

Exxon Valdez Oil Spill Trustee Council meeting

Monday, January 27, 2014

11:00 AM to 12:00 PM

800.315.6338 – code 8205

Womac, Cherri G (EVOSTC)

From: Fishwick, Claire (DEC)
Sent: Thursday, January 23, 2014 1:30 PM
To: Womac, Cherri G (EVOSTC)
Cc: Hartig, Lawrence L (DEC); Kent, Lynn J T (DEC)
Subject: Monday, Jan 27 TC meeting attendance

Good afternoon Cherri,

Commissioner Hartig directed me to send this email delegating Deputy Commissioner Lynn Kent to act on his behalf for the January 27, 2014 Trustee Council Meeting. The Commissioner delegates Lynn the authority to act on any matters brought before the Trustee Council members. The Deputy Commissioner will attend via phone. Thank you. Claire

Claire Fishwick
Office of the Commissioner
Department of Environmental Conservation
Post Office Box 111800
410 Willoughby Avenue, Suite 303
Juneau, Alaska 99811-1800

Email: Claire.Fishwick@alaska.gov
Tel: (907) 465-5066
Fax: (907) 465-5070

From: Womac, Cherri G (EVOSTC)
Sent: Wednesday, January 22, 2014 10:46 AM
To: Fishwick, Claire (DEC); Lesslie, Rachael M -FS
Cc: Carole Jorgensen (cjorgensen@fs.fed.us)
Subject: Monday, Jan 27 TC meeting attendance

Please let me know if your Trustee is attending in person or will be online.

Pat Pourchot is attending in person.

Cherri

Transmittal Emails

Womac, Cherri G (EVOSTC)

From: Womac, Cherri G (EVOSTC)
Sent: Friday, January 24, 2014 1:33 PM
To: Brookover, Thomas E (DFG); Hsieh, Elise M (EVOSTC); 'Jim Balsiger (jim.balsiger@noaa.gov)'; 'Larry Hartig (larry.hartig@alaska.gov)'; Pat Pourchot (Pat_Pourchot@ios.doi.gov); Schorr, Jennifer L (LAW); 'Terri Marceron (tmarceron@fs.fed.us)'; Peter Hagen (Peter.Hagen@Noaa.gov); Peter Keller (pckeller@fs.fed.us); 'Tom Brookover (tom.brookover@alaska.gov)'
Subject: Draft Motions for TC Meeting Monday

Hello Trustees,

We received one revision from legal counsel for the draft motions. It is shown in green below.

Thank you,
Elise

Agenda Item #2, January 27, 2014 Agenda and October 28, 2013 Meeting Notes

I move we approve the January 27, 2014 draft meeting agenda.

I move we approve the October 28, 2013 draft Trustee Council meeting notes.

Agenda Item #4, Regarding the PAC Charter

I move we approve the update of the estimated operating cost in Section 7 of the 2014-2016 Public Advisory Committee Charter to \$20,000.

Agenda Item #5, Formalize Koniag's election to terminate Master Agreement

(Formalization of Termination and authorizing final payment)

I move we find that that the Master Agreement For Protection of Certain lands and Resources between Koniag, Inc. and the State of Alaska, including the Conservation Easement and the Camp Island Limited Development Easement, terminated on December 22, 2013 and direct the Executive Director to take such steps as are necessary to make the appropriate pro-rata payment to Koniag for the 69-day period of Year 12 of the Easements, *i.e.*, from October 15, 2013 to December 22, 2013, for \$140,684.38 by February 20, 2014 from the Koniag Sub-Account of the Investment fund.

(Option to record release)

I move we request that the appropriate agencies of the United States and State of Alaska, if requested of the Council by Koniag, execute and record in the Kodiak Recording District appropriate documentation acknowledging the termination of the Master Agreement For Protection of Certain lands and Resources between Koniag, Inc. and the State of Alaska, the Conservation Easement and the Camp Island Limited Development Easement and the release from their terms of the Koniag lands that were the subject of those agreements.

Agenda Item #6, Disposition of Koniag sub-account funds

(Transfer of Koniag Sub-Account assets and closing of the Koniag Sub-Account)

I move we direct the Executive Director to take such steps as are necessary to transfer all assets from and close the Koniag Sub-Account to the Habitat Sub-Account of the Investment Fund **once the final payment to Koniag has been made.**

Womac, Cherri G (EVOSTC)

From: Womac, Cherri G (EVOSTC)
Sent: Thursday, January 23, 2014 12:15 PM
To: Brookover, Thomas E (DFG); Hsieh, Elise M (EVOSTC); 'Jim Balsiger (jim.balsiger@noaa.gov)'; 'Larry Hartig (larry.hartig@alaska.gov)'; Pat Pourchot (Pat_Pourchot@ios.doi.gov); Schorr, Jennifer L (LAW); 'Terri Marceron (tmarceron@fs.fed.us)'
Subject: Draft Motions for TC meeting: Monday, January 27th

Hello Trustees,

Below are draft motions for the Monday meeting. If we receive any additional legal feedback or revision to these draft motions, we will forward it. Please note: an earlier email to you noted a PAC solicitation for nomination; that document was not forwarded and does not require Council review. Also, just as a heads-up, we have received an inquiry from the Shoonag Tribe (Kodiak) requesting time to present a proposal to be funded by monies now unencumbered by the Koniag Master Agreement. We have responded that they may make a 3 minute public comment and have referred them to additional information regarding our FY14 Workplan and currently-funded programs and projects.

We look forward to your participation Monday. As noted earlier, it is set up for telephonic participation but we also welcome any Trustees who would prefer to join us in person. Jim Balsiger will be joining us telephonically; Pat Pourchot anticipates he will join us in person at our EVOSTC office conference room in Grace Hall

Let us know if we can provide any additional information and we look forward to meeting with you Monday.
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Agenda Item #2, January 27, 2014 Agenda and October 28, 2013 Meeting Notes

I move we approve the January 27, 2014 draft meeting agenda.

I move we approve the October 28, 2013 draft Trustee Council meeting notes.

Agenda Item #4, Regarding the PAC Charter

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I move we direct the Executive Director to take such steps as are necessary to transfer all assets from and close the Koniag Sub-Account to the Habitat Sub-Account of the Investment Fund

Womac, Cherri G (EVOSTC)

From: Womac, Cherri G (EVOSTC)
Sent: Friday, January 17, 2014 10:26 AM
To: Brookover, Thomas E (DFG); Hsieh, Elise M (EVOSTC); 'Jim Balsiger (jim.balsiger@noaa.gov)'; 'Larry Hartig (larry.hartig@alaska.gov)'; Pat Pourchot (Pat_Pourchot@ios.doi.gov); Schorr, Jennifer L (LAW); 'Terri Marceron (tmarceron@fs.fed.us)'; Peter Hagen (Peter.Hagen@Noaa.gov); Peter Keller (pckeller@fs.fed.us); 'Tom Brookover (tom.brookover@alaska.gov)'
Subject: Jan. 27th TC Meeting Materials
Attachments: 1.13.14 Draft Agenda TC Jan 27 2014 mtg.pdf; 01.07.14 Draft 2014 Charter.pdf; 1.17.14 KoniagTermination Resolution.pdf

Hello Trustees,

We look forward to your participation in the Jan. 27th telephonic meeting at 11:00 a.m. – noon. A draft agenda is attached. It includes:

1. PAC Charter Review

PAC Charter, Council review is required.

The existing two-year PAC Charter expires on September 30, 2014. The charter renewal process includes Council approval of any revisions related to operating costs. As shown in the attached draft charter, which is for the October 1, 2014, through September 30, 2016, time period, an update to the estimated annual operating costs of the PAC is the only change made by the DOI Designated Federal Officer. The Council will be asked to approve this change via the following motion: I move we approve the update of the estimated operating cost in Section 7 of the 2014-2016 Public Advisory Committee Charter to \$20,000.

PAC Nomination, no Council action is required.

The two-year term for current PAC members ends on September 30, 2014. The solicitation for nominations will be announced on March 14, 2014, for a period of two months, as shown on the attached Solicitation for Nominations document. The Designated Federal Officer will provide the list of qualified nominees to the Council, prior to the list being forwarded to Washington, D.C. for vetting and subsequent appointment (as appropriate) by the Secretary of the Interior. New PAC member appointments will be for the period October 1, 2014, through September 30, 2016.

2. Koniag Master Agreement and related Easements

The federal and state lawyers have reviewed Koniag's letter apprising us of its election to terminate the Master Agreement as well as the Conservation Easement and the Camp Island Limited Development Easement. They have prepared a resolution (attached) that address the Council's next steps, namely making the last payment to Koniag and releasing the state and federal interests in the lands covered by the Master Agreement and the above-mentioned easements. The last payment is \$140,684.38 and is due by February 20, 2014.

There is also an administrative issue that arises from this process, *i.e.*, disposition of the funds remaining in the Koniag Sub Account of the Investment Fund (some \$57 million). The federal and state lawyers have determined that these funds are to be used for habitat protection and so should be transferred to the Habitat Sub Account of the Investment Fund. Once that is done, the Koniag Sub Account should be closed. Jen Schorr anticipates

bringing this to your attention at the meeting on the 27th for informational purposes only. The lawyers intend to send me an e-mail directing that I work with the Investment Fund manager to accomplish these tasks once the final payment is made to Koniag.

Just as an FYI- The Alaska Marine Science Symposium is coming up January 20-24th <http://www.alaskamarinescience.org/>

EVOSTC Science Panel Member Bob Spies is a keynote speaker for Monday, Jan. 20, 2:10 – 2:50 p.m.

EVOSTC researcher Dan Esler is presenting 25 Years After the *Exxon Valdez* Oil Spill: Recovery Timelines of Harlequin Duck and Sea Otter Populations, Thursday, Jan. 23, 3:30-3:45 p.m.

EVOSTC Long-Term Monitoring Program (GulfWatch Alaska) Team Lead Kris Holderied is presenting GulfWatch Alaska - Ecosystem monitoring highlights from the 2013 season, Thursday, Jan. 23, 4:30-4:45 p.m.

Elise

Womac, Cherri G (EVOSTC)

From: Womac, Cherri G (EVOSTC)
Sent: Friday, January 17, 2014 11:22 AM
To: Brookover, Thomas E (DFG); Hsieh, Elise M (EVOSTC); 'Jim Balsiger (jim.balsiger@noaa.gov)'; 'Larry Hartig (larry.hartig@alaska.gov)'; Pat Pourchot (Pat_Pourchot@ios.doi.gov); Schorr, Jennifer L (LAW); 'Terri Marceron (tmarceron@fs.fed.us)'; Peter Hagen (Peter.Hagen@Noaa.gov); Peter Keller (pckeller@fs.fed.us); 'Tom Brookover (tom.brookover@alaska.gov)'
Subject: Jan 27th TC Meeting Materials
Attachments: 11.27.13 Draft Oct 28 2013 TC Meeting Notes.pdf

Please add the attached Oct 28 2013 meeting notes to your Jan 27 meeting materials. I neglected to include them in the previous email.

Thank you,
Cherri

Womac, Cherri G (EVOSTC)

From: Womac, Cherri G (EVOSTC)
Sent: Wednesday, January 22, 2014 10:50 AM
To: Amanda Bauer (amanda@stephenscruises.com); Womac, Cherri G (EVOSTC); David Totemoff (dtotemoff@rocketmail.com); Emilie Springer, Gary Fandrei (gfandrei@ciaanet.org); Hsieh, Elise M (EVOSTC); John French; Kate McLaughlin (mclenvironmental@yahoo.com); Kurt Eilo keilo@mac.com; Pamela Bergmann; Patience Andersen Faulkner (andersenpatc@ctcak.net); Stacy Studebaker (tidepoolak@ak.net); Steve Aberle
Subject: FW: Trustee Council teleconference, Monday, Jan. 27th TC Meeting Materials
Attachments: 1.13.14 Draft Agenda TC Jan 27 2014 mtg.pdf; 01.07.14 Draft 2014 Charter.pdf; 11.27.13 Draft Oct 28 2013 TC Meeting Notes.pdf

Hello PAC members,

The Trustee Council is having a brief, telephonic meeting on Monday, Jan. 27th at 11:00 a.m. – noon. A draft agenda is attached. It includes:

1. PAC Charter Review

PAC Charter, Council review is required.

The existing two-year PAC Charter expires on September 30, 2014. The charter renewal process includes Council approval of any revisions related to operating costs. As shown in the attached draft charter, which is for the October 1, 2014, through September 30, 2016, time period, an update to the estimated annual operating costs of the PAC is the only change made by the DOI Designated Federal Officer.

PAC Nomination, no Council action is required.

The two-year term for current PAC members ends on September 30, 2014. The solicitation for nominations will be announced on March 14, 2014, for a period of two months, as shown on the attached Solicitation for Nominations document. The Designated Federal Officer will provide the list of qualified nominees to the Council, prior to the list being forwarded to Washington, D.C. for vetting and subsequent appointment (as appropriate) by the Secretary of the Interior. New PAC member appointments will be for the period October 1, 2014, through September 30, 2016.

2. Koniag Master Agreement and related Easements

As noted in earlier correspondence, Koniag, Inc. provided notice to the Council, the State of Alaska and the United States of its election to terminate the Master Agreement, including the Conservation Agreement and the Camp Island Limited Development Easement. The Council will formalize this termination and address the Council's next steps, namely making the last payment to Koniag and releasing the state and federal interests in the lands covered by the Master Agreement and the above-mentioned easements. The last payment is \$140,684.38 and is due by February 20, 2014.

There is also an administrative issue that arises from this process, *i.e.*, disposition of the funds remaining in the Koniag Sub Account of the Investment Fund (some \$57 million). The federal and state lawyers have determined that these funds are to be used for habitat protection and the Council will address the administrative transfer of these funds to the Habitat Sub Account of the Investment Fund.

Just as an FYI- January 23-24th - The Alaska Marine Science Symposium. <http://www.alaskamarinescience.org/>

EVOSTC researcher Dan Esler is presenting 25 Years After the *Exxon Valdez* Oil Spill: Recovery Timelines of Harlequin Duck and Sea Otter Populations, Thursday, Jan. 23, 3:30-3:45 p.m.

EVOSTC Long-Term Monitoring Program (GulfWatch Alaska) Team Lead Kris Holderied is presenting GulfWatch Alaska - Ecosystem monitoring highlights from the 2013 season, Thursday, Jan. 23, 4:30-4:45 p.m.

Please let us know if you have any questions or would like additional information.

Elise

DRAFT 1/13/2014

Exxon Valdez Oil Spill Trustee Council

4210 University Drive • Anchorage, AK 99508-4626 • 907 278 8012 • fax 907 276 7178



AGENDA

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

January 27, 2014, 11 00 A M.

Anchorage, Alaska

Trustee Council Members

JEN SCHORR

Alternate for Attorney General

Michael C. Geraghty

Alaska Department of Law

JIM BALSIGER

Administrator, Alaska Region

National Marine Fisheries Service

U S Department of Commerce

LARRY HARTIG

Commissioner

Alaska Department of

Environmental Conservation

PAT POURCHOT

Special Assistant to the Secretary for

Alaska Affairs

Office of the Secretary

U S. Department of the Interior

THOMAS BROOKOVER

Alternate for Commissioner Cora Campbell

Alaska Department of Fish and Game

TERRI MARCERON

Forest Supervisor

Chugach National Forest

U S Department of Agriculture

Meeting in Anchorage. USGS Alaska Pacific University Campus, Grace Hall Conference Room 222,
4230 University Drive

Teleconference number 800 315.6338 Code 8205

Federal Chair: _____

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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

DRAFT 1/13/2014

- 1 Call to Order – 11:00 A M.
2. Consent Agenda
 - Approval of Agenda*
 - Approval of Meeting Notes*October 28, 2013
3. Public Comment (3 minutes per person)
4. Public Advisory Committee Charter * (5-10 minutes) Pamela Bergmann, Designated Federal Officer
5. Formalize Koniag's election to terminate Master Agreement and related Easements *
 - Final PaymentJen Schorr, Alaska Dept. of Law
Lauri Adams, Alaska Dept. of Law
Joe Darnell, USDOl Solicitor's Office
6. Disposition of Koniag sub-account funds *
Jen Schorr, Alaska Dept. of Law
Lauri Adams, Alaska Dept. of Law
Joe Darnell, USDOl Solicitor's Office

Adjourn by noon

*Indicates potential action items

Oct 28, 2013 Meeting
Notes

Exxon Valdez Oil Spill Trustee Council

4210 University Drive • Anchorage, AK 99508-4626 • 907 278 8012 • fax 907 276 7178



TRUSTEE COUNCIL MEETING NOTES

Anchorage, Alaska

October 28, 2013

Chaired by: Larry Hartig
Trustee Council Member

Trustee Council Members Present:

Terri Marceron, USFS
Pat Pourchot, USDOJ
Jim Balsiger, NOAA *

Jennifer Schorr, ADOL ***
Tom Brookover, ADF&G **
• Larry Hartig, ADEC

- Chair
- * Peter Hagen alternate for Jim Balsiger 9:30 to 10:15 a.m.
- ** Tom Brookover alternate for Cora Campbell
- *** Jennifer Schorr alternate for Michael Geraghty

The meeting convened at 9:40 a.m., October 28, 2013 in Anchorage at the Dr. Glenn Olds Hall Conference Room, 4210 University Drive.

1. Approval of the Agenda

APPROVED MOTION: Motion to approve the October 28, 2013 agenda as presented.

Motion by Brookover, second by Marceron

2. Approval of February 21, 2013 meeting notes

APPROVED MOTION: Motion to approve the February 21, 2013 meeting notes.

Motion by Pourchot, second by Brookover

Public Comment **Two comments received (Torie Baker and Ivy Patton).**

3 Reporting Policy

APPROVED MOTION

Motion to approve the revised Reporting Policy,
dated August 29, 2013

Motion by Marceron, second by Schorr

4 Financial Policy

APPROVED MOTION

Motion to approve the revised Financial Policy,
dated October 25, 2013

Motion by Brookover, second by Marceron

5 Investment Fund Asset Allocation

APPROVED MOTION

Motion to approve the following Asset Allocation for
FY 14: Domestic Equities 47% +/- 7%,
International Equities 23% +/- 7%, and Domestic
Bonds 30% +/- 5%

Motion by Brookover, second by Schorr

6. Annual Program Development and Implementation (APDI) Budget

APPROVED MOTION

Motion to approve \$1,756,475, which includes GA,
for FY14 funding of the Annual Program
Development and Implementation Budget Project
14120100, revised as of October 24, 2013.

Motion by Schorr, second by Marceron

7 Appraisal Instructions

APPROVED MOTION.

Motion to approve the updated Appraisal
Instructions, drafted for Council review on October
28, 2013.

Motion by Brookover, second by Pourchot

8 Great Land Trust

APPROVED MOTION

Motion to approve funding for FY 2014 of \$270,789,
which includes GA, for FY 2014 funding of The
Great Land Trust Proposal, dated September 1,
2013

Motion by Pourchot, second by Brookover

9 Stewart Small Parcel (KAP 3011)

APPROVED MOTION:

Motion to approve funding of up to \$544,620 to Alaska Department of Natural Resources for due diligence costs associated with the Stewart parcel (KAP 3011) and to fund the purchase of this parcel, conditioned upon: 1) if the fair market value established by an appraisal falls within the range of \$900,000 - \$1,200,000, 2) due diligence reports are acceptable to the Alaska Department of Natural Resources and Alaska Department of Law; and 3.) provided that the EVOSTC Executive Director, Alaska Department of Natural Resources and Alaska Department of Law find that it is in the best interest of the Council to move forward with acquisition of the parcel

Authorization for funding the purchase of this parcel shall terminate if a purchase agreement is not executed by October 28, 2015

Motion by Marceron, second by Brookover

10 Beeson Small Parcel Parcel (KAP 3012)

APPROVED MOTION:

Motion approve funding of up to \$36,160 to Alaska Department of Natural Resources for due diligence costs associated with the Beeson parcel (KAP 3012) and to fund the purchase of this parcel, conditioned upon: 1) due diligence reports are acceptable to the Alaska Department of Natural Resources and Alaska Department of Law, and 2) provided that the EVOSTC Executive Director, Alaska Department of Natural Resources and Alaska Department of Law find that it is in the best interest of the Council to move forward with acquisition of the parcel

Authorization for funding the purchase of this parcel shall terminate if a purchase agreement is not executed by October 28, 2015

Motion by Pourchot, second by Brookover

Off the record. 11:10 a.m.

On the record 11:25 a.m.

11 Long-Term Herring Program

APPROVED MOTION

Motion to approve funding of \$1,429,329, which includes GA, for FY 2014 funding of the Long-Term

Herring Program 14120111 Proposal, dated August 29, 2013 and continue to work with EVOSTC staff to address data management issues at a data management workshop in 2014.

Motion by Brookover, second by Schorr

Off the record: 12:20 a.m
On the record. 1 30 a m

12 Long-Term Monitoring Program (GulfWatch)

APPROVED MOTION: Motion to approve funding of \$2,994,400, which includes GA, for FY 2014 funding of the Long-Term Monitoring Program 14120114 Proposal, dated August 30, 2013 and address some of the issues raised by the Science Panel and in staff review I also move to amend our adopted FY 2014 budget by an additional \$12,000 for travel and associated expenses for a meeting of concerned staff, PIs and Science Panel members during this fiscal year to look at data management issues

Motion by Pourchot, second by Brookover

14 Gulf of Alaska Keeper (GoAK)

APPROVED MOTION Motion to approve funding of \$445,919, which includes GA, for FY 2014 funding of GoAK Marine Debris Removal Proposal, Barren Island Amendment, dated September 10, 2013.

Motion by Schorr, second by Marceron

15. USFWS Pigeon Guillemot Restoration Research in PWS (PIGU) Project

APPROVED MOTION Motion to approve funding of \$396,656, which includes GA, for FY 2014 funding of the Pigeon Guillemot Restoration Research in Prince William Sound, FY14 Amendment, dated August 29, 2013

Motion by Marceron, second by Brookover

16 NOAA Clean Harbor Projects

Cordova Clean Harbor Program, 14120112-A

APPROVED MOTION: Motion to approve funding \$193,722 which include GA, for FY 2014 funding of Project 14120112-A, NVE Harbor Water Quality Improvement Program, dated September 3, 2013.

Motion by Balsiger, second by Brookover

Cordova Snow Management Analysis, 14120112-B

APPROVED MOTION Motion to approve funding \$103,818, which includes GA, for FY 2014 funding of Project 14120112-B, EVOS Legacy. Reducing Cordova Snowmelt Pollution to Marine Habitat, dated September 3, 2013. The Council requests the Pls identify in their FY 2015 proposal the three Best Management Practice snow melt filtration structure sites that impact habitat of EVOS-injured species

Motion by Balsiger, second by Marceron

PWS Harbor Cleanup Program, 14120112

APPROVED MOTION Motion to approve funding \$6,540 which includes GA, for FY 2014 funding of Project 14120112, PWS Harbor Cleanup Program, dated September 3, 2013

Motion by Brookover, second by Pourchot

Executive Session

APPROVED MOTION Motion to go into Executive Session

Motion by Schorr, second by Balsiger

The meeting was moved to executive session at 3:20 p.m. by motion. The Trustees adjourned from the executive session without action or reconvening with the public.

U. S. DEPARTMENT OF THE INTERIOR
EXXON VALDEZ OIL SPILL PUBLIC ADVISORY COMMITTEE

CHARTER

1. **OFFICIAL DESIGNATION:** *Exxon Valdez* Oil Spill Public Advisory Committee (Committee).
2. **AUTHORITY:** The Committee is established as mandated by 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) 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. This Committee is established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. 2.
3. **OBJECTIVES AND SCOPE OF ACTIVITIES:** By order of the District Court for the District of Alaska, the Committee is to 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) 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.
4. **DESCRIPTION OF DUTIES:** The Committee functions are advisory only, and its officers shall have no administrative authority by virtue of their membership. The Committee shall advise the Trustees 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.
5. **AGENCY OR OFFICIAL TO WHOM THE COMMITTEE REPORTS:** The Committee shall report to the *Exxon Valdez* Settlement Trustee Council through the Federal members of the Trustee Council.

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6. **SUPPORT:** Support for the Committee shall be provided by the Trustee Council's Executive Director, who shall procure all needed space, supplies, equipment, and support for the Committee. The Executive Director shall prepare an annual budget for the Committee. The budget shall provide for the Committee such funds as the Trustee Council deems appropriate for administrative support for the 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.
7. **ESTIMATED ANNUAL OPERATING COSTS:** The estimated annual operating cost for the Committee is \$17,000,000, including all direct and indirect expenses. It is estimated that .2 staff years will be required to support the Committee.
8. **DESIGNATED FEDERAL OFFICER:** The Designated Federal Officer (DFO) is the U.S. Department of the Interior, Alaska Office of Environmental Policy and Compliance's Regional Environmental Assistant, or their designee, who is a full time Federal employee appointed in accordance with agency procedures. The DFO will approve or call all Committee and subcommittees' meetings, prepare and approve all meeting agendas, attend all Committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the Trustee Council.
9. **ESTIMATED NUMBER AND FREQUENCY OF MEETINGS:** The Committee is expected to meet approximately once a year.
10. **DURATION:** The requirement for the Committee will continue throughout the life of the settlement agreement referenced in item 2, above.
11. **TERMINATION DATE:** The Committee is subject to the provisions of FACA and is subject to biennial review and will terminate two years from the date the charter is filed, unless, prior to that time, the charter is renewed in accordance with Section 14 of FACA.
12. **MEMBERSHIP AND DESIGNATION:** The Committee shall consist of 10 representative members, including a Chair and Vice-Chair selected by the Committee members. Each member will serve a two-year term and members are eligible for re-nomination and reappointment. One member will be appointed representing each of the interests identified below.
 - a. aquaculturist/mariculturist (e.g., fish hatcheries and oyster/shellfish farming);
 - b. commercial fisher (e.g., commercial fishing for salmon, halibut, herring, shellfish and bottom fish; including boat captains and crews, cannery owners/operators, and fish buyers);
 - c. commercial tourism business person (e.g., promoting or providing commercial travel or recreational opportunities, including charter boating, guiding services, visitor associations, boat/kayak rental);
 - d. recreation user (e.g., recreation activities that occur within the area, including kayaking, power boating, sailing, sightseeing)
 - e. conservationist/environmentalist (e.g., organizations interested in the wise use and protection of natural resources);
 - f. Native landowner (e.g., regional or village corporations in the affected area established by the Alaska Native Claims Settlement Act);
 - g. sport hunter/fisher (e.g., hunting and/or fishing for pleasure);

- h subsistence user (e g , customary and traditional use of 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),
- i scientist/technologist (e g , 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), and
- j public-at-large (e g , representing the affected area of the oil spill and its people, resources, and/or economics)

Members of the Committee serve without compensation. However, while away from their homes or regular places of business, members engaged in Committee business approved by the Trustee Council Executive Director or the DFO will be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service.

- 13 **ETHICS RESPONSIBILITIES OF MEMBERS:** No Committee or subcommittee member shall participate in any specific party matter including a lease, license, permit, contract, claim, agreement, or related litigation with the Department in which the member has a direct financial interest.
- 14 **SUBCOMMITTEES:** The Committee may, upon approval of the Trustee Council and the DFO, establish such workgroups or subcommittees as it deems necessary for the purpose of compiling information or conducting research. However, such work groups or subcommittees may not conduct business and must report to the full Committee.
- 15 **RECORDKEEPING:** Records of the Committee, and any workgroups or subcommittees established, will be handled as part of the Trustee Council's Official Record, available at their office. A public copy of those records is available at the Alaska Resources Library and Information Services. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U S C 552.

Secretary of the Interior

Date

Date Filed

**RESOLUTION 14-01 OF THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
REGARDING TERMINATION OF AND FINAL PAYMENT
UNDER THE MASTER AGREEMENT WITH KONIAG INC.
AND RECORDATION OF RELEASE OF INTERESTS**

WHEREAS in 2001 the *Exxon Valdez* Oil Spill Trustee Council (Council) resolved to provide funds for the United States and the State of Alaska to enter into a long-term agreement with Koniag, Inc (Koniag) for the protection, through various easement instruments, of approximately 57,000 acres of Koniag-held lands on Kodiak Island within the Kodiak National Wildlife Refuge;

WHEREAS pursuant to a Master Agreement For Protection Of Certain Lands And Resources Between Koniag, Inc., The United States Of America, And The State Of Alaska (Master Agreement) that became effective the following year, \$29,800,000 was set aside in a special account from which yearly payments were to be made to Koniag in October of each year, beginning in 2003, for a Conservation Easement and a Camp Island Limited Development Easement (Easements) covering the aforementioned lands and, potentially, the sale of the fee interest in those lands to the United States;

WHEREAS the initial term of the Easements covered by the Master Agreement was ten years, and Koniag was to notify the United States no later than April 14, 2012 (as to the Camp Island Limited Development Easement) and no later than July 15, 2012 (as to the Conservation Easement) whether it would convey these lands, extend the individual easements (and the yearly payments) for an additional ten-year period, or allow the Easements to expire on October 14, 2012,

WHEREAS the Master Agreement was amended twice in 2012, initially extending the notification date to October 1, 2012 and subsequently to a date thirty calendar days after the Council's first regularly scheduled meeting in 2013 and, at the same time, the parties agreed that that the Master Agreement and the Easements would expire thirty days after receipt of the notice by Koniag of its election to terminate and that the Year 11 payment would be reduced on a pro-rata basis, to be paid no later than ninety days after the required notice;¹

WHEREAS at its first regularly scheduled meeting in 2013, the Council authorized the extension of Koniag's opportunity to elect termination of the Master Agreement and Easements to thirty calendar days after its next regularly scheduled meeting,

WHEREAS the Council's next regularly scheduled meeting was held on October 28, 2013;

¹ Year 11 of the Easements ran from October 15, 2012 through October 14, 2013.

WHEREAS the Year 11 payment was transferred to Koniag on October 25, 2013;

WHEREAS on November 22, 2013, Koniag provided notice to the Council, the State of Alaska and the United States of its election to terminate the Master Agreement, including the Conservation Agreement and the Camp Island Limited Development Easement, and

WHEREAS pursuant to Section 13 of the Master Agreement, Koniag may request that the United States and the State of Alaska execute a Release of Interests or other documentation suitable for recording that acknowledges the termination of the Master Agreement and any easements granted thereunder and the release of any Koniag lands from the terms of those easements;

The Council now finds, after review and consideration of public comment, that:

1. As a result of the actions outlined above, the Master Agreement terminated on December 22, 2013 and that the appropriate pro-rata payment to be made to Koniag for the 69-day period of Year 12 of the Easements, *i.e.*, from October 15, 2013 to December 22, 2013, is \$140,684.38, and
2. If requested by Koniag, a release of the federal and state interests in the lands covered by the Easements or other similar documentation, as described in Section 13 of the Master Agreement, would be appropriate.

THEREFORE, by unanimous consent, we request that the Assistant Attorney General of the Environment and Natural Resources Division of the United States Department of Justice and the Alaska Department of Law take such steps as are necessary for the Council to provide \$140,684.38 in joint settlement funds from the Koniag Sub Account of the Investment Fund to Koniag by February 20, 2014, and we further request that the appropriate agencies of the United States and the State of Alaska, upon the request of Koniag, execute and record in the Kodiak Recording District appropriate documentation acknowledging the termination of the Master Agreement, the Conservation Easement and the Camp Island Limited Development Easement and the release from their terms of the Koniag lands that were the subject of those agreements

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Approved by the Council at its meeting of January 27, 2014 held in Anchorage, Alaska,
as affirmed by our signatures affixed below.

TERRI MARCERON
Forest Supervisor
Chugach National Forest
U S Department of Agriculture

MICHAEL C. GERAGHTY
Attorney General
Alaska Department of Law

PAT POURCHOT
Special Assistant to the Secretary of the
Interior for Alaska Affairs
Office of the Secretary
U S Department of the Interior

JAMES BALSIGER
Administrator, Alaska Region
National Marine Fisheries Service
U S Department of Commerce

CORA CAMPBELL
Commissioner
Alaska Department of Fish and Game

LARRY HARTIG
Commissioner
Alaska Department of Environmental
Conservation