

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.	)	NINETY-SECOND
	)	JOINT NOTICE OF
EXXON CORPORATION, EXXON SHIPPING	)	EXPENDITURES FROM
COMPANY, and EXXON PIPELINE COMPANY,	)	THE INVESTMENT FUND
<u>et al.</u> , <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 \$15,400,000 from the Exxon Valdez Oil Spill Investment Fund (“Investment Fund”), which includes \$375,000 in previously disbursed funds. 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. A91081 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 ninety-second expenditure in the amount of \$15,400,000. This expenditure is entirely from the Habitat Sub-account (including \$375,000 in previously disbursed funds). The expenditure provides funding for purchase of the Killey River Property, Kenai Peninsula (KEN 4015) as authorized by the Trustee Council in Resolution 24-01.³ The total amount that is the subject of this Notice will be provided to the United States.

Since the Governments’ last filing on December 18, 2023, the Trustee Council held meetings on January 26, 2024, and September 18, 2024. The meeting notes for the January 26, 2024, meeting are attached to this Notice as Attachment C. The Governments will submit the

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 A copy of Resolution 24-01 is appended to this Notice as Attachment B.

meeting notes for the Governments' September 18, 2024, meeting once they have been approved by the Trustee Council.

RESPECTFULLY SUBMITTED this 8th day of October 2024.

FOR THE UNITED STATES

s/ ERIKA M. WELLS
Senior Counsel, Oregon Bar 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

FOR THE STATE OF ALASKA

TREG 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
Telephone: (907) 269-5232
Email: garrison.todd@alaska.gov
Alaska Bar No. 2011097

NINETY-SECOND 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 8th day of October, 2024, a copy of the foregoing, NINETY-SECOND 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

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

October 7, 2024

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 \$15,400,000 in joint trust funds, including \$375,000 in previously disbursed 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 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 amount from cash held in the *Exxon Valdez* Oil Spill Investment Fund to the account described below:

United States

Amount: \$ 15,025,000 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

This transfer should take place when most financially advantageous, preferably on or before November 4, 2024. If you have any questions, please email Shiway Wang at shiway.wang@alaska.gov.

Sincerely,

/s/ Garrison Todd

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

/s Erika Wells

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

cc (via email):

Bonnie Jensen, Alaska Department of Fish and Game
Jessica Hood, Alaska Department of Fish and Game
Melissa Hill, Alaska Department of Fish and Game
Lacey Derr, Alaska Department of Fish and Game
Jesse Blackwell, Alaska Department of Revenue
Bruce Nessler, Department of the Interior
Seth Deam, Department of the Interior, Solicitor's Office
Rob Suryan, NOAA
Mandy Lindeberg, NOAA
Veronica Varela, DOI-USFWS
Joy Maglaqui, *EVOSTC* Restoration Office

**RESOLUTION 24-01 of the
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
Regarding the Killey River Habitat Parcel Purchase (KEN 4015)**

We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council, do hereby certify that, in accordance with the Memorandum of Agreement and Consent Decree entered as settlement of *United States of America v. State of Alaska*, No. A91-081 Civil, U.S. District Court for the District of Alaska, and after a reasonable opportunity for the public to review and comment, unanimous agreement has been reached to expend funds received in settlement of *State of Alaska v. Exxon Corporation, et al.*, No. A91-083 CIV, and *United States of America v. Exxon Corporation, et al.*, No. A91-082 CIV, U.S. District Court for the District of Alaska. This funding is for necessary natural resource damage assessment and restoration activities as described below.

The *Exxon Valdez* Oil Spill Trustee Council (“Trustee Council”) approved a Resolution on October 17, 2018 (Resolution 18-03) that authorized use of up to \$20,500,000 of *Exxon Valdez* Oil Spill funds for the permanent protection of lands (KEN 4015), including costs for due diligence or other fees and closing costs. This project would enable the construction of a state transportation project while also ensuring permanent protection of habitat and benefiting many *Exxon Valdez* Oil Spill (EVOS)-affected species, including bald eagles, Dolly Varden trout, harlequin duck, marbled murrelet, river otters, and pink and sockeye salmon. It would also ensure maintenance of riparian corridors and connectivity for fish and wildlife, assist EVOS recovering human services, including commercial fishing, recreation, tourism and subsistence, and provide improved public access for sport fishing and hunting along an area of the Kenai and Killey Rivers with limited public access.

After considering the recommendations of the Public Advisory Committee (PAC) and public comment received at the PAC’s September 16, 2024 meeting and the Trustee Council’s September 18, 2024 meeting regarding changes to the project since Resolution 18-03, the Trustee Council hereby conditionally authorizes the purchase of approximately 4,283 acres of interests in lands owned by Cook Inlet Region, Inc., in the final configuration approved by the CIRI Board, for \$15,075,000 plus applicable due diligence expenses, other transaction-related

Resolution 24-01, Page 1 of 1

costs and fees and closing costs. This acreage amount is approximate and may vary slightly between this approval and the closing of the purchase, but aside from minor corrections to boundaries and the like the specific location of the parcels may not change. The conditions on this approval are as follows:

The first condition is that title to the westernmost parcel of the purchase—the one that is across the Kenai River from the Kenai National Wildlife Refuge—as well as title to the island properties in the Kenai River, are to be held by the State of Alaska, with the accompanying conservation easement to be held by the United States. Title to the other lands purchased pursuant to this resolution will be held by the United States with the accompanying conservation easement to be held by the State of Alaska.

The second condition is that, prior to the transfer with the concurrence of the landowners, easements are reserved that ensure equal or better and uninterrupted access to inholdings and communities along the Kenai River. This includes inholding access easements and municipal road easements.

APPROVAL BY THE COUNCIL

By unanimous consent, the Trustee Council hereby approves the Killey River purchase as described above, and requests the Alaska Department of Law and the Assistant Attorney General of the Environment and Natural Resources Division of the United States Department of Justice to promptly take such steps as may be necessary to make available the funding described in this Resolution, including filing a court notice for release of the funds by no later than October 11, 2024 to then be held in escrow in order to allow for a timely closing. Time is of the essence to complete this project. The Trustee Council recognizes the currently available due diligence documents have been determined to be acceptable, and that additional due diligence steps may need to be completed, and that those remaining steps are required prior to closing but are not required prior to the release of funds, which will be held in escrow by the title company pending closing. The Trustee Council further requests the cooperation of the Alaska Department of Natural Resources, Alaska Department of Law, and the U.S. Department of the Interior Fish and

Wildlife Service and Solicitor's Office's to complete review any additional due diligence reports in time to close this purchase on or before December 31, 2024, if at all possible.

Approved by the Council at its meeting on September 18, 2024, held via a virtual meeting platform, as affirmed by our signatures affixed below:

Signed by:
Emma Pokon
59523FF33D14F2...

EMMA POKON

Commissioner

Alaska Department of Environmental
Conservation

Signed by:
Craig O'Connor
E26F527D640A402...

CRAIG O'CONNOR

Special Counsel

National Oceanic and Atmospheric
Administration
U.S. Department of Commerce

Signed by:
Chad VanOrmer
8700566454154BC...

CHAD VANORMER

Alaska Regional Forester, U.S. Forest Service
U.S. Department of Agriculture

Signed by:
Sara Taylor
E6C929D2244541F...

SARA TAYLOR

Policy Advisor—Alaska Region
U. S. Department of Interior

DocuSigned by:

E4A1A2DE6D0A49A...

TREG TAYLOR

Attorney General

Alaska Department of Law

DocuSigned by:

32E3FEFE58284DB...

DOUGLAS VINCENT-LANG

Commissioner

Alaska Department of Fish and Game

Exxon Valdez Oil Spill Trustee Council

4230 University Drive Suite 220 ○ Anchorage, AK 99508-4650 ○ (907) 278-8012 ○ fax 276-7178



JANUARY 26, 2024, TRUSTEE COUNCIL MEETING NOTES

Trustee Council Members Present:

Janelle Crocker, Acting Alaska Regional Forester, U.S. Forest Service, U.S. Department of Agriculture

Craig O'Connor*, Special Counsel, National Oceanic and Atmospheric Administration

Emma Pokon, Acting Commissioner, Alaska Department of Environmental Conservation

Sara Taylor, Policy Advisor – Alaska, U.S. Department of the Interior

Treg Taylor, Attorney General, Alaska Department of Law

Douglas Vincent-Lang, Commissioner, Alaska Department of Fish and Game

*Chair

The meeting convened at 2:04 p.m., January 26, 2024, using the Microsoft Teams conferencing platform.

1. Approval of the January 26, 2024, meeting agenda

APPROVED MOTION: Motion to approve the January 26, 2024, meeting agenda, draft dated January 16, 2024.

Motion by Vincent-Lang, seconded by Pokon, approved unanimously.

Review of Interim Actions provided by Executive Director Wang. Interim Actions included the Approval of the November 30, 2022 Meeting Notes and the Resolution 23-01 Regarding the Alaska SeaLife Center.

Michael Stekoll, Vice- Chair, reported on the January 24, 2024, EVOSTC Public Advisory Committee (PAC) Meeting.

Public Comment: Rob Suryan (NOAA, Gulf Watch Alaska Long-Term Research and Monitoring Program Science Lead) provided public comment on the program's budget reallocation request.

Financial Updates: Executive Director Wang and Shane Carson (Alaska Department of Revenue) provided EVOSTC financial updates.

FY25-FY33 Spending Scenarios were provided by Executive Director Wang.

Update on the Legislative Amendment of Public Law 106-113 was provided by Trustee Sara Taylor.

2. Approval of Gulf Watch Alaska LTRM Program Budget Reallocation Request not including the Killer Whale Project (Project 2222LTRM)

APPROVED MOTION: Motion to approve \$404,189 of the budget reallocation request, not including GA, reallocating previously approved funding from the Science Coordinator position, Travel and Commodities to the Pelagic Synthesis Component of the Gulf Watch Alaska Long-Term Research and Monitoring Program Project 2222LTRM-A, and forage fish aerial surveys and seabird surveys as part of the Integrated Predator Prey Project, which will be incorporated into Project 22120114-C Monitoring Long-Term Changes in Forage Fish Distribution, Relative Abundance, and Body Condition in Prince William Sound and the Northern Gulf of Alaska for the FY24-FY26 three-year funding cycle. The request for reallocation of funds to the Killer Whale Project was not approved; however, a Trustee requested submission of a separate proposal better articulating the need and purpose of that work.

The requested reallocation of \$309,090 to the Killer Whale Project will be returned to the Research Subaccount minus up to \$81,372 for Data Management services for the forage fish aerial surveys and seabird surveys.

Motion by Vincent-Lang, seconded by Pokon, approved by the Council with O'Connor abstaining.

3. Approval of Standardized High-Resolution Wetlands and Hydrography Data across the EVOS Region Budget Reallocation Request (Project 22220508)

APPROVED MOTION: Motion to approve the budget reallocation request of unspent funds in the amount of \$1,000,448, not including GA, to produce additional 3DHP hydrographic data as outlined in the proposal amendment dated January 8, 2024, for Project 22220508 Standardized, High-Resolution, Geospatial Wetlands and Hydrography Data Across the EVOS Region for the FY24-FY26 three-year funding cycle.

Motion by Vincent-Lang, seconded by S. Taylor, approved unanimously.

4. Approval of Data Management Program Services for Revised Project 2222LTRM

APPROVED MOTION: Motion to approve \$40,686, which includes GA, for the Data Management Program Project 24120113 to ensure the Council's Data Policy requirements are met for the forage fish aerial surveys for the Gulf Watch Alaska Long-Term Research and Monitoring Program for the FY24-FY26 three-year funding cycle.

Motion to approve \$40,686, which includes GA, for the Data Management Program Project 24120113 to ensure the Council's Data Policy requirements are met for the seabird surveys for the Gulf Watch Alaska Long-Term Research and Monitoring Program for the FY24-FY26 three-year funding cycle.

Motions by S. Taylor, seconded by Vincent-Lang, approved by the Council with O'Connor abstaining.

5. Adjournment of the meeting

APPROVED MOTION: Motion to adjourn the meeting.

Motion by Vincent-Lang, seconded by T. Taylor, approved unanimously.

Meeting Adjourned at 3:26 pm.

TREG TAYLOR
ATTORNEY GENERAL

Garrison A. Todd
Assistant Attorney General
State of Alaska
Department of Law
1031 West Fourth Avenue, Suite 200
Anchorage, Alaska 99501-1994
Telephone: (907) 269-5539
Facsimile: (907) 276-3697
Email: Garrison.Todd@alaska.gov

Attorney for the State of Alaska

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

STATE OF ALASKA,	)	
	)	
Plaintiff,	)	No. 3:91–CV-0083 Civil (HRH)
	)	
v.	)	NINETY-SECOND
	)	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 \$15,400,000 from the Exxon Valdez Oil Spill Investment Fund (“Investment Fund”), which includes \$375,000 in previously disbursed funds. 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. A91081 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

NINETY-SECOND JOINT NOTICE OF EXPENDITURES
FROM THE INVESTMENT FUND

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 ninety-second expenditure in the amount of \$15,400,000. This expenditure is entirely from the Habitat Sub-account (including \$375,000 in previously disbursed funds). The expenditure provides funding for purchase of the Killey River Property, Kenai Peninsula (KEN 4015) as authorized by the Trustee Council in Resolution 24-01.³ The total amount that is the subject of this Notice will be provided to the United States.

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 A copy of Resolution 24-01 is appended to this Notice as Attachment B.

NINETY-SECOND JOINT NOTICE OF EXPENDITURES
FROM THE INVESTMENT FUND

Since the Governments' last filing on December 18, 2023, the Trustee Council held meetings on January 26, 2024, and September 18, 2024. The meeting notes for the January 26, 2024, meeting are attached to this Notice as Attachment C. The Governments will submit the meeting notes for the Government's September 18, 2024, meeting once they have been approved by the Trustee Council.

RESPECTFULLY SUBMITTED this 8th day of October, 2024.

FOR THE STATE OF ALASKA

TREG TAYLOR
ATTORNEY GENERAL

By: /s/ GARRISON TODD
Garrison Todd
Assistant Attorney General
State of Alaska
Department of Law
1031 West Fourth Avenue, Suite 200
Anchorage, Alaska 99501-1994
Telephone: (907) 269-5539
Email: Garrison.Todd@alaska.gov
Alaska Bar No. 2011097

FOR THE UNITED STATES

/s/ ERIKA M. WELLS (consent)
Erika M. Wells
Senior Counsel, Oregon Bar # 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

NINETY-SECOND JOINT NOTICE OF EXPENDITURES
FROM THE INVESTMENT FUND

Case 3:91-CV-0083-HRH

Case 3:91-cv-00083-HRH Document 416 Filed 10/08/24 Page 4 of 5

Page 4 of 5

Certificate of Service

I HEREBY CERTIFY that on this 8th day of October, 8 2024, a copy of the foregoing, NINETY-SECOND 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/ Anadela Gallego

Anadela Gallego

Law Office Assistant

NINETY-SECOND JOINT NOTICE OF EXPENDITURES
FROM THE INVESTMENT FUND

Case 3:91-CV-0083-HRH

Page 5 of 5

Case 3:91-cv-00083-HRH Document 416 Filed 10/08/24 Page 5 of 5



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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

October 7, 2024

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 \$15,400,000 in joint trust funds, including \$375,000 in previously disbursed 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 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 amount from cash held in the *Exxon Valdez* Oil Spill Investment Fund to the account described below:

United States

Amount: \$ 15,025,000 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

This transfer should take place when most financially advantageous, preferably on or before November 4, 2024. If you have any questions, please email Shiway Wang at shiway.wang@alaska.gov.

Sincerely,

/s/ Garrison Todd

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

/s Erika Wells

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

cc (via email):

Bonnie Jensen, Alaska Department of Fish and Game
Jessica Hood, Alaska Department of Fish and Game
Melissa Hill, Alaska Department of Fish and Game
Lacey Derr, Alaska Department of Fish and Game
Jesse Blackwell, Alaska Department of Revenue
Bruce Nessler, Department of the Interior
Seth Deam, Department of the Interior, Solicitor's Office
Rob Suryan, NOAA
Mandy Lindeberg, NOAA
Veronica Varela, DOI-USFWS
Joy Maglaqui, *EVOSTC* Restoration Office

**RESOLUTION 24-01 of the
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
Regarding the Killey River Habitat Parcel Purchase (KEN 4015)**

We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council, do hereby certify that, in accordance with the Memorandum of Agreement and Consent Decree entered as settlement of *United States of America v. State of Alaska*, No. A91-081 Civil, U.S. District Court for the District of Alaska, and after a reasonable opportunity for the public to review and comment, unanimous agreement has been reached to expend funds received in settlement of *State of Alaska v. Exxon Corporation, et al.*, No. A91-083 CIV, and *United States of America v. Exxon Corporation, et al.*, No. A91-082 CIV, U.S. District Court for the District of Alaska. This funding is for necessary natural resource damage assessment and restoration activities as described below.

The *Exxon Valdez* Oil Spill Trustee Council (“Trustee Council”) approved a Resolution on October 17, 2018 (Resolution 18-03) that authorized use of up to \$20,500,000 of *Exxon Valdez* Oil Spill funds for the permanent protection of lands (KEN 4015), including costs for due diligence or other fees and closing costs. This project would enable the construction of a state transportation project while also ensuring permanent protection of habitat and benefiting many *Exxon Valdez* Oil Spill (EVOS)-affected species, including bald eagles, Dolly Varden trout, harlequin duck, marbled murrelet, river otters, and pink and sockeye salmon. It would also ensure maintenance of riparian corridors and connectivity for fish and wildlife, assist EVOS recovering human services, including commercial fishing, recreation, tourism and subsistence, and provide improved public access for sport fishing and hunting along an area of the Kenai and Killey Rivers with limited public access.

After considering the recommendations of the Public Advisory Committee (PAC) and public comment received at the PAC’s September 16, 2024 meeting and the Trustee Council’s September 18, 2024 meeting regarding changes to the project since Resolution 18-03, the Trustee Council hereby conditionally authorizes the purchase of approximately 4,283 acres of interests in lands owned by Cook Inlet Region, Inc., in the final configuration approved by the CIRI Board, for \$15,075,000 plus applicable due diligence expenses, other transaction-related

Resolution 24-01, Page 1 of 1

costs and fees and closing costs. This acreage amount is approximate and may vary slightly between this approval and the closing of the purchase, but aside from minor corrections to boundaries and the like the specific location of the parcels may not change. The conditions on this approval are as follows:

The first condition is that title to the westernmost parcel of the purchase—the one that is across the Kenai River from the Kenai National Wildlife Refuge—as well as title to the island properties in the Kenai River, are to be held by the State of Alaska, with the accompanying conservation easement to be held by the United States. Title to the other lands purchased pursuant to this resolution will be held by the United States with the accompanying conservation easement to be held by the State of Alaska.

The second condition is that, prior to the transfer with the concurrence of the landowners, easements are reserved that ensure equal or better and uninterrupted access to inholdings and communities along the Kenai River. This includes inholding access easements and municipal road easements.

APPROVAL BY THE COUNCIL

By unanimous consent, the Trustee Council hereby approves the Killey River purchase as described above, and requests the Alaska Department of Law and the Assistant Attorney General of the Environment and Natural Resources Division of the United States Department of Justice to promptly take such steps as may be necessary to make available the funding described in this Resolution, including filing a court notice for release of the funds by no later than October 11, 2024 to then be held in escrow in order to allow for a timely closing. Time is of the essence to complete this project. The Trustee Council recognizes the currently available due diligence documents have been determined to be acceptable, and that additional due diligence steps may need to be completed, and that those remaining steps are required prior to closing but are not required prior to the release of funds, which will be held in escrow by the title company pending closing. The Trustee Council further requests the cooperation of the Alaska Department of Natural Resources, Alaska Department of Law, and the U.S. Department of the Interior Fish and

Wildlife Service and Solicitor's Office's to complete review any additional due diligence reports in time to close this purchase on or before December 31, 2024, if at all possible.

Approved by the Council at its meeting on September 18, 2024, held via a virtual meeting platform, as affirmed by our signatures affixed below:

Signed by:
Emma Pokon
59523FF333D14F2...

EMMA POKON

Commissioner

Alaska Department of Environmental
Conservation

Signed by:
Craig O'Connor
E26F527D640A402...

CRAIG O'CONNOR

Special Counsel

National Oceanic and Atmospheric
Administration
U.S. Department of Commerce

Signed by:
Chad VanOrmer
8700566454154BC...

CHAD VANORMER

Alaska Regional Forester, U.S. Forest Service
U.S. Department of Agriculture

Signed by:
Sara Taylor
E6C929D2244541F...

SARA TAYLOR

Policy Advisor—Alaska Region
U. S. Department of Interior

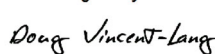
DocuSigned by:

E4A1A2DE6D0A49A...

TREG TAYLOR

Attorney General

Alaska Department of Law

DocuSigned by:

32E3FEFE58284DB...

DOUGLAS VINCENT-LANG

Commissioner

Alaska Department of Fish and Game

Exxon Valdez Oil Spill Trustee Council

4230 University Drive Suite 220 ○ Anchorage, AK 99508-4650 ○ (907) 278-8012 ○ fax 276-7178



JANUARY 26, 2024, TRUSTEE COUNCIL MEETING NOTES

Trustee Council Members Present:

Janelle Crocker, Acting Alaska Regional Forester, U.S. Forest Service, U.S. Department of Agriculture

Craig O'Connor*, Special Counsel, National Oceanic and Atmospheric Administration

Emma Pokon, Acting Commissioner, Alaska Department of Environmental Conservation

Sara Taylor, Policy Advisor – Alaska, U.S. Department of the Interior

Treg Taylor, Attorney General, Alaska Department of Law

Douglas Vincent-Lang, Commissioner, Alaska Department of Fish and Game

*Chair

The meeting convened at 2:04 p.m., January 26, 2024, using the Microsoft Teams conferencing platform.

1. Approval of the January 26, 2024, meeting agenda

APPROVED MOTION: Motion to approve the January 26, 2024, meeting agenda, draft dated January 16, 2024.

Motion by Vincent-Lang, seconded by Pokon, approved unanimously.

Review of Interim Actions provided by Executive Director Wang. Interim Actions included the Approval of the November 30, 2022 Meeting Notes and the Resolution 23-01 Regarding the Alaska SeaLife Center.

Michael Stekoll, Vice- Chair, reported on the January 24, 2024, EVOSTC Public Advisory Committee (PAC) Meeting.

Public Comment: Rob Suryan (NOAA, Gulf Watch Alaska Long-Term Research and Monitoring Program Science Lead) provided public comment on the program's budget reallocation request.

Financial Updates: Executive Director Wang and Shane Carson (Alaska Department of Revenue) provided EVOSTC financial updates.

FY25-FY33 Spending Scenarios were provided by Executive Director Wang.

Update on the Legislative Amendment of Public Law 106-113 was provided by Trustee Sara Taylor.

2. Approval of Gulf Watch Alaska LTRM Program Budget Reallocation Request not including the Killer Whale Project (Project 2222LTRM)

APPROVED MOTION: Motion to approve \$404,189 of the budget reallocation request, not including GA, reallocating previously approved funding from the Science Coordinator position, Travel and Commodities to the Pelagic Synthesis Component of the Gulf Watch Alaska Long-Term Research and Monitoring Program Project 2222LTRM-A, and forage fish aerial surveys and seabird surveys as part of the Integrated Predator Prey Project, which will be incorporated into Project 22120114-C Monitoring Long-Term Changes in Forage Fish Distribution, Relative Abundance, and Body Condition in Prince William Sound and the Northern Gulf of Alaska for the FY24-FY26 three-year funding cycle. The request for reallocation of funds to the Killer Whale Project was not approved; however, a Trustee requested submission of a separate proposal better articulating the need and purpose of that work.

The requested reallocation of \$309,090 to the Killer Whale Project will be returned to the Research Subaccount minus up to \$81,372 for Data Management services for the forage fish aerial surveys and seabird surveys.

Motion by Vincent-Lang, seconded by Pokon, approved by the Council with O'Connor abstaining.

3. Approval of Standardized High-Resolution Wetlands and Hydrography Data across the EVOS Region Budget Reallocation Request (Project 22220508)

APPROVED MOTION: Motion to approve the budget reallocation request of unspent funds in the amount of \$1,000,448, not including GA, to produce additional 3DHP hydrographic data as outlined in the proposal amendment dated January 8, 2024, for Project 22220508 Standardized, High-Resolution, Geospatial Wetlands and Hydrography Data Across the EVOS Region for the FY24-FY26 three-year funding cycle.

Motion by Vincent-Lang, seconded by S. Taylor, approved unanimously.

4. Approval of Data Management Program Services for Revised Project 2222LTRM

APPROVED MOTION: Motion to approve \$40,686, which includes GA, for the Data Management Program Project 24120113 to ensure the Council's Data Policy requirements are met for the forage fish aerial surveys for the Gulf Watch Alaska Long-Term Research and Monitoring Program for the FY24-FY26 three-year funding cycle.

Motion to approve \$40,686, which includes GA, for the Data Management Program Project 24120113 to ensure the Council's Data Policy requirements are met for the seabird surveys for the Gulf Watch Alaska Long-Term Research and Monitoring Program for the FY24-FY26 three-year funding cycle.

Motions by S. Taylor, seconded by Vincent-Lang, approved by the Council with O'Connor abstaining.

5. Adjournment of the meeting

APPROVED MOTION: Motion to adjourn the meeting.

Motion by Vincent-Lang, seconded by T. Taylor, approved unanimously.

Meeting Adjourned at 3:26 pm.