

13.08.01 – Reading File

April 2004

Exxon Valdez Oil Spill Trustee Council

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



MEMORANDUM

TO: Rhoda Brown,
Grants and Contracts
University of Alaska, Anchorage

FROM: Paula Banks
Administrative Manager

DATE: April 23, 2004

RE: Fiscal Year 1997 through 2004 In-Kind Contribution Report

Attached is a copy of the *Exxon Valdez* Oil Spill Trustee Council's In-Kind Contribution report for Fiscal Year 1997 through 2004. If you have any questions, please call me at 278-8012.

Cc: Carrie Holba

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**Comparison of ARLIS Costs
FY 97 - FY 04**

| | FY97* | FY98 | FY99 | FY00 | FY01 | FY02 | FY02 | FY03 | FY04 |
|---------------------|--------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Lib Salary | 169.2 | 127.2 | 128.4 | 71.3 | 75.6 | 81.7 | 81.7 | 87.2 | 90 |
| Lib Salary GA | 25.4 | 19.1 | 19.3 | 10.7 | 11.3 | 12.3 | 12.3 | 7.8 | 8.1 |
| Contractual (Rozen) | | | | | | | | | 57.6 |
| Subscrip/Rent, Etc | 101.6 | 48 | 44.8 | 45 | 39.4 | | 45 | | |
| Subscrip/Rent GA | 7.1 | 3.4 | 3.1 | 3.2 | 2.8 | | 3.2 | | |
| Commodities/Equip | 14 | | | | | | | | |
| GA | | | | | | | | | 5.2 |
| Total | 317.3 | 197.7 | 195.6 | 130.2 | 129.1 | 94 | 142.2 | 95 | 160.9 |

*FY97 budget included salaries for two librarians (126) and computer person (43.2)

FY97 budget also included a one-time moving costs (15.0)

FY04 budget includes salary for Cecilia Rozen under contractual

April 22, 2004

Exxon Valdez Oil Spill Trustee Council
ATTN: Paula Banks, Administrative Manager
441 West Fifth Ave, Ste 500
Anchorage, AK 99501

Re: In-kind contributions for Alaska Resource Library and Information Service (ARLIS)

We are closing out the 1st ARLIS agreement and we need your recorded in-kind contributions for Oct 1, 1998 thru Sep 30, 1999 & Oct 1, 2000 thru Sep 30, 2003. This reporting is part of your obligation in the Memorandum of Understanding.

We all know how difficult it is to track and maintain your contributions to the ARLIS project, but unless your contribution is 'officially' reported, it doesn't count. We are planning to issue a final bill, closing out the project on May 31, 2004. Please respond to this request by May 15, 2004.

There are several ways to 'officially' report your in-kind contribution. Here are the elements that should be included (attached is an example that your office can use for reference)

- 1) Agency letter head should be used and it should indicate the in-kind contribution is for the ARLIS project
- 2) The time period the in-kind was contributed. (10/01/98 - 9/30/1999 & 10/01/2000 - 9/30/03). We will accept this information by fiscal year, or for the entire period (whichever is easier for you to report).
- 3) The type of expense category the in-kind was for (personal services (which includes benefits), contractual, or reference materials, etc.). We ask for this detail, so that it can be tied to the summary budget that is presented to the Board.
- 4) The person signing must be the authorized official that can certify that the costs are correct.

We will need in-kind contribution totals for the following -

- 2) 1) Cost of Carrie Holba & Melody Ballard's time including actual salary & benefits

In perusing the grant files we find two in-kind letters from you, although Cathy Vitale indicated that she had seen other letters from EVOS. We can accept copies of letters submitted earlier if you have them in your files.

We have the following in-kind contributions on file from your organization for FY98 & FY00:

- 140,651.79 - Personnel - FY98
- 72,954.00 - Personnel - FY00
- 45,000.00 - Contractual (subscriptions & other expenses) - FY00
- 13,900.00 - General administration - FY00

It has been quite some time since the agency librarian in-kind salary & benefits costs have been updated on the contribution budget. Please include current salary & benefits for your employee. If the employee works (.2MMS or .6ADF&G), multiply so the amount contributed matches their time in ARLIS.

Please send your in-kind contribution information to Rhoda Brown, UAA Grants & Contracts, P.O. Box 9-2596, Anchorage, AK 99509-2596. If you have any questions, please contact Rhoda at the University of Alaska Anchorage at 786-1433 or anrab1@uaa.alaska.edu.

And last but not least, we all know the project would not be where it is today without your assistance.

Sincerely,

Cathy Vitale, ARLIS Assistance Representative

Rhoda Brown, UAA Grants & Contracts

cc: 241110

Exxon Valdez Oil Spill Trustee Council

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April 22, 2004

The Honorable Timothy Joyce
Mayor, City of Cordova
PO Box 1210
Cordova, AK 99574

Dear Mayor Joyce.

A handwritten signature in dark ink, appearing to read "Tim", is written over the word "Joyce" in the salutation.

RE: Cordova Community Center funding request

Thank you for approaching the *Exxon Valdez* Oil Spill Trustee Council for funding for your proposed Community Center. We appreciate the efforts that you and City Manager Scott Hahn, Museum/Library Director Cathy Sherman and your community have made in trying in trying to find funding for this project.

Although your letter does not request a specific amount of funding, it is clear that the City of Cordova hopes to secure a substantial portion of the \$13,700,000 in funding needed for the community center from the monies received by the United States and the State of Alaska in settlement of their natural resource damages claims arising out of the *Exxon Valdez* Oil Spill ("settlement monies").

The legal authority governing the expenditures of settlement monies, including those for community and economic restoration projects, requires that they be used for the restoration, rehabilitation, or replacement of natural resources, natural resource services or archaeological sites and artifacts injured, lost or destroyed by the spill or for the acquisition of the equivalent resources or services. We have reviewed the elements of the proposed community center and, as a general matter, do not regard it as a project that can be funded with settlement monies. Specifically, the municipal offices, public library and theatre/performance space components of the community center are not eligible for funding from the settlement monies. As was the case with the project that ultimately became the Alaska SeaLife Center in Seward, it is possible that some portion of the community center could be devoted to spill-related restoration. We note the references in the materials you provided to the Trustee Council to the community center's potential for dissemination of information on restoration activities and for stimulating restoration of recreational services that were lost as a result of the spill. These ideas could be the basis for one or more components

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of the community center that could become eligible for funding from the Trustee Council. If the City of Cordova decides to alter its plans to include such components within the community center, any proposal for funding of that portion of the community center by the Trustee Council should be made in accordance with the Council's funding procedures. We refer you to the FY 2005 Invitation for Proposals on the Trustee Council's website (www.evostc.state.ak.us) to give you an idea of the type of documentation the Council would need and the timing for submissions.

I appreciate your interest in the *Exxon Valdez* Oil Spill Trustee Council and hope that you will consider submitting proposals in future years. We all wish you well in your continued efforts to fund this center.

Sincerely,

A handwritten signature in cursive script, reading "Gail Phillips". The signature is written in black ink and is positioned above the printed name and title.

Gail Phillips
Executive Director

PS: I will be in Cordova on Friday and look forward to the opportunity to discuss this with you.

Cc: Trustee Council

Exxon Valdez Oil Spill Trustee Council

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April 12, 2004

David Banks, State Director
The Nature Conservancy
715 L. Street
Anchorage AK 99501

Dear Mr. Banks:

I very much appreciate the interest of the Nature Conservancy in developing a program to specifically address the conservation of salmon habitats in Alaska. The Conservancy is well situated - perhaps uniquely so - to bring private and public funding and expertise to bear on the many issues surrounding the need to protect the habitats that are essential to sustain the many important cultural and economic uses of Alaska's salmon stocks. I agree with your approach that capitalizes on the Conservancy's strength in bringing a strong scientific rationale to its conservation programs. It is most important that the scientific rationale for the acquisition of habitat be explained to policy makers and the public.

In any conservation program for Alaska salmon, identification of critical habitats based on scientific criteria is essential. The Conservancy can do much to advance our ability to develop models to identify and describe these habitats within watersheds. As we discussed last year, collaboration by TNC with the EVOS GEM program in these areas would be mutually beneficial, as we already support work on defining salmon habitat in conjunction with the Alaska Department of Fish and Game, The Biological Resources Division of the U.S. Geological Survey and other agencies interested in defining and protecting salmon habitats.

I look forward to continuing discussions of how the Conservancy can work with the Trustee Council and its partners to further salmon conservation efforts. Please let me know how I may be of assistance to this effort in the future.

Sincerely

A handwritten signature in black ink that reads "Brenda Hall Ramos for Phil Mundy". The signature is written in a cursive, flowing style.

Phillip R. Mundy, PhD
Science Director

cc: Rob Bosworth via fax 907-586-8622

Exxon Valdez Oil Spill Trustee Council

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FAX COVER SHEET

To: Rob Bosworth Number: 907 586 - 8672
From: Phil Munder Date: 4/12/04
Comments: Pages: 2 with cover

HARD COPY TO FOLLOW: XB

Document sent by: OST

*** TX REPORT ***

TRANSMISSION OK

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To: Rob Besworth Number: 907 586-8622

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MEMORANDUM

TO: *Exxon Valdez* Oil Spill Public
Advisory Committee Members

DATE: April 5, 2004

FROM: Gail Phillips
Executive Director

RE: Trustee Council Role
in Assertion of Reopener
Claim

You have asked about the role, if any, of the Public Advisory Committee (PAC) with respect to the Reopener For Unknown Injury (Reopener Provision) is contained in the Agreements and Consent Decrees between the governments and Exxon Corporation. The answer is clear. The authority to decide whether and when to utilize the Reopener Provision to seek additional natural resource damages from Exxon resides in the United States and the State of Alaska. Neither the Trustee Council nor the PAC has any role in this decision.

Naturally, the governments' decision would likely rely on work that the Trustee Council has undertaken, with the advice of the PAC, particularly with respect to proof of injury and development of projects to address that injury. However, the Trustee Council itself has no direct role in deciding whether the governments should demand additional monies from Exxon pursuant to the Reopener. Rather, its role is limited to decisions concerning the use of natural resource damages that the governments have already obtained. By extension, the authority of the PAC, a non-governmental group organized to provide public input into the decisions of the Trustee Council, does not extend to the Reopener decision.

If the governments invoke the Reopener and receive additional monies from Exxon to undertake restoration projects, then the projects will certainly be managed through the Trustee Council. However, because the nature of the Reopener is that restoration projects are determined in advance, there will be relatively few implementation decisions that would need to be made by the Trustee Council and thus reviewed by the PAC.

I hope this answers any questions you have about the role of the PAC with respect to the pursuit of additional natural resource damages from Exxon. Please feel free to contact me if you have any additional questions.

Thank you.

Cc: Trustee Council members