

4.3.2

CHARTER  
EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP

1. Official Designation: Exxon Valdez Oil Spill Public Advisory Group.
2. Objectives and Scope: In accordance with and pursuant to Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America, through the Department of Justice, and the State of Alaska, through the Attorney General, on August 27, 1991 and approved by the United States District Court for the District of Alaska in settlement of United States of America v. State of Alaska, Civil Action No. A91-081 CV, hereinafter referred to as the MOA, the Public Advisory Group shall advise the Trustees (State of Alaska Department of Law, State of Alaska Department of Fish and Game, State of Alaska Department of Environmental Conservation, U.S. Department of Agriculture, the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce, and the U.S. Department of the Interior) through the Trustee Council with respect to the following matters:

All decisions relating to injury assessment, restoration activities, or other use of natural resource damage recoveries obtained by the Governments, including all decisions regarding:

  - a. Planning, evaluation, and allocation of available funds;
  - b. Planning, evaluation, and conduct of injury assessments;
  - c. Planning, evaluation, and conduct of restoration activities;
  - d. Coordination of a, b, and c.
3. Period of Time Necessary for the Group's Activities: By order of the District Court for the District of Alaska, the Public Advisory Group is to advise the Trustees, appointed to administer the fund established in settlement of United States v. Exxon Corporation, Civil Action No. A91-082, and State of Alaska v. Exxon Corporation, Civil Action No. A91-083, both in the United States District Court for the District of Alaska, in all matters described in Paragraph V.A.1 of the MOA referenced above. Final payment into the fund is scheduled for September 1, 2001. It is expected that the need for the Public Advisory Group will continue until approximately January 1, 2002. Extension of the Group beyond such date is subject to the unanimous written consent of the designated trustees.
4. Official to Whom the Public Advisory Group Reports: The Public Advisory Group shall report to the Exxon Valdez Settlement Trustee Council through the Chair of the Public Advisory Group at Trustee Council meetings. Other members of the Group may report with the Chair, as appropriate. The Trustee Council's regular agenda shall include a period during which the Public Advisory Group representative(s) may report on its activities, ask questions

of the Trustee Council, and be available for questioning by the Trustee Council. The U.S. Department of the Interior is the designated Federal agency to which the Public Advisory Group reports to ensure compliance with the Federal Advisory Committee Act, including the responsibility of ensuring the necessary support for the Public Advisory Group. The Designated Federal Officer is the Alaska Office of Environmental Policy and Compliance's Regional Environmental Assistant, or their designee.

5. Administrative Support: Administrative support for the Public Advisory Group shall be provided by the Trustee Council's Executive Director. The Executive Director shall prepare an annual budget for the Public Advisory Group. The budget shall provide the Public Advisory Group such funds as the Trustee Council deems appropriate for administrative support for the Public Advisory Group, from the joint fund established in the registry of the United States District Court for the District of Alaska in settlement of United States v. Exxon Corporation and State of Alaska v. Exxon Corporation.

6. Public Advisory Group Membership, Selection, and Service: The Public Advisory Group shall consist of 17 members, including a Chair and Vice-Chair.

- a. Qualifications for Service - Members shall be appointed to represent the following interests: aquaculture; commercial fishing; commercial tourism; conservation; environmental; forest products; local government; Native landowner; recreation users; science/academic; sport hunting and fishing; subsistence; public-at-large (5).

Representatives shall be chosen based on their demonstrated knowledge of the region, peoples, or principal economic and social activities of the area affected by the Exxon Valdez oil spill, or by demonstrated expertise in public lands and resource management as it relates to restoration, as applicable.

- b. Nomination and Selection - Nominations for membership may be submitted by any source. From these nominations the Trustee Council will recommend membership to the Trustees, and following selection by the Trustees, the Secretary of the Interior appoints those selected by the Trustees.
- c. Minimum Term - Each member may serve two years from the date of appointment. Members are eligible for renomination and reappointment at the close of their terms. The Trustees may remove a member or officer of the Public Advisory Group for reasons of malfeasance, incompetence, or failure to attend to membership responsibilities.
- d. Officers - The Public Advisory Group shall have a Chair and a Vice-Chair selected from the membership and approved by the Trustee Council in consultation with the members of the Public Advisory Group.
- e. Alternates to Members - Nominations to designate an alternate will be

submitted to the Trustee Council by each Public Advisory Group member. From these nominations, the Trustee Council may select a designated alternate for each member or the Trustee Council may solicit additional nominations. The Trustee Council will forward its recommendations to the Trustees. Following approval by the Trustees, the Secretary of the Interior will officially appoint those alternates approved by the Trustees. When appointed, alternates may substitute for the official Public Advisory Group member at a particular meeting and will have all the responsibilities of the member they represent.

7. Expenses: Travel, per diem and administrative support shall be borne by the Trustee Council using funds from the joint fund established in settlement of United States v. Exxon Corporation and State of Alaska v. Exxon Corporation. While away from home or regular place of business in performance of business of the Public Advisory Group, members shall receive travel expenses, including per diem in lieu of subsistence, at the applicable government rate. The estimated annual operating cost for the Group is \$153,400 including an estimated 1.1 staff years.
8. Public Advisory Group Meetings and Records: The Public Advisory Group shall meet no less than four times per year.
  - a. All Public Advisory Group meetings will be open to the public. Any member of the public is permitted to file a written statement with the Public Advisory Group and any member of the public may speak at a Public Advisory Group meeting.
  - b. Detailed minutes of all meetings, including the time, date and place of the meeting, names of the Public Advisory Group members and other staff of the Trustee Council present, names of the public who presented oral or written statements, an estimate of the number of other public present, an accurate description of each matter discussed and each matter resolved, if any, by the Public Advisory Group, shall be prepared and made available to the public through the Executive Director. The Chair shall certify to the accuracy of all minutes of the Public Advisory Group.
  - c. Meetings of the Public Advisory Group shall be held at a reasonable time and in a place reasonably accessible to the public. Notice of meetings shall be published in accordance with As 44.62.310(e), AS 44.62.175 and 41 CFR 101-6.1015(b).
  - d. All accounts and records of the activities and transactions of the Public Advisory Group shall be kept and maintained by the Staff of the Executive Director and, subject to the provisions of 5 U.S.C. subsection 552, such accounts and records shall be available for public inspection at the offices of the Executive Director.

- e. All rules and procedures governing the proceedings of the Public Advisory Group must be approved by the Trustee Council.
9. Administrative Authority: The Public Advisory Group functions are advisory only, and its officers shall have no administrative authority by virtue of their membership, except to recommend the Public Advisory Group budget needs to the Executive Director. The Trustee Council, through the Executive Director, shall procure all needed space, supplies, equipment, and support for the Public Advisory Group.
10. Termination Date: The Federal Advisory Committee Act, 5 U.S.C. App., requires that the Public Advisory Group shall terminate two years from the date of filing of this Charter unless the Group is renewed before that date in accordance with the requirements of that Act.
11. Authority: This Public Advisory Group is established as mandated by Paragraph V.A.4 of the MOA and shall be located in Alaska. Additional authority for its creation is found in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. subsection 9601 et seq.



\_\_\_\_\_  
Secretary of the Interior

Date Signed: NOV 6 1998

Date Filed: \_\_\_\_\_

## CERTIFICATION

I hereby certify that the renewal of the Charter of the Public Advisory Group, an advisory committee to make recommendations to and advise the *Exxon Valdez* Oil Spill Trustee Council in Alaska, is necessary and in the public interest in connection with the performance of duties mandated by the settlement of United States v. State of Alaska, No. A91-081 CV, and is in accordance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended and supplemented.

NOV 6 1998

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Date



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Bruce Babbitt

Secretary of the Interior

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Replace Tab IV.13  
AUG 10 1993

**CHARTER**  
**EXXON VALDEZ OIL SPILL PUBLIC ADVISORY GROUP**

**EXXON VALDEZ OIL SPILL  
TRUSTEE COUNCIL  
ADMINISTRATIVE RECORD**

1. **Official Designation:** Exxon Valdez Oil Spill Public Advisory Group.
2. **Objectives and Scope:** In accordance with and pursuant to Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America, through the Department of Justice, and the State of Alaska, through the Attorney General, on August 27, 1991, and approved by the United States District Court for the District of Alaska in settlement of United States of America v. State of Alaska, Civil Action No. A91-081 CV, hereinafter referred to as the MOA, the Public Advisory Group shall advise the Trustees (State of Alaska Department of Law, State of Alaska Department of Fish and Game, State of Alaska Department of Environmental Conservation, U.S. Department of Agriculture, the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce, and the U.S. Department of the Interior) through the Trustee Council with respect to the following matters:

All decisions relating to injury assessment, restoration activities, or other use of natural resource damage recoveries obtained by the Governments, including all decisions regarding:

  - a. Planning, evaluation, and allocation of available funds;
  - b. Planning, evaluation, and conduct of injury assessments;
  - c. Planning, evaluation, and conduct of restoration activities;
  - d. Coordination of a, b, and c.
3. **Period of Time Necessary for the Group's Activities:** By order of the District Court for the District of Alaska, the Public Advisory Group is to advise the Trustees, appointed to administer the fund established in settlement of United States v. Exxon Corporation, Civil Action No. A91-082, and State of Alaska v. Exxon Corporation, Civil Action No. A91-083, both in the United States District Court for the District of Alaska, in all matters described in Paragraph V.A.1 of the MOA referenced above. Final payment into the fund is scheduled for September 1, 2001. It is expected that the need for the Public Advisory Group will continue until approximately January 1, 2002. Extension of the Group beyond such date is subject to the unanimous written consent of the designated trustees.

4. Official to Whom the Public Advisory Group Reports: The Public Advisory Group shall report to the Exxon Valdez Settlement Trustee Council through the Chair of the Public Advisory Group at Trustee Council meetings. Other members of the Group may report with the Chair, as appropriate. The Trustee Council's regular agenda shall include a period during which the Public Advisory Group representative(s) may report on its activities, ask questions of the Trustee Council, and be available for questioning by the Trustee Council. The U.S. Department of the Interior is the designated Federal agency to which the Public Advisory Group reports to ensure compliance with the Federal Advisory Committee Act, including the responsibility of ensuring the necessary support for the Public Advisory Group. The designated Federal officer is the Alaska Office of Environmental Affairs' Assistant, or the Environmental Assistant's designee.
5. Administrative Support: Administrative support for the Public Advisory Group shall be provided by the Trustee Council's Restoration Team Administrative Director. The Trustee Council shall prepare an annual budget for the Public Advisory Group. The budget shall provide the Public Advisory Group such funds as the Trustee Council deems appropriate for administrative support for the Public Advisory Group, from the joint fund established in the registry of the United States District Court for the District of Alaska in settlement of United States v. Exxon Corporation and State of Alaska v. Exxon Corporation.
6. Public Advisory Group Membership, Selection, and Service: The Public Advisory Group shall consist of 17 members, including a Chair and Vice-Chair.
  - a. Qualifications for Service - Members shall be appointed to represent the following interests: aquaculture; commercial fishing; commercial tourism; conservation; environmental; forest products; local government; Native landowner; recreation users; science/academic; sport hunting and fishing; subsistence; public-at-large (5).

Representatives shall be chosen based on their demonstrated knowledge of the region, peoples, or principal economic and social activities of the area affected by the Exxon Valdez oil spill, or by demonstrated expertise in public lands and resource management as it relates to restoration, as applicable.



- b. **Nomination and Selection** - Nominations for membership may be submitted by any source. From these nominations the Trustee Council will recommend membership to the Trustees, and following selection by the Trustees, the Secretary of the Interior appoints those selected by the Trustees.
  - c. **Minimum Term** - Each member may serve two years from the date of appointment. Members are eligible for renomination and reappointment at the close of their terms. The Trustees may remove a member or officer of the Public Advisory Group for reasons of malfeasance, incompetence, or failure to attend to membership responsibilities.
  - d. **Officers** - The Public Advisory Group shall have a Chair and a Vice-Chair selected from the membership and approved by the Trustee Council in consultation with the members of the Public Advisory Group.
  - e. **Alternates to Members** - Nominations to designate an alternate will be submitted to the Trustee Council by each Public Advisory Group member. From these nominations, the Trustee Council may select a designated alternate for each member or the Trustee Council may solicit additional nominations. The Trustee Council will forward its recommendations to the Trustees. Following approval by the Trustees, the Secretary of the Interior will officially appoint those alternates approved by the Trustees. When appointed, alternates may substitute for the official Public Advisory Group member at a particular meeting and will have all the responsibilities of the member they represent.
7. **Expenses:** Travel, per diem and administrative support shall be borne by the Trustee Council using funds from the joint fund established in settlement of United States v. Exxon Corporation and State of Alaska v. Exxon Corporation. While away from home or regular place of business in performance of business of the Public Advisory Group, members shall receive travel expenses, including per diem in lieu of subsistence, at the applicable Federal Government rate. The estimated annual operating cost for the Group is \$106,000 including an estimated .5 staff years.

8. **Public Advisory Group Meetings and Records:** The Public Advisory Group shall meet no less than four times per year.
- a. All Public Advisory Group meetings will be open to the public. Any member of the public is permitted to file a written statement with the Public Advisory Group and any member of the public may speak at a Public Advisory Group meeting.
  - b. Detailed minutes of all meetings, including the time, date and place of the meeting, names of the Public Advisory Group members and other staff of the Trustee Council present, names of the public who presented oral or written statements, an estimate of the number of other public present, an accurate description of each matter discussed and each matter resolved, if any, by the Public Advisory Group, shall be prepared and made available to the public through the Administrative Director. The Chair shall certify to the accuracy of all minutes of the Public Advisory Group.
  - c. Meetings of the Public Advisory Group shall be held at a reasonable time and in a place reasonably accessible to the public. Notice of meetings shall be published in accordance with AS 44.62.310(e), AS 44.62.175 and 41 CFR 101-6.1015(b).
  - d. All accounts and records of the activities and transactions of the Public Advisory Group shall be kept and maintained by the Staff of the Administrative Director and, subject to the provisions of 5 U.S.C. subsection 552, such accounts and records shall be available for public inspection at the offices of the Administrative Director.
  - e. All rules and procedures governing the proceedings of the Public Advisory Group must be approved by the Trustee Council.
9. **Administrative Authority:** The Public Advisory Group functions are advisory only, and its officers shall have no administrative authority by virtue of their membership, except to recommend the Public Advisory Group budget needs to the Administrative Director. The Trustee Council, through the Administrative Director, shall procure all needed space, supplies, equipment, and support for the Public Advisory Group. Any office space of the Public Advisory Group shall be located with the Office of the Administrative Director.

10. Termination Date: The Federal Advisory Committee Act, 5 U.S.C. App., requires that the Public Advisory Group shall terminate two years from the date of filing of this Charter unless the Group is renewed before that date in accordance with the requirements of that Act.
11. Authority: This Public Advisory Group is established as mandated by Paragraph V.A.4 of the MOA and shall be located in Alaska. Additional authority for its creation is found in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. subsection 9601 et seq.

  
Secretary of the Interior

Date Signed: APR 22 1993

Date Filed: APR 22 1993