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EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL
ADMINISTRATIVE RECORD

RESOLUTION
of the
Exxon Valdez Oil Spill Trustee Council

Research Infrastructure Improvements
affiliated with the
School of Fisheries and Ocean Sciences
Institute of Marine Science
in Seward, Alaska

WHEREAS, on January 31, 1994 the Trustee Council directed the Executive Director to prepare a formal recommendation concerning the proposed research infrastructure improvements affiliated with the Institute of Marine Science in Seward (hereafter, "the facility") and specifically indicated that the Executive Director should:

- take needed steps to secure compliance under the National Environmental Policy Act (NEPA);
- consult with appropriate entities, including the University of Alaska, the City of Seward, the Seward Association for the Advancement of Marine Science and Trustee Agencies to review the assumptions relating to the proposed improvements and capital and operating budgets;
- develop an integrated funding approach which assures that the use of trust funds is appropriate and legally permissible under the terms of the Memorandum of Agreement and Consent Decree; and
- prepare a recommendation of the appropriate level of funding for consideration by the Trustee Council that would be legally permissible under terms of the Memorandum of Agreement and Consent Decree; and

WHEREAS, since that time, the Trustee Council has been provided with detailed briefings and informational updates that address the issues identified in its January 31, 1994 directive to the Executive Director; and

WHEREAS, a detailed *Project Description and Supplemental Materials* document dated September 26, 1994 has been prepared (hereafter *Project Description*), the proposed project has been subjected to a full Environmental

Impact Statement (EIS) review under NEPA, and on behalf of the Trustee Council, the Department of the Interior has adopted a Record of Decision (ROD) for the EIS which has been concurred in by the federal trustee department and each of the State Trustees; and

WHEREAS, the *Executive Director's Recommendation and Findings Regarding Infrastructure Improvements Affiliated with the Institute of Marine Science in Seward, Alaska* has been prepared; and

WHEREAS, the Executive Director has reviewed the *Project Description* and, together with the Chief Scientist, finds that:

- the proposed facility improvements would provide needed research infrastructure for conducting long-term marine mammal, seabird, and fishery genetics research pertaining to species identified as injured by the oil spill in order to effectively restore those injured resources and that the facility has been designed to allow for adaptation to future restoration research needs;
- the capabilities of other coastal research facilities in Alaska have been assessed and that there are no existing facilities in Alaska to adequately address the identified and anticipated restoration research needs;
- the proposed research facility will make an important contribution to implementation of the ecosystem approach to restoration and that the facility would play a vital role in making it possible to understand the ecosystem relationships that may influence or control the recovery of injured resources;
- investment of settlement funds in the proposed research infrastructure would provide a needed facility for the Trustee Council restoration mission in a cost-efficient manner reflecting a reasonable balance between costs and benefits; and

WHEREAS, the Trustee Council's Public Advisory Group (PAG) has reviewed the *Project Description* and formally expressed its support for the facility at its October 13, 1994 meeting; and

WHEREAS, the Executive Director finds that a realistic construction plan for the proposed facility has been developed that will provide for the successful completion of the needed research facility within the budget identified (a copy of the capital budget from the *Project Description* is provided as an attachment);

THEREFORE BE IT RESOLVED, that the Trustee Council hereby concurs with and adopts the findings of the Executive Director and authorizes funding for

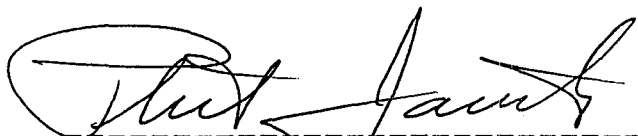
the project in an amount up to \$24,956,000 to support development of the research components of the facility subject to the following provisions:

1. approval by the Executive Director of a detailed construction budget and a detailed operating plan that reflects a realistic cash flow for the successful construction and operation of the research facility;
2. approval by the Executive Director of an agreement to be entered into by the State of Alaska (Alaska Department of Fish and Game) and the City of Seward providing that the facility will be owned by the City and that the City will provide for the operation and maintenance of the facility for the practical life of the facility;
3. approval by the Executive Director of a showing by the City of Seward that future mitigation measures identified for the construction and operation of the facility will be given due consideration and implemented to the extent practicable;
4. approval by the Executive Director of a detailed governing and management structure for the facility that clearly identifies the role of the University of Alaska in providing the scientific leadership at the facility and ensures the facility is managed so that research activities appropriately serve the Trustee Council's restoration mission; and
5. annual financial reports and project status reports will be submitted to the Trustee Council by the City of Seward and the Executive Director will carefully monitor the construction of the facility and provide regular updates to the Trustee Council regarding the project's progress.

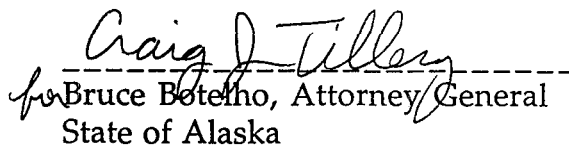
AND BE IT FURTHER RESOLVED, that it is the intent of the Trustee Council that funds for the project be transferred from the civil settlement to the Alaska Department of Fish and Game which shall, in turn, transfer capital funds to the City of Seward in a manner that is appropriate and timely to supplement the project funding previously appropriated by the Alaska State Legislature. Subject to the provisions identified above, the Alaska Department of Law and the Assistant Attorney General for the Environment and Natural Resources Division of the U.S. Department of Justice are hereby requested to petition the United States District Court for the District of Alaska for withdrawals in an amount of \$12,500,000 on September 15, 1995 and an additional withdrawal of \$12,456,000 on September 15, 1996 in accordance with the funding approvals contained herein.

AND BE IT FURTHER RESOLVED, that in authorizing funding for this project, the Trustee Council adopts the following policy: Consistent with this facility's unique capabilities for marine mammal, seabird and fishery genetics research, it is the policy of the Trustee Council to concentrate its EVOS-

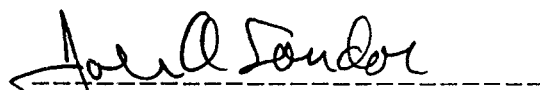
funded laboratory research projects and resources at the IMS facility to the maximum extent practicable. Approval of individual laboratory research projects, including the facilities at which they will be located, will be based on the resources required for that project and its cost-effectiveness, including the cost-savings available to the Trustee Council at the IMS facility as a result of this capital investment.



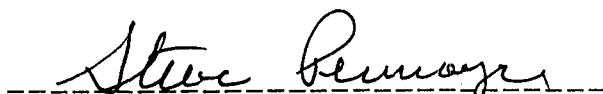
Phil Janik, Regional Forester
Alaska Region
USDA - Forest Service


for Bruce Botelho, Attorney General
State of Alaska

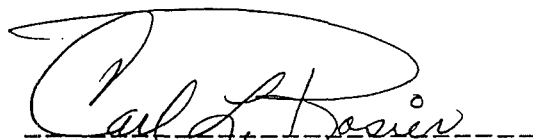
George T. Frampton, Jr., Assistant Secretary
for Fish and Wildlife and Parks
U.S. Department of the Interior



John A. Sandor, Commissioner
Alaska Department of
Environmental Conservation



Steve Pennoyer, Director
Alaska Region
National Marine Fisheries Service



Carl L. Rosier, Commissioner
Alaska Department of Fish & Game

adopted November 2, 1994

Capital Budget

	CONSTR. COST	DESIGN 15%	PA/PM 10%	CONT 10%	EIS/PLAN 2%	TOTAL
RESEARCH COMPONENT						
1. MAIN BUILDING	\$9,815,000	\$1,472,000	\$981,000	\$981,000	\$196,000	\$13,445,000
2. HABITAT	\$8,204,000	\$1,230,000	\$820,000	\$820,000	\$164,000	\$11,238,000
3. LIFE SUPPORT	\$4,108,000	\$616,000	\$411,000	\$411,000	\$82,000	\$5,628,000
4. SITE DEVELOPMENT	\$2,319,000	\$348,000	\$232,000	\$232,000	\$47,000	\$3,178,000
5. FF & EQUIPMENT	\$2,560,000	\$384,000	\$256,000	\$256,000	\$51,000	\$3,507,000
Subtotal	\$27,006,000	\$4,050,000	\$2,700,000	\$2,700,000	\$540,000	\$36,996,000
EDUCATION COMPONENT						
1. MAIN BUILDING	\$5,713,000	\$857,000	\$571,000	\$571,000	\$114,000	\$7,826,000
2. HABITAT	\$1,017,000	\$153,000	\$102,000	\$102,000	\$20,000	\$1,394,000
3. LIFE SUPPORT	\$175,000	\$26,000	\$18,000	\$18,000	\$4,000	\$241,000
4. SITE DEVELOPMENT	\$420,000	\$63,000	\$42,000	\$42,000	\$8,000	\$575,000
5. FF & EQUIPMENT	\$309,000	\$47,000	\$31,000	\$31,000	\$6,000	\$424,000
Subtotal	\$7,634,000	\$1,146,000	\$764,000	\$764,000	\$152,000	\$10,460,000
TOTAL PROJECT						
1. MAIN BUILDING	\$15,528,000	\$2,329,000	\$1,553,000	\$1,553,000	\$310,000	\$21,273,000
2. HABITAT	\$9,221,000	\$1,383,000	\$922,000	\$922,000	\$184,000	\$12,632,000
3. LIFE SUPPORT	\$4,283,000	\$643,000	\$428,000	\$428,000	\$86,000	\$5,868,000
4. SITE DEVELOPMENT	\$2,739,000	\$411,000	\$274,000	\$274,000	\$55,000	\$3,753,000
5. FF & EQUIPMENT	\$2,869,000	\$430,000	\$287,000	\$287,000	\$57,000	\$3,930,000
Total	\$34,640,000	\$5,196,000	\$3,464,000	\$3,464,000	\$692,000	\$47,456,000