

**M/V *Selendang Ayu* Oil Spill  
Natural Resource Damage Assessment and Restoration**

**Trustee Resolution 2018-01:  
Reimbursement of Costs Incurred October 21, 2015 through December 31, 2017  
and  
Release of Restoration Planning Funds**

1. *Whereas*, the United States Department of the Interior (DOI), acting through the United States Fish and Wildlife Service (USFWS), the United States Department of Commerce, acting through the National Oceanic and Atmospheric Administration (NOAA), and the State of Alaska, acting through the Departments of Environmental Conservation (ADEC), Fish and Game (ADFG), Law (ADOL), and Natural Resources (ADNR), are the six Natural Resource Trustee agencies (“Trustee agencies”) responsible for the natural resource damage assessment and restoration (NRDAR) associated with the 2004 M/V *Selendang Ayu* oil spill that occurred along the northern shore of Unalaska Island, Alaska;
2. *Whereas*, on November 25, 2016, the Trustee agencies submitted to the United States Coast Guard’s National Pollution Funds Center (NPFC) a request for funding to reimburse the agencies for past assessment costs and to support the agencies’ future efforts to complete the injury assessment and restoration planning work and to prepare a Restoration Plan (hereinafter, the “November 2016 claim”);
3. *Whereas*, as a result of the November 2016 claim, the NPFC awarded funding to the Trustee agencies in 2017 in the amounts of (a) \$1,236,943.47 as reimbursement of the agencies’ past assessment costs up to October 20, 2015 and (b) \$2,462,117.00 for the agencies’ future work to complete the injury assessment and restoration planning work and to prepare a Restoration Plan; and these funds were deposited into the DOI NRDAR Fund, Account #0451, on behalf of the agencies;
4. *Whereas*, the Trustee agencies incurred costs related to the M/V *Selendang Ayu* NRDAR from October 21, 2015 through December 31, 2017, for which, at the time of submitting the November 2016 claim, the agencies intended to eventually receive reimbursement from the NPFC award for future costs;
5. *Whereas*, the USFWS, ADEC, ADFG, ADOL, and ADNR now seek reimbursement for uncompensated costs incurred from October 21, 2015 through December 31, 2017, in the amounts shown in Table 1, while NOAA will seek reimbursement at a later time;

Table 1: Amounts sought as reimbursement for costs from incurred October 21, 2015 through December 31, 2017

USFWS	\$46,744.73
ADEC	\$4,823.30
ADFG	\$4,428.50
ADOL	\$37,901.87
ADNR	\$3,461.22

6. *Whereas*, after careful review of the cost documentation (Exhibits 1-5) for costs incurred from October 21, 2015 through December 31, 2017 provided by each Trustee agency seeking reimbursement under this Resolution, the Trustee agencies find that:

- (a) the incurred costs are reasonable and appropriate for the M/V *Selendang Ayu* NRDAR,
- (b) the incurred costs are in accordance with the Assessment Plan for the M/V *Selendang Ayu* NRDAR and adhere to the limitations imposed by the NPFC on the use of the 2017 award,
- (c) the incurred costs are sufficiently supported by cost documentation,
- (d) the cumulative expenditures within each Activity do not exceed the amount authorized by the NPFC, and
- (e) the cumulative expenditures of each Trustee agency do not exceed the amounts budgeted for each agency and agreed to by the agencies during the development of the November 2016 claim after adjustment to account for the amounts denied by the NPFC;

7. *Whereas*, the ADFG wishes to receive in advance all of the funds budgeted for that agency in the November 2016 claim for future work, after accounting for the budget adjustments associated with the funding denied by the NPFC and after accounting for the reimbursement of costs incurred from October 21, 2015 to December 31, 2017 shown in Table 1; these advance funds (\$127,255.86) will be used to support work in accordance with the Assessment Plan, and any funds remaining unspent after conclusion of the Assessment Plan activities, shall be returned to the DOI NRDAR Fund, Account #0451;

8. *Whereas*, the ADEC, ADOL, and ADNR will periodically seek reimbursements for case-related costs incurred after December 31, 2017, rather than receive full advance funding at this time, and the Trustee agencies concur that total amounts remaining available to ADEC, ADOL, and ADNR are shown in Table 2 after accounting for the budget adjustments associated with the funding denied by the NPFC and accounting for the reimbursement of costs incurred from October 21, 2015 to December 31, 2017 shown in Table 1; and

Table 2: Amounts remaining available to ADEC, ADOL, and ADNR after accounting for the budget adjustments associated with the funding denied by the NPFC and accounting for the reimbursement of costs incurred from October 21, 2015 to December 31, 2017.

ADEC	\$129,027.23
ADOL	\$58,052.29
ADNR	\$97,072.56

9. *Whereas*, the USFWS and NOAA will address at a later time funding for case-related costs incurred after December 31, 2017;

10. *NOW, THEREFORE, BE IT RESOLVED*, the Trustee agencies request that the DOI NRDAR Fund transfers funds from Account #0451 to the recipients and in the dollar amounts shown in Table 3 below.

Table 3: Total amounts to be released, by agency.

USFWS	\$46,744.73
ADEC	\$4,823.30
ADFG	\$131,684.36
ADOL	\$37,901.87
ADNR	\$3,461.22
<i>Total</i>	\$224,615.48

CONCURRED IN by the following who are duly authorized:

FOR THE U.S. DEPARTMENT OF THE INTERIOR:

Karen P. Clark  
Karen P. Clark  
Acting Regional Director, DOI Authorized Official  
U.S. Fish and Wildlife Service, Alaska Region

5/17/18  
Date

FOR THE U.S. DEPARTMENT OF COMMERCE:

\_\_\_\_\_  
Print name:  
Print position title:  
National Oceanic and Atmospheric Administration

\_\_\_\_\_  
Date

FOR THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION:

\_\_\_\_\_  
Graham Wood  
Prevention, Preparedness and Response Program Manager  
Alaska Department of Environmental Conservation

\_\_\_\_\_  
Date

10. NOW, THEREFORE, BE IT RESOLVED, the Trustee agencies request that the DOI NRDAR Fund transfers funds from Account #0451 to the recipients and in the dollar amounts shown in Table 3 below.

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FOR THE U.S. DEPARTMENT OF THE INTERIOR:

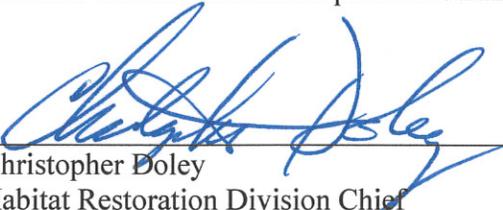
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Gregory Siekaniec, DOI Authorized Official  
Regional Director  
U.S. Fish and Wildlife Service, Alaska Region

\_\_\_\_\_  
Date

FOR THE U.S. DEPARTMENT OF COMMERCE:

  
\_\_\_\_\_  
Tony Penn  
Assessment and Restoration Division Chief  
National Oceanic and Atmospheric Administration

5/15/18  
Date

  
\_\_\_\_\_  
Christopher Doley  
Habitat Restoration Division Chief  
National Oceanic and Atmospheric Administration

5-16-18  
Date

10. NOW, THEREFORE, BE IT RESOLVED, the Trustee agencies request that the DOI NRDAR Fund transfers funds from Account #0451 to the recipients and in the dollar amounts shown in Table 3 below.

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FOR THE U.S. DEPARTMENT OF THE INTERIOR:

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Gregory Siekaniec, DOI Authorized Official  
Regional Director  
U.S. Fish and Wildlife Service, Alaska Region

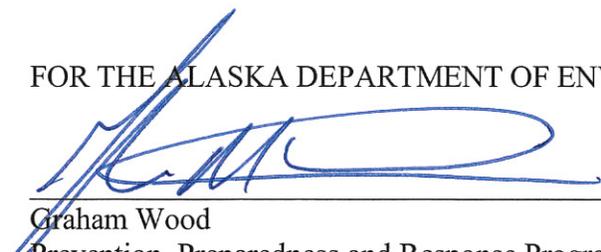
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FOR THE U.S. DEPARTMENT OF COMMERCE:

\_\_\_\_\_  
Print name:  
Print position title:  
National Oceanic and Atmospheric Administration

\_\_\_\_\_  
Date

FOR THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION:

  
\_\_\_\_\_  
Graham Wood  
Prevention, Preparedness and Response Program Manager  
Alaska Department of Environmental Conservation

5/21/18  
Date

FOR THE ALASKA DEPARTMENT OF FISH AND GAME:



5/16/2018

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Ron Benkert  
Regional Supervisor, Central Regional Office  
Alaska Department of Fish and Game

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Date

FOR THE ALASKA DEPARTMENT OF LAW:

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Print name:  
Print position title:  
Alaska Department of Law

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Date

FOR THE ALASKA DEPARTMENT OF NATURAL RESOURCES:

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Print name:  
Print position title:  
Alaska Department of Natural Resources

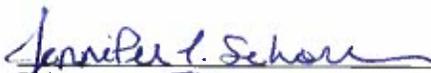
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Date

FOR THE ALASKA DEPARTMENT OF FISH AND GAME:

\_\_\_\_\_  
Print name: \_\_\_\_\_ Date \_\_\_\_\_  
Print position title: \_\_\_\_\_  
Alaska Department of Fish and Game

FOR THE ALASKA DEPARTMENT OF LAW:

  
\_\_\_\_\_  
Print name: JENNIFER SCHORR Date 5/17/18  
Print position title: ASSISTANT ATTORNEY GENERAL  
Alaska Department of Law

FOR THE ALASKA DEPARTMENT OF NATURAL RESOURCES:

\_\_\_\_\_  
Print name: \_\_\_\_\_ Date \_\_\_\_\_  
Print position title: \_\_\_\_\_  
Alaska Department of Natural Resources

FOR THE ALASKA DEPARTMENT OF FISH AND GAME:

\_\_\_\_\_  
Print name:  
Print position title:  
Alaska Department of Fish and Game

\_\_\_\_\_  
Date

FOR THE ALASKA DEPARTMENT OF LAW:

\_\_\_\_\_  
Print name:  
Print position title:  
Alaska Department of Law

\_\_\_\_\_  
Date

FOR THE ALASKA DEPARTMENT OF NATURAL RESOURCES:

  
\_\_\_\_\_  
Print name: Heidi Handen  
Print position title: Deputy Commissioner  
Alaska Department of Natural Resources

  
\_\_\_\_\_  
Date

## List of Exhibits

Exhibit 1: Documentation for costs incurred by USFWS during the period of October 21, 2015 to December 31, 2017. USFWS's total costs incurred during this period were \$92,683.83; however, \$45,938.95 were paid with advance funds received from the Responsible Party under the original Funding and Participation Agreement.

*11\_FWSsummaryCosts102115to123117.pdf*

*12\_FWScostdoc102115to123117\_signed\_Redacted.pdf*

*13\_Summary USFWS overall funds status up to 123117.pdf*

Exhibit 2: Documentation for costs incurred by ADEC during the period of October 21, 2015 to December 31, 2017.

*21\_ADEC\_Invoice\_Timesheet\_102115-123117.pdf*

*22\_ADEC Indirect Cost Narrative.pdf*

Exhibit 3: Documentation for costs incurred by ADFG during the period of October 21, 2015 to December 31, 2017.

*31\_ADF&G cost documentation 10.21.2015 to 12.31.17.pdf*

Exhibit 4: Documentation for costs incurred by ADOL during the period of October 21, 2015 to December 31, 2017.

*41\_Law Unreimbursed Costs 10-21-15 thru 12-31-17\_DOL edits.pdf*

Exhibit 5: Documentation for uncompensated costs incurred by ADNR during the period of September 30, 2017 to December 31, 2017. Costs incurred during the period of October 21, 2015 to September 30, 2017 were paid with advance funds received from the Responsible Party under the original Funding and Participation Agreement.

*51\_DNR reimbursement back up through 12.31.18.pdf*