

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

Trustee Resolution 2021-01:
Reimbursement of Costs Incurred July 1, 2018 through December 31, 2020

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, 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) \$2,462,116.00 for the Trustees’ future work to complete the injury assessment and restoration planning work and to prepare a draft Restoration Plan (hereinafter “NPFC award”); and these funds were deposited into the DOI NRDAR Fund, Account #0451, on behalf of the Trustees;*
4. *Whereas*, through Trustee Resolution 2017-01, the funds provided by the NPFC to reimburse the Trustees’ past assessment costs through October 20, 2015 have been distributed to the Trustee agencies, except for \$37,851.46 belonging to the DOI/USFWS;
5. *Whereas*, through Trustee Resolutions 2018-01 and 2018-02, some of the funds provided by the NPFC for “future work” on and after October 21, 2015 have been distributed to Trustee agencies, and \$1,222,614.98 remains in the DOI NRDAR Fund for “future work” as of the date of this Resolution;
6. *Whereas*, from the funds provided by the NPFC for “future work,” the Trustees seek reimbursement for costs incurred July 1, 2018 through December 31, 2020, in the amounts shown in Table 1, as supported by the cost documentation and cost reconciliations provided by the requesting agencies (Exhibits 1 and 2);

* The \$1,236,943.47 value is consistent with the amount that the NPFC specified in its award letter for past assessment costs, but it is \$1.00 more than the amount actually deposited into the NRDAR Fund. The \$2,462,116.00 value is consistent with the amount that the NPFC specified in its award letter for future costs, but it is \$1.00 less than the amount actually deposited into the NRDAR Fund.

Table 1: Amounts sought as reimbursement for costs incurred July 1, 2018 through December 31, 2020

USFWS	\$7,125.62
NOAA	\$0
ADEC	\$7,003.68
ADFG	\$0
ADNR	\$0
ADOL	\$0

7. *Whereas*, from the funds provided by the NPFC for “future work,” the USFWS requests the release of \$11,575.00 to support anticipated case-related direct costs during January 1, 2021 through December 31, 2021, as described in Exhibit 2 (the associated indirect costs will be requested at a later time after the actual indirect expenditures are known);

8. *Whereas*, after careful review of the cost documentation for costs incurred from October 21, 2015 through December 31, 2020 provided by each Trustee agency seeking reimbursement under this Resolution (Exhibit 1) and the “U.S. Fish and Wildlife Service M/V *Selendang Ayu* NRDAR Accounting of Actual Costs Incurred July 1, 2018 through June 30, 2019; Accounting of Actual Costs Incurred July 1, 20019 through December 31, 2020; and Request for Funding to Support Direct Costs Anticipated January 1, 2021 through December 31, 2021” (Exhibit 2), 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,
- (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;

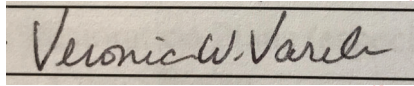
9. *NOW, THEREFORE, BE IT RESOLVED*, the Trustees request that the DOI NRDAR Fund perform fund transfers from Account #0451, sub-account “Future Damage Assessment” to the Trustee agencies, and in the amounts, shown in Table 2.

Table 2: Summary of fund transfers

	Requested release of funds
USFWS	\$18,700.62
ADEC	\$7,003.68
total	\$25,704.30

CONCURRED IN by the following who are duly authorized:

FOR THE U.S. DEPARTMENT OF THE INTERIOR:



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6/7/2021

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

Date

FOR THE U.S. DEPARTMENT OF COMMERCE:

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5/18/2021

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 ALASKA DEPARTMENT OF LAW:

Print name:
Print position title:
Alaska Department of Law

Date

FOR THE ALASKA DEPARTMENT OF NATURAL RESOURCES:

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

Date