

11.17.09

Exxon Valdez Oil Spill Trustee Council

441 W. 5th Ave., Suite 500 • Anchorage, AK 99501-2340 • 907 278 8012 • fax 907 276 7178



DRAFT AGENDA

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL - teleconference

December 13, 2006 10:00 a.m.

Anchorage, Alaska

DRAFT 12/11/06

DRAFT

Trustee Council Members:

CRAIG TILLERY
Deputy Attorney General
Alaska Department of Law

JAMES BALSIGER
Administrator, Alaska Region
National Marine Fisheries Service

MIKE MAHER
Acting Commissioner
Alaska Department of
Environmental Conservation

DRUE PEARCE
Senior Advisor to the Secretary
for Alaskan Affairs
U.S. Department of the Interior

McKIE CAMPBELL
Commissioner
Alaska Department of Fish
and Game

JOE MEADE
Forest Supervisor
U.S. Department of Agriculture
Forest Service

Meeting in Anchorage, Trustee Council Office, 441 West 5th Avenue, Suite 500
Teleconference number: 800.315.6338 (contact EVOS for code)

_____ State Chair

1. Call to Order – 10:00 a.m.
2. Consent Agenda
- Approval of Agenda*

Federal Trustees
U.S. Department of the Interior
U.S. Department of Agriculture
National Oceanic and Atmospheric Administration

State Trustees
Alaska Department of Fish and Game
Alaska Department of Environmental Conservation
Alaska Department of Law

3. Public Advisory Committee comments
4. Public comment (no reopener comments accepted) – 10:10 a.m. (3 minute per person)
5. Herring white paper* Michael Baffrey, Executive Director
6. Project 070100 Project Management funds* Michael Baffrey
7. Return of previously disbursed funds* Michael Baffrey
8. Status of Corr Small Parcel Carol Fries, ADNR
8. Adjourn

* Indicates action items

Motion

for

PJ 070100 - Redistribution or Return of Previously Disbursed Funding

The Trustee Council approves the redistribution of \$164,500 within PJ 070100 to move investment funds in the amount of \$122,800 from the Science Management component to the Project Management component for liaison support to agency projects funded at the Trustee Council meeting of November 14, 2006.

The Trustee Council directs the return of \$41,700 from the PJ 070100 budget from the State of Alaska, ADF&G to the Investment fund.

MEMORANDUM

TO: Exxon Valdez Trustee Council Members

FROM: Barbara Hannah
Administrative Manager

THRU: Michael Baffrey
Executive Director

DATE: 12 December 2006

SUBJECT: PJ 070100 – Redistribution & Return of Previously Disbursed Funds

The attached motion is in response to budget statements made within the PJ 070100 – FY 2007 Annual Program Development and Implementation Budget as to necessary actions and adjustments to budgeted items within the Science Management and Project Management components. Attachment B provides the applicable excerpts from the approved budget document in support of this redistribution request and the directed return of previously disbursed funds authorized in Court Notice 20.

Within the PJ 070100 budget, which was approved at the September 7th Trustee Council meeting, the Trustee Council funded the "Herring Recovery Plan & Team Development" activities in the amount of \$75,000, as well as the "International Herring Symposium" in the amount of \$90,000. Within the narrative of that budget request, it was stipulated that these funds would later be partially reimbursed with lapse NOS grant funding if the extension request and modified scope request for Grant NA03NOS4731088 was approved by NOAA.

On September 25th the extension request and modified scope approval was granted. When the budget was submitted it was estimated that approximately \$191,000 in grant funds could possibly be available to apply towards this reimbursement. However, the FY 07 Invitation peer review processes required approximately 21% of these funds at FY 06 year end. Therefore, approximately \$150,900 is now available to fund these Herring Recovery budget items; thus enabling a reimbursement to the investment fund in the amount of \$164,500 (\$150,900 direct/\$13,600 G&A).

The initial funding of the PJ 070100 budget provided explanation as to the interim funding that was being requested for Project Management. There was explanation that this component would need adjusted upon the approval and funding of the FY 07 Work Plan. At the November 14th Trustee Council meeting, approximately 24 projects were funded. Attachment A explains the project management calculations and details the additional requirement of \$122,800 for managing these projects up to September 30th (\$112,700 direct/\$10,100 G&A).

EVOS would like to combine these financial transactions by requesting a redistribution of previously disbursed funds in the amount of \$122,800; a redistribution of a portion of the \$164,500 reimbursement. ADF&G Finance will electronically re-distribute the funds upon your approval and return the remaining reimbursement amount of \$41,700 to the Investment fund.

Attachment A
to
Resolution 07-01

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
1														
2		Annual	Monthly	Unsplit	Unsplit	% of	Split %	FY 07		Received	Allot for	FY 07	FY 07	Total
3		Amount	Amount	PJs	Sub-Total	Split PJs	Sub-Total	Total	Per Mo	1st Qtr	2-4 Qtrs	PJ Mgmt	Pgm Spt	FY 07
4			B/12		C*D		C*F	E + G	H/12	Actual	I*6	J+K	Actual	L+M
5	ADFG	\$ 107,309	\$8,942	6	\$ 53,655	43%	\$3,845	\$57,500	\$4,792	\$18,000	\$28,750	\$46,750	\$26,827	\$73,577
6	DOI	\$ 108,000	\$9,000	6	\$ 54,000	97%	\$8,730	\$62,730	\$5,228	\$11,550	\$35,498	\$47,048	\$28,500	\$75,548
7	NOAA	\$ 108,000	\$9,000	9	\$ 81,000	60%	\$5,400	\$86,400	\$7,200	\$11,250	\$43,200	\$54,450	\$27,000	\$81,450
8	ADNR	\$ 124,748	\$10,396	1	\$ 10,396	0%	\$0	\$10,396	\$866	\$6,250	\$5,198	\$11,448	\$31,188	\$42,636
9											\$112,646			
10	1 additional PJ for the mgmt of the EVOS GSA Bldg Lease				Does not include the two YAW Projects, nor the contingent Rosenberg PJ at this time				USGS Adjustment for shortfall in 1st Qtr					
11														
12		Does not include the Kiefer/Brown contingent PJ at this time												
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	FY 06	FY 06	Total	
	PJ Mgmt	Pgm Spt	FY 06	Increase
				N-M
	\$72,000	\$0	\$72,000	\$1,577
	\$46,200	\$10,440	\$56,640	\$18,908
	\$45,000	\$10,000	\$55,000	\$26,450
	\$25,000	\$0	\$25,000	\$17,636

Above figures were explained and verified w/Agency liaison and/or financial personnel

	Rounded \$ Rqst	Agency G&A	Agency Total
ADFG	\$28.8	\$2.6	\$31.4
DOI	\$35.5	\$3.2	\$38.7
NOAA	\$43.2	\$3.9	\$47.1
ADNR	\$5.2	\$0.5	\$5.6
	\$112.7	\$10.1	\$122.8

- Columns A & B are calculations of current liaisons salary figures for FY 07
- Columns D & E calculate 1 mos salary per 1 agency lead project
- Columns F & G calculate the percentage of 1 mos salary for multi-agency projects
- Column H is the total annual amount for the full federal fiscal year.
- Column I figures a recalculation of the monthly amount to apply for the balance of FY 07
- Column K is the calculated amount for 6-mos
- Column L is the agency's combined total of project management funding for FY 07
- Column M is the agency's total FY 07 funding received for TC Support (3-mos salary for 1)
- Column N is the total agency funding for TC Support and PJ Management for FY 07
- The second table on Lines 12 - 18, Columns K - N show FY 06 amounts and the FY 07 increase
- The smaller table on Lines 20 - 27, Columns K & L - are the rounded figures of Ln 9, Column K for request purposes

Per Court Notice 20, Attachment A. Pgs. 9 & 22 of 24, as referenced below:

Exxon Valdez Oil Spill Trustee Council
FY 2007 Annual Program Development and Implementation Budget
October 1, 2006 - September 30, 2007

Although funding for liaisons, project managers, and other support staff is included in the Program Support and Project Management component, the final budget for this component cannot be accurately determined until the Trustee Council takes action on the FY 07 Work Plan. This component is an initial funding request. Upon adoption of the FY 07 Work Plan, additional project management funds for each agency will be requested in proportion to the number and complexity of funded projects assigned to each agency for management. At that time the budget will be revised to reflect this additional expense.

Project Management

Funding for project management is provided to an agency in proportion to the number, size and administrative complexity of the projects funded. The final budget for this component cannot be accurately determined until the Trustee Council takes action on the FY07 Work Plan, anticipated November 2006. To maintain continuity, initial funding equal to 25% of the FY06 funding levels is included in this budget. Upon adoption of the FY07 Work Plan, additional project management funds for each agency will be requested in proportion to the number and complexity of projects assigned to each agency for management. At that time the budget will be revised to reflect this additional expense.

	FY07 First quarter allocation
ADFG	\$18,000
DOI/USGS	\$11,550
NOAA	\$11,250
ADNR	\$6,250
TOTAL	\$47,050

Per Court Notice 20, Attachment A, Pgs. 11 & 17 of 24, as referenced below:

Pg. 11 Excerpt:

Budget Summary Information

Requests have been submitted to NOAA for a one year extension to this grant, along with an approval request for a modified scope. If the request is approved, the lapsed balance of approximately \$191K from FY 06 will be applied specifically to the FY 07 Science Management Component for the Herring Restoration Planning activities.

Pg. 17 Excerpt:

Science Management

- Herring Recovery Plan/Team Development \$75,000

The Trustee Council approved this item in May. However, approval from NOAA is still pending on this revised scope item and the extension of the agreement request for the NOS Grant. EVOS funding will need to be made available if the NOS Grant requests are declined.

- International Herring Symposium \$90,000

To facilitate Herring Recovery in Prince William Sound, it is necessary to understand restoration and enhancement techniques and methods that have been used in other countries and within the U.S. This funding would be used to host a 3-day International Symposium on Herring Restoration. The funding would be used for travel of International and National speakers, logistics for the meeting, and publication of the proceedings. This will be partially reimbursed with all remaining lapsed NOS Grant funds, if the revised scope item and extension of the agreement request for the NOS grant is approved. EVOS funding will initially fund this event.

**RESOLUTION 07- 01 OF THE
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
REGARDING THE FY 2007 WORK PLAN**

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 public meetings, unanimous agreement has been reached as to previously disbursed 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, in U.S. District Court for the District of Alaska. Court Notice 20, filed on September 18, 2006, with supporting Resolution 06-13, provided initial funding in the amount of \$2,062,447 for PJ 070100. The following authorized actions are in response to component statements within the approved PJ 070100 budget. This resolution authorizes the return of Investment funds in the amount of \$164,500 as detailed in No. 1 below, and the partial redistribution of those funds in the amount of \$122,800 and return of the remaining amount of \$41,700, as detailed in No 2.

1. Previously Disbursed Funds within the Science Management component for the Herring Recovery Plan/Team Development & the Herring International Symposium were to be returned immediately upon approval of the one-year extension for grant #NA03NOS4731088, the approval of the modified scope request for the Herring Recovery efforts and the final determination of the available grant lapse funding for FY 07 Herring Recovery activities. Approval was received on September 25, 2006 and the available balance of \$164,500 was determined as the amount to be returned to the Investment fund; \$150,900 designated as direct and \$13,600 as indirect.
2. The Program Support and Project Management component provided explanation that additional project management funding would later be requested as FY 07 Work Plan projects were approved and assigned to Trustee Council agencies. At the Trustee Council meeting of November 14, 2006, projects were approved and the respective agencies identified. An additional amount of \$122,800 is necessary to support the approved project's liaison activities. This resolution authorizes the redistribution of \$122,800 of the \$164,500 being returned in #1 above. The remaining balance of \$41,700 is to be returned to the Investment fund.

RETURN AND REDISTRIBUTION, AS DETAILED:

Alaska Department of Fish & Game	<u><\$164,500></u>	
SUBTOTAL FROM THE STATE OF ALASKA		<\$164,500>
Alaska Department of Fish & Game	\$31,400	
Alaska Department of Natural Resources	<u>\$ 5,600</u>	
SUBTOTAL REDISTRIBUTED TO THE STATE OF ALASKA	\$37,000	
U.S. Department of the Interior	\$38,700	
National Oceanic & Atmospheric Administration	<u>\$47,100</u>	
SUBTOTAL REDISTRIBUTED TO UNITED STATES OF AMERICA	\$85,800	
 TOTAL APPROVED FOR REDISTRIBUTION		 <u>\$122,800</u>
 TOTAL TO BE RETURNED TO THE INVESTMENT FUND		 <\$41,700>

By unanimous consent, we hereby request the Alaska Department of Law and the Assistant Attorney General of the Environmental and Natural Resources Division of the United States Department of Justice to take such steps as may be necessary to ensure the redistribution and return of funds from the State of Alaska from the appropriate accounts designated by the Executive Director.

Approved by the Council at its teleconference meeting of December 13, 2006 as affirmed by our signatures affixed below.

JOE L. MEADE
Forest Supervisor
Forest Service Alaska Region
U.S. Department of Agriculture

CRAIG TILLERY
Deputy Attorney General
State of Alaska

DRUE PEARCE
Senior Advisor to the Secretary
for Alaska Affairs
U.S. Department of the Interior

CRAIG R. O'CONNOR
Special Counsel
National Oceanic & Atmospheric
Administration
U.S. Department of Commerce

McKIE CAMPBELL
Commissioner
Alaska Department of Fish and Game

MIKE MAHER
Acting Commissioner
Alaska Department of Environmental
Conservation

Motion
Herring Steering Committee
Member Approval

The Trustee Council approves the addition of Doug Hay, retired Fisheries and Oceans Canada, as an "international representative" and member on the Herring Steering Committee.