

**RESOLUTION OF THE  
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL  
REGARDING CERTAIN KODIAK ISLAND BOROUGH AND ADDITIONAL  
10-ACRE PARCELS**

We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council ("Trustee Council"), after extensive review and after consideration of the views of the public, find as follows:

1.a. In its resolution of December 11, 1995, the Council agreed to provide funding of up to \$1,000,000 for the acquisition of lands held by the Kodiak Island Borough at key waterfront locations along Uyak Bay within the Kodiak National Wildlife Refuge as a result of forfeitures for tax delinquency. On June 8, 1998, the Council by motion designated these inholdings as parcels meriting special consideration by virtue of their location within the boundaries of a large parcel of land purchased from Koniag Inc. with Council funding.

b. In its motion of June 8, 1998, the Council also agreed to authorize funding of up to \$645,000 from the previously dedicated \$1,000,000 for the purchase of privately owned approximately 10-acre parcels conveyed by the Larsen Bay Tribal Council to tribal members. This motion designated these inholdings as parcels meriting special consideration by virtue of their location within and adjacent to the boundaries of a large parcel acquisition of land purchased from Koniag, Inc. with Council funding.

c. Subject to funding by the Council, the present owners of certain parcels formerly conveyed by the Tribal Council to various of its members, and the U.S. Fish and Wildlife Service are negotiating agreements to sell and purchase, respectively, 46 such parcels. These parcels and their respective approved appraised values are identified as follows:

EVOS Parcel KAP# Owner	Legal Description Twp, Rng, Sec-Lot	Size	Appraised Value
1089 Christensen, Randy	31S, 28W, 05-02	8.13 acres	13,000
2008 Kodiak Island Bor.	30S, 28W, 20-05	9.80 acres	12,000
2009 Kodiak Island Bor.	30S, 28W, 28-04	9.85 acres	16,000
2010 Kodiak Island Bor.	30S, 28W, 28-08	4.68 acres	16,000
2011 Kodiak Island Bor.	30S, 28W, 30-02	13.44 acres	18,000
2012 Kodiak Island Bor.	31S, 28W, 05-11	10.00 acres	9,000
2013 Kodiak Island Bor.	31S, 28W, 20-01	10.00 acres	18,000
2014 Kodiak Island Bor.	31S, 28W, 29-02	10.38 acres	19,000
2015 Kodiak Island Bor.	31S, 28W, 29-06	11.06 acres	12,000
2016 Kodiak Island Bor.	32S, 28W, 19-01	6.00 acres	18,000
2017 Kodiak Island Bor.	32S, 29W, 13-05	7.85 acres	18,000
2019 Christensen, Randy	30S, 28W, 28-02	10.00 acres	12,000
2020 Aga, Brad	30S, 28W, 28-05	11.67 acres	22,000
2022 Stager, Fredrick	31S, 28W, 05-04	10.25 acres	21,000
2035 Kaneshiro, Stanley	30S, 28W, 28-01	~10 acres	8,000
2036 Penkusky, James	30S, 28W, 18-07	~10 acres	22,000
2037 Smith, Leslie	31S, 28W, 32-02	~10 acres	12,000
2038 Johnson, Glen	31S, 29W, 22-02	~10 acres	18,000
2039 Penwarden, Richard	31S, 29W, 22-04	~10 acres	18,000
2040 Abston, Patricia	30S, 28W, 19-02	~10 acres	11,000
2041 Lorance, Dexter	30S, 28W, 18-x	~10 acres	11,500
2042 Abston, David	30S, 28W, 19-14	~10 acres	15,000
2043 Jager, Russell	30S, 30W, 34-07	~10 acres	12,000
2044 Antonsen, Julie	30S, 30W, 26-03	~10 acres	22,800
2045 Antonsen, Julie	30S, 30W, 35-01	~10 acres	incl above
2046 Abston, Virginia	30S, 28W, 19-03	~10 acres	15,000
2047 Becker, et al	30S, 28W, 18-13	~10 acres	17,000
2048 Kodiak Island Bor.	31S, 29W, 03-01	~10 acres	12,000
2049 Kodiak Island Bor.	31S, 29W, 15-02	~10 acres	12,000
2050 Kodiak Island Bor.	31S, 29W, 22-01	~10 acres	11,000
2051 Kodiak Island Bor.	31S, 29W, 22-05	~10 acres	16,000
2052 Kodiak Island Bor.	30S, 28W, 18-10	~10 acres	15,000
2053 Kodiak Island Bor.	30S, 28W, 19-06	~10 acres	9,000
2054 Kodiak Island Bor.	30S, 28W, 19-09	~10 acres	9,000
2055 Kodiak Island Bor.	30S, 28W, 20-01	~10 acres	18,000
2056 Kodiak Island Bor.	30S, 30W, 34-06	~10 acres	12,000
2057 Kodiak Island Bor.	30S, 30W, 34-02	~10 acres	14,000
2058 Kodiak Island Bor.	30S, 30W, 34-09	~10 acres	17,000
2059 Kodiak Island Bor.	30S, 30W, 34-05	~10 acres	12,000

2060	Glenn, Fred	30S, 28W, 19-07	~10 acres	17,000
2061	Danilesky, Pete	31S, 29W, 10-01	~10 acres	22,000
2062	Johnson, Darlene	31S, 28W, 5-x	~10 acres	11,500
2063	Johnson, Janissa	30S, 30W, 26-01	10 acres	10,500
2064	Johnson, Noreen	30S, 30W, 26-02	10 acres	10,500
2065	Patricia Hester	31S, 28, 32-05	~10 acres	13,500
2066	Johnson, Jackie	30S, 30W, 35-02	~10 acres	11,500
46 Parcels			453 acres	\$659,800

d. Appraisals totaling \$659,800 for these 46 parcels comprising about 453 acres have been approved by the State and federal review appraisers.

e. As set forth in Attachment A, if acquired, these parcels have attributes which will restore, replace, enhance and rehabilitate injured natural resources and the services provided by those natural resources, including providing habitat for bird species for which significant injury resulting from the spill has been documented, providing key marine access for subsistence and recreational uses on the surrounding public lands.

2. Existing laws and regulations, including but not limited to the Alaska Forest Practices Act, the Anadromous Fish Protection Act, the Clean Water Act, the Alaska Coastal Management Act, the Bald Eagle Protection Act and the Marine Mammals Protection Act, are intended, under normal circumstances, to protect resources from serious adverse affects from logging and other development activities. However, restoration, replacement and enhancement of resources injured by the *Exxon Valdez* oil spill present a unique situation. Without passing on the adequacy or inadequacy of existing law and regulation to protect natural resources and service, biologists, scientists and other resource specialists agree that, in their best professional judgment, protection of habitat in the spill affected area to levels above and beyond that provided by existing law and regulation will have a beneficial effect on the recovery of injured resources and lost or diminished services provided by these resources;

3. There has been widespread public support for the protection of small parcels; and

4. The purchase of small parcels is an appropriate means to restore a portion of the injured resources and services in the oil spill area.

THEREFORE, we resolve to provide funds for the United States Fish and Wildlife Service to offer to purchase and, if the offer is accepted, to purchase all of each seller's rights and

interests in the 46 parcels pursuant to the following conditions:

(a) the amount of funds (hereinafter referred to as the "Purchase Price") to be provided by the Trustee Council to the United States shall be the final approved appraised value of the respective parcels, as identified above, totaling \$659,800;

(b) authorization for funding for any of the foregoing acquisitions shall terminate if the respective purchase agreement is not executed by June 30, 2001;

(c) disbursement of these funds by the District Court;

(d) a title search satisfactory to the United States and the State of Alaska is completed by the acquiring government and the Seller is willing and able to convey fee simple title by warranty deed, or by limited warranty deed acceptable to the U.S. Department of Justice and the Alaska Department of Law;

(e) no timber harvesting, road development or any alteration of the land is to be initiated on the land without the express agreement of the acquiring government prior to purchase;

(f) a hazardous materials survey satisfactory to the United States and the State of Alaska is completed;

(g) compliance with the National Environmental Policy Act; and

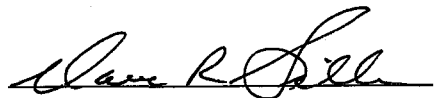
(h) a conservation easement satisfactory to the U.S. Departments of Justice and the Interior and the Alaska Department of Law shall be conveyed by the seller to the State of Alaska.

It is the intent of the Trustee Council that any facilities or other development on the foregoing small parcels after acquisition shall be of limited impact and in keeping with the goals of restoration and that there shall be no commercial timber harvest nor any other commercial use of the small parcels excepting such limited commercial use as may be consistent with applicable state or federal law and the goals of restoration to prespill conditions of any natural resource injured, lost, or destroyed as a result of the EVOS and the services provided by that resource or replacement or substitution for the injured, lost or destroyed resources and affected services as described in the Memorandum of Agreement and Consent Decree between the United States and the State of Alaska entered August 28, 1991 ("MOA") and the Restoration Plan as approved by the Trustee Council ("Restoration Plan").

By unanimous consent and upon execution of various of the purchase agreements and

written notice from the United States Fish and Wildlife Service and the Executive Director that the terms and conditions set forth herein and in the purchase agreements have been satisfied, we request the Alaska Department of Law and the Assistant Attorney General of the Environment and Natural Resources Division of the U.S. Department of Justice to petition the District Court or to take such other steps as may be necessary for withdrawal of the Purchase Price for the 46 above referenced parcels from the District Court Registry account or any other outside account established as a result of the Governments' settlement to be paid at the time of closing. These amounts represent the only amounts due under this resolution to the Sellers by the United States from the joint trust funds and no additional amounts or interest are herein authorized to be paid to the Sellers from such joint funds.

Dated this 5<sup>th</sup> day in July, 2000, in Anchorage, Alaska.

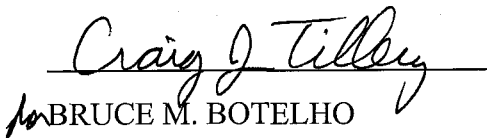


DAVE GIBBONS

Trustee Representative

Alaska Region

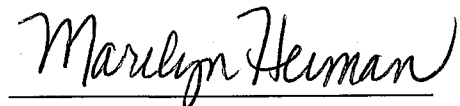
USDA Forest Service



for BRUCE M. BOTELHO

Attorney General

State of Alaska

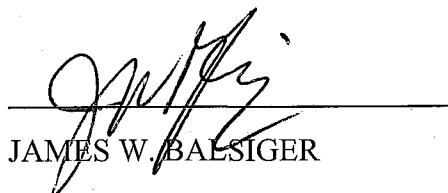


MARILYN HEIMAN

Special Assistant to the Secretary

for Alaska

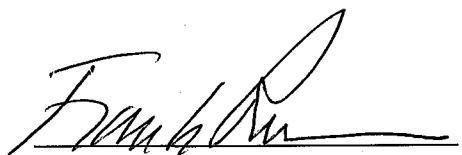
U.S. Department of the Interior



JAMES W. BALSIGER

Director, Alaska Region

National Marine Fisheries Service

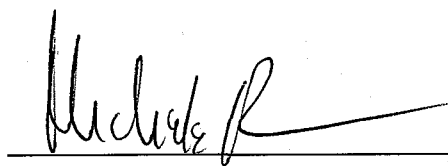


FRANK RUE

Commissioner

Alaska Department of

Fish and Game



MICHELE BROWN

Commissioner

Alaska Department of

Environmental Conservation