



August 22, 2022

Dear Public Advisory Committee Members

We are writing to make you aware of and request your consideration and guidance on a potential action by the Trustees to rescind a provision its [Resolution of March 1, 1999](#), that created a distinction between funds that could be used to support habitat and research needs. This rescission, if approved unanimously after consideration by the Trustees of public comment, would also require necessary legislative amendments to Section 350 of [Public Law No. 106-113](#), specifically the removal of Paragraph 5 which codified that distinction between the funds that the Trustee Council appears likely to determine is no longer viable.


The rescission of the distinction between the habitat and research funds in the Resolution of March 1, 1999, is proposed as a means of fully executing decisions unanimously adopted by the Trustees at the October 2021 meeting of the EVOS Trustee Council to allocate most of the remaining settlement funds over the next 10 years. The 2021 decisions were made under the assumption that funds from the habitat subaccount could be used to support mariculture and other multi-year projects, such as the Alaska SeaLife Center facilities project, general restoration projects, and the archeological repository and museum projects. Upon further legal review, agency attorneys determined that these approved projects could not be funded (or could only be partially funded) by the habitat subaccount due to the restrictions set forth in PL 106-113.

If the distinction between the habitat and research funds in the 1999 Resolution is rescinded, the restrictions on spending set forth in Paragraph 5 of PL 106-113 § 350 are the final obstacle preventing the Trustee Council from following through on these funding decisions. Accordingly, amending Section 350 to expand the use of the habitat funds for these projects would ensure a consistent and purposeful conclusion to decades of Council-supported restoration efforts. If Paragraph 5 is not revoked, the research account will be drained to levels insufficient to support long-term research and monitoring program, several mariculture projects, education and outreach projects, and archeological repositories and museums past 2025.

The proposal to rescind the distinction between the habitat and research funds in the Resolution of March 1, 1999, will be posted on the Council's website for public comment and review by the Public Advisory Committee at your September 7, 2022, meeting. If that proposal is passed by the Trustee Council, amending Section 350 of PL 106-103 will be the next step towards ensuring that we can fund these important projects for the next decade and thus ensure a strong and efficient end to the long era of the EVOS Trustee Council.

Thank you for time and service to the Council.

Sincerely,

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JASON BRUNE

Commissioner

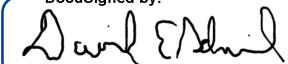
Alaska Department of Environmental
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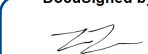
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DOUGLAS VINCENT-LANG

Commissioner
Alaska Department of Fish and Game