # 055004

EIGHTY-SEVENTH JOINT NOTICE OF EXPENDITURES  
FROM THE INVESTMENT FUND  
(Case 3:91-CV-0083 (HRH))

Page 4 of 5

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 28<sup>th</sup> day of July 2022, a copy of the foregoing,  
EIGHTY-SEVENTH 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



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

July 27, 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 \$7,000,000 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 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 amount from cash held in the *Exxon Valdez* Oil Spill Investment Fund to the account described below:

**State of Alaska**

Amount: \$ 7,000,000 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 August 4, 2022. If you have any questions, please email Shiway Wang at [shiway.wang@alaska.gov](mailto:shiway.wang@alaska.gov).

Sincerely,

/s Garrison Todd

/s Erika Wells

Garrison Todd

Erika M. Wells

Assistant Attorney General  
Environmental Section  
State of Alaska  
Department of Law

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

cc (via email):

Macy Cook, Alaska Department of Fish and Game  
Jessica Hood, Alaska Department of Fish and Game  
Jesse Blackwell, Alaska Department of Revenue  
Bruce Nesslage, Department of the Interior  
Elizabeth Gobeski, Department of the Interior, Solicitor's Office  
Veronica Varela, DOI-USFWS  
Hannah Lager, DCCED  
Jenny McDowell, DCCED  
Lindsey Reese, DCCED  
Pauletta Bourne, DCCED  
Joy Maglaqui, *EVOSTC* Restoration Office

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  
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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.                                                     | ) | EIGHTY-SEVENTH               |
|                                                        | ) | 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.                                            | ) |                              |
| _____                                                  | ) |                              |

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establishment of a fund to purchase small parcels of land that may become available in the future.<sup>1</sup>

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<sup>2</sup> 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.

<sup>3</sup> *See* Attachment A, pages 3–11 of *Seventy-Fourth Joint Notice of Expenditures from the Investment Fund*. Dkt. No. 487-1.

The Trustee Council has not met since the Governments' last filing on April 25, 2022 of their Eighty-Sixth 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 28th day of July, 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  
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Seattle, WA 98115  
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Oregon Bar # 055004

FOR THE STATE OF ALASKA

TREG R. TAYLOR  
ATTORNEY GENERAL

By: s/GARRISON TODD (consent)  
Assistant Attorney General  
State of Alaska  
Department of Law  
1031 West Fourth Avenue, Suite 200  
Anchorage, Alaska 99501-1994  
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Email: [garrison.todd@alaska.gov](mailto:garrison.todd@alaska.gov)

EIGHTY-SEVENTH 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 28th day of July, 2022, a copy of the foregoing, EIGHTY-SEVENTH 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  
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Sincerely,

/s Garrison Todd

/s Erika Wells

Garrison Todd

Erika M. Wells

Assistant Attorney General  
Environmental Section  
State of Alaska  
Department of Law

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

cc (via email):

Macy Cook, Alaska Department of Fish and Game  
Jessica Hood, Alaska Department of Fish and Game  
Jesse Blackwell, Alaska Department of Revenue  
Bruce Nesslage, Department of the Interior  
Elizabeth Gobeski, Department of the Interior, Solicitor's Office  
Veronica Varela, DOI-USFWS  
Hannah Lager, DCCED  
Jenny McDowell, DCCED  
Lindsey Reese, DCCED  
Pauletta Bourne, DCCED  
Joy Maglaqui, *EVOSTC* Restoration Office