

04.03.08

CHARTER
EXXON VALDEZ OIL SPILL PUBLIC ADVISORY COMMITTEE

1. Official Designation: *Exxon Valdez* Oil Spill Public Advisory Committee.

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 Committee 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 and restoration activities;
 - c. Planning, evaluation, and conduct of long-term monitoring and research activities;
 - d. Coordination of a, b, and c.

3. Period of Time Necessary for the Committee Activities: By order of the District Court for the District of Alaska, the Public Advisory Committee 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 was September 1, 2001. The requirement for the Public Advisory Committee will continue throughout the life of the settlement.

4. Official to Whom the Public Advisory Committee Reports: The Public Advisory Committee shall report to the *Exxon Valdez* Settlement Trustee Council through the Chair of the Public Advisory Committee at Trustee Council meetings. Other members of the Committee may report with the Chair, as appropriate. The Trustee Council's regular agenda shall include a period during which the Public Advisory Committee 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 Committee reports to ensure

compliance with the Federal Advisory Committee Act, including the responsibility of ensuring the necessary support for the Public Advisory Committee. The Designated Federal Officer is the Alaska Office of Environmental Policy and Compliance's Regional Environmental Assistant, or his/her designee.

5. Administrative Support: Administrative support for the Public Advisory Committee shall be provided by the Trustee Council's Executive Director. The Executive Director shall prepare an annual budget for the Public Advisory Committee. The budget shall provide the Public Advisory Committee such funds as the Trustee Council deems appropriate for administrative support for the Public Advisory Committee, from the *Exxon Valdez* Oil Spill Investment Fund established as a result of the settlement of United States v. Exxon Corporation and State of Alaska v. Exxon Corporation. The estimated annual operating cost for the Public Advisory Committee is \$71,000.00, including an estimated .5 staff years.
6. Public Advisory Committee Membership, Selection, and Service: The Public Advisory Committee shall consist of 20 members, including a Chair and Vice-Chair. The committee will be fairly balanced to the extent practicable. Members will be appointed to represent one of each of the 14 interests identified below, but no more than three members should be appointed for any given interest.
 - a. Qualifications for Service - 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, roughly the northern Gulf of Alaska, or by demonstrated expertise in public lands and resource management or research as it relates to restoration, as applicable. Members shall be appointed to represent a balanced representation of the following interests/qualifications that are prevalent in the affected area:
 - (1) aquaculture and mariculture: organizations and individuals involved in these industries, including fish hatcheries and oyster/shellfish farming, etc.
 - (2) commercial fishing: organizations and individuals involved in commercially fishing for salmon, halibut, herring, shellfish and bottom fish; including boat captains and crews, cannery owners/operators, and fish buyers, etc.
 - (3) commercial tourism: organizations and individuals involved in promoting or providing commercial travel or recreational opportunities, including charter boating, guiding services, visitor associations, boat/kayak rental companies, etc.
 - (4) recreation users: organizations and individuals involved in the broad spectrum of recreation activities that occur within the area, including kayaking, power boating, sailing, sightseeing, etc.

(5) conservation and environmental: organizations and individuals interested in the wise use and protection of natural resources.

(6) local government: representatives of the incorporated cities and boroughs in the affected area.

(7) native landowner: representatives of the regional or village corporations established by the Alaska Native Claims Settlement Act in the affected area.

(8) tribal government: representatives of federally-recognized tribes in the affected area.

(9) science/technology: organizations, institutions, and individuals involved in, or with expertise in, scientific and research aspects of the affected area/resources and/or the effects of the oil spill and/or the technical application of scientific information.

(10) sport hunting and fishing: organizations and individuals involved in hunting and/or fishing for pleasure.

(11) subsistence: individuals who customarily and traditionally use wild renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools or transportation; for the making and selling of handicraft articles; and for customary trade.

(12) marine transportation: organizations and individuals involved in transport of goods and services in marine waters, including piloting, tug operations, barge operations, oil tankers and pipelines, shipping companies, etc.

(13) regional monitoring programs: organizations and individuals involved in monitoring and reporting on environmental conditions in the affected area, including monitoring for pollution and the status of biological resources, etc.

(14) public-at-large: individuals who meet the general qualifications in paragraph 6.a. and may or may not meet additional interest qualifications.

- b. Nomination and Selection - Nominations for membership may be submitted by any source. The Science and Technology Advisory Committee shall nominate at least one, but not more than three, members to represent science/technology interests.

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.

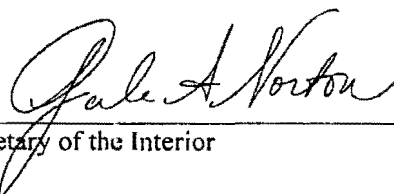
- c. Minimum Term - Each member may serve two years from the date of appointment. Members are eligible for renomination and reappointment at the close of their terms. With consent of the Trustees, the Secretary of the Interior may remove a member or officer of the Public Advisory Committee.
- d. Officers - The Public Advisory Committee shall have a Chair and a Vice-Chair elected by the membership.
- e. Ethics Responsibilities of Members

A member may not participate in matters that will directly affect, or appear to affect, the financial interests of the member or the member's spouse or minor children, unless authorized by the Designated Federal Officer. Compensation from employment does not constitute a financial interest of the member so long as the matter before the Public Advisory Committee will not have a special or distinct effect on the member or the member's employer, other than as part of a class. The provisions of this paragraph do not affect any other statutory or regulatory obligations to which a member may be subject.

- 7. Expenses: Travel, per diem, and administrative support shall be borne by the Trustee Council using funds from the *Exxon Valdez* Oil Spill Investment 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 Committee, members shall receive travel expenses, including per diem in lieu of subsistence, at the applicable government rate. Members will not receive compensation for their time spent on Public Advisory Committee business.
- 8. Public Advisory Committee Meetings and Records: The Public Advisory Committee shall meet no less than two times per year.
 - a. All Public Advisory Committee meetings will be open to the public. Any member of the public is permitted to file a written statement with the Public Advisory Committee and any member of the public may speak at a Public Advisory Committee meeting.
 - b. Detailed minutes of all meetings, including the time, date and place of the meeting, names of the Public Advisory Committee 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 Committee, 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 Committee.

- c. Meetings of the Public Advisory Committee 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 102-3.150.
 - d. All accounts and records of the activities and transactions of the Public Advisory Committee shall be kept and maintained by the Staff of the Executive Director and, subject to the provisions of 5 U.S.C. section 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 Committee must be approved by the Trustee Council.
9. Administrative Authority: The Public Advisory Committee functions are advisory only, and its officers shall have no administrative authority by virtue of their membership. The Trustee Council, through the Executive Director, shall procure all needed space, supplies, equipment, and support for the Public Advisory Committee.
10. Termination Date: The Federal Advisory Committee Act, as amended (5 U.S.C. App. 2), requires that the Public Advisory Committee shall terminate two years from the date of filing of this Charter unless the Committee is renewed before that date in accordance with the requirements of that Act.
11. Authority: This Public Advisory Committee 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: OCT 12 2004

Date Filed: OCT 21 2004