

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

Trustee Resolution 2018-02:

Reimbursement of NOAA Costs Incurred October 4, 2015 – January 6, 2018;  
Reimbursement of USFWS Direct Costs Related to Trustee Coordination Incurred  
October 21, 2015 – December 31, 2017;  
Reimbursement of Trustee Costs Incurred January 1, 2018 – June 30, 2018;  
and  
Release of Funds to USFWS and NOAA for Future Work

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 (“Trustees”) 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 Trustees submitted to the United States Coast Guard’s National Pollution Funds Center (NPFC) a request for funding to reimburse the Trustees for past assessment costs and to support the Trustees’ future efforts to complete the injury assessment and restoration planning work and to prepare a draft Restoration Plan (hereinafter, the “November 2016 claim”);
3. *Whereas*, as a result of the November 2016 claim, the NPFC awarded funding to the Trustees in 2017 in the amounts of (a) \$1,236,943.47 as reimbursement of the Trustees’ past assessment costs up to October 20, 2015 and (b) \$2,462,117.00 for the Trustees’ future work to complete the injury assessment and restoration planning work and to prepare a draft Restoration Plan; and these funds were deposited into the DOI NRDAR Fund, Account #0451, on behalf of the Trustees;
4. *Whereas*, the NOAA and the USFWS, as well as the other Trustees, incurred costs related to the *Selendang* NRDAR from October 21, 2015 through December 31, 2017\*, for which, at the time of submitting the November 2016 claim, the Trustees intended to use a portion of the NPFC award for future costs as the source of funds for reimbursement;
5. *Whereas*, a part of Trustee Resolution 18-01, the USFWS obtained reimbursement from the NPFC award for costs incurred from October 21, 2015 through December 31, 2017, except that \$12,409.80 in direct costs and \$0.15 in indirect costs, both related to Trustee Coordination, were inadvertently excluded.
6. *Whereas*, the USFWS and the NOAA now seek reimbursement for costs incurred October 21,

---

\* For the NOAA, this period is actually October 4, 2015 to January 6, 2018.

2015 through December 31, 2017\*, in the amounts shown in Table 1;

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

USFWS	\$12,409.95
NOAA	\$161,352.56

7. *Whereas*, the USFWS, NOAA, ADEC, and ADNR seek reimbursement for case-related costs incurred January 1, 2018 to June 30, 2018<sup>†</sup> in the amounts shown in Table 2 (ADFG does not seek reimbursement, since it received in advance all of its portion of the NPFC award via Trustee Resolution 18-01);

Table 2: Amounts sought as reimbursement for costs incurred  
January 1, 2018 to June 30, 2018<sup>†</sup>

USFWS	\$21,955.30
NOAA	\$28,284.25
ADEC	\$2,087.20
ADNR	\$1,798.21

8. *Whereas*, the USFWS requests the advancement of \$41,287.01 from the remaining portion of the funds that were budgeted for that agency in the November 2016 claim for future work, after accounting for (i) the budget adjustments associated with the funding denied by the NPFC and (ii) amounts released to the USFWS by previous Trustee Resolutions, to support its case-related direct costs from July 1, 2018 to June 30, 2019 as described in the “U.S. Fish and Wildlife Service Work Plan and Budget for the M/V *Selendang Ayu* NRDAR – July 1, 2018 to June 30, 2019” (Exhibit 1) (reimbursement of associated indirect costs will be requested later after actual direct expenditures are known);

9. *Whereas*, the NOAA requests the advancement of \$745,711.06 from the portion of the funds that were 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, to support future work by NOAA staff and through a contract for professional technical assistance services, in accordance with the Assessment Plan;

10. *Whereas*, after careful review of the cost documentation (Exhibit 2) for costs incurred from October 21, 2015 through June 30, 2018\*<sup>†</sup> provided by each Trustee agency seeking reimbursement under this Resolution, and the “U.S. Fish and Wildlife Service Work Plan and Budget for the M/V *Selendang Ayu* NRDAR – July 1, 2018 to June 30, 2019”, the Trustees find that:

- (a) the incurred and anticipated costs are reasonable and appropriate for the *Selendang* case,
- (b) the incurred and anticipated costs are in accordance with the *Selendang* Assessment Plan and adhere or will adhere to the limitations imposed by the NPFC on the use of the its 2017 award,
- (c) the incurred costs are, and anticipated costs will be, sufficiently supported by cost documentation,

<sup>†</sup> For the NOAA, the period is actually January 7, 2018 to July 7, 2018.

- (d) cumulative expenditures within each Activity do not exceed the amount authorized by the NPFC, and
- (e) cumulative expenditures of the NPFC award by each Trustee agency do not exceed the amounts budgeted for each Trustee agency and agreed to by the Trustees during the development of the November 2016 claim;

11. *NOW, THEREFORE, BE IT RESOLVED*, the Trustees request that the DOI NRDAR Fund perform fund transfers from Account #0451 to the Trustee agencies, and in the amounts, shown in Table 3.

Table 3: Summary of fund transfers

	Reimbursement of costs incurred October 21, 2015 through June 30, 2018*†	Advance funds	Total per agency
USFWS	\$34,365.25	\$41,287.01	\$75,652.26
NOAA	\$189,636.81	\$745,711.06	\$935,347.87
ADEC	\$2,087.20	0	\$2,087.20
ADNR	\$1,798.21	0	\$1,798.21
total	\$227,887.47	\$786,998.07	\$1,014,885.54

CONCURRED IN by the following who are duly authorized:

FOR THE U.S. DEPARTMENT OF THE INTERIOR:

*Veronica W. Varela*

Veronica Varela, DOI Trustee Representative  
U.S. Fish and Wildlife Service

*11/5/2018*

Date

FOR THE U.S. DEPARTMENT OF COMMERCE:

Sarah Allan, Trustee Representative  
National Oceanic and Atmospheric Administration

Date

FOR THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION:

Print name:  
Print position title:  
Alaska Department of Environmental Conservation

Date

FOR THE ALASKA DEPARTMENT OF FISH AND GAME:

Jeanette Alas, Trustee Representative  
Alaska Department of Fish and Game

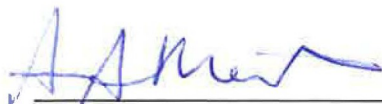
Date

FOR THE U.S. DEPARTMENT OF THE INTERIOR:

\_\_\_\_\_  
Veronica Varela, DOI Trustee Representative  
U.S. Fish and Wildlife Service

\_\_\_\_\_  
Date

FOR THE U.S. DEPARTMENT OF COMMERCE:

 *Amy A. Merten*  
*for Sarah Allan*  
\_\_\_\_\_  
Sarah Allan, Trustee Representative  
National Oceanic and Atmospheric Administration

*11/13/18*

\_\_\_\_\_  
Date

FOR THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION:

\_\_\_\_\_  
Print name:  
Print position title:  
Alaska Department of Environmental Conservation

\_\_\_\_\_  
Date

FOR THE ALASKA DEPARTMENT OF FISH AND GAME:

\_\_\_\_\_  
Jeanette Alas, Trustee Representative  
Alaska Department of Fish and Game

\_\_\_\_\_  
Date

FOR THE U.S. DEPARTMENT OF THE INTERIOR:

\_\_\_\_\_  
Veronica Varela, DOI Trustee Representative  
U.S. Fish and Wildlife Service

\_\_\_\_\_  
Date

FOR THE U.S. DEPARTMENT OF COMMERCE:

\_\_\_\_\_  
Sarah Allan, Trustee Representative  
National Oceanic and Atmospheric Administration

\_\_\_\_\_  
Date

FOR THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION:

  
\_\_\_\_\_  
Jody Barthlow, Trustee Representative  
Alaska Department of Environmental Conservation

11-20-18  
Date

FOR THE ALASKA DEPARTMENT OF FISH AND GAME:

\_\_\_\_\_  
Jeanette Alas, Trustee Representative  
Alaska Department of Fish and Game

\_\_\_\_\_  
Date

FOR THE U.S. DEPARTMENT OF THE INTERIOR:

\_\_\_\_\_  
Veronica Varela, DOI Trustee Representative  
U.S. Fish and Wildlife Service

\_\_\_\_\_  
Date

FOR THE U.S. DEPARTMENT OF COMMERCE:

\_\_\_\_\_  
Sarah Allan, Trustee Representative  
National Oceanic and Atmospheric Administration


\_\_\_\_\_  
Date

FOR THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION:

\_\_\_\_\_  
Print name:  
Print position title:  
Alaska Department of Environmental Conservation

\_\_\_\_\_  
Date

FOR THE ALASKA DEPARTMENT OF FISH AND GAME:

  
\_\_\_\_\_  
Jeanette Alas, Trustee Representative  
Alaska Department of Fish and Game

11/20/18  
\_\_\_\_\_  
Date

FOR THE ALASKA DEPARTMENT OF LAW:



Print name: **KEVIN G. CLARKSON**  
Print position title: **ATTORNEY GENERAL**  
Alaska Department of Law

FEBRUARY 1, 2019  
Date

FOR THE ALASKA DEPARTMENT OF NATURAL RESOURCES:

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

\_\_\_\_\_  
Date



FOR THE ALASKA DEPARTMENT OF LAW:

\_\_\_\_\_  
Print name:

\_\_\_\_\_  
Date

Print position title:

Alaska Department of Law

FOR THE ALASKA DEPARTMENT OF NATURAL RESOURCES:

Faith Martineau

11/6/2018

Print name: Faith Martineau

Date

Print position title: Executive Director, OPMP

Alaska Department of Natural Resources