

**RESOLUTION 02-01 OF THE
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
REGARDING THREE 10-ACRE PARCELS
(KAP 2071, KAP 2072, KAP 2073)**

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, finds as follows:

1.a. In its resolution of December 11, 1995, the Trustee 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 Trustee Council funding.

b. In its motion of June 8, 1998, the Trustee 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 (“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 Trustee Council funding.

c. Subject to funding by the Trustee Council, the present owners of the surface estate of certain parcels formerly conveyed by the Tribal Council to its members, and the U.S. Fish and Wildlife Service are negotiating an agreement to sell and purchase, respectively, three 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
2071 Nickle, Gary	31S 28W 29-04	10 acres	\$12,000
2072 Fenwick, heirs of	30S 28W 18-11	10 acres	\$16,000
2073 Naumoff, Nikita	31S 28W 05-07	10 acres	\$14,000

d. Appraisals for these three parcels comprising about 30 acres total \$42,000. They have been approved by the Federal review appraiser.

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 effects 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 the 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 interest in the three parcels; and to provide funds necessary for closing costs recommended by the Executive Director of the Trustee Council ("Executive Director") and approved by the Trustee Council and pursuant to the following conditions:

(a) the 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, identified above, totaling \$42,000.00;

(b) authorization for funding for any of the foregoing acquisitions shall terminate if the respective purchase agreements are not executed by June 30, 2002;

(c) filing by the United States Department of Justice and the Alaska Department of Law of a notice(s), as required by the Third Amended Order for Deposit and Transfer of Settlement Proceeds, of the proposed expenditure with the United States District Court for the District of Alaska and with the Investment Fund established by the Trustee Council within the Alaska Department of Revenue, Division of Treasury ("Investment Fund"), and transfer of the necessary monies from the Investment Fund to the United States;

(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;

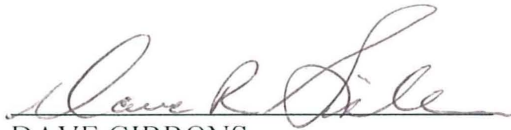
(g) compliance with the National Environmental Policy Act; and

(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.

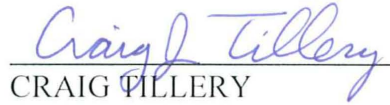
It is the intent of the Trustee Council that any facilities or other development on the foregoing small parcels after acquisition shall be of limited impact and in keeping with the goals of restoration and that there shall be no commercial timber harvest nor any other commercial use of the small parcels excepting such limited commercial use as may be consistent with applicable state or federal law and the goals of restoration to pre spill 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 the purchase agreement 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 take such steps as may be necessary for withdrawal of the Purchase Price for the above referenced parcels from the appropriate account designated by the Executive Director.

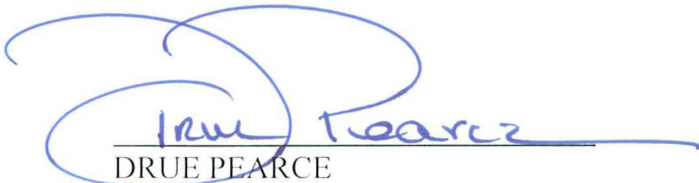
Approved by the Council at its meeting of December 11, 2001 held in Anchorage, Alaska, as affirmed by our signatures affixed below:



DAVE GIBBONS
Alaska Region
USDA Forest Service



CRAIG TILLERY
Assistant Attorney General
State of Alaska




DRUE PEARCE
Senior Adviser
to the Secretary for Alaskan Affairs
U.S. Department of the Interior



JAMES 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

Attachment A

Resolution 02-01 Three 10-Acre parcels (KAP 2071, KAP 2072, KAP 2073)

Parcel ID: Gary Nickle 10-acre Parcel
EVOS Parcel Number KAP 2071
USFWS Parcel Number KO-124

RANK: N/A **Acreage:** ~10 acres **Agency Sponsor:** USFWS

Estimated Value: \$12,000

Location: W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and Fractional SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, T. 31 S., R. 28 W., Seward Meridian, located in the Kodiak Recording District, Third Judicial District, State of Alaska.

Address: 1893 Holmes Rd.
North Pole, Alaska 99705

Pursuant to the Alaska Native Claims Settlement Act, certain regional and village Native corporations were organized under Alaska law, including the village corporation for Larsen Bay, Nu-Nak-Pit, Inc., and the regional corporation, Koniag, Inc. In October 1980, these corporations, among others signed a plan of merger which provided that the corporations would merge into Koniag, Inc. and Koniag would receive all the village corporation real estate selection rights and conveyances. Pursuant to the Plan of Merger, Koniag quit claimed its interest in certain lands to Larsen Bay Tribal Council for the benefit of Tribal members. Subsequently LBTC, deeded lands in small parcels of about 10 acres each to individual tribal members. The USFWS has acquired over 50 of these small parcels from landowners willing to sell their land at appraised fair market value.

This property is located along the east shore of Amook Pass, about 10 miles southeast of the village of Larsen Bay on Western Kodiak Island. The parcel is bounded on the west by Uyak Bay. Private 10-acre parcels are located north and south. It is bounded on the east by lands owned by the Larsen Bay Tribal Council. It is encompassed within lands purchased from Koniag by the USFWS in September 1998 as part of the Koniag large parcel acquisition funded by the Exxon Valdez Oil Spill Trustee Council, which was classified as "High" value by the EVOS staff. The lands have excellent access from Uyak Bay.

The shallow water and intertidal lands surrounding this parcel provide valuable habitat for many sea ducks, most notably harlequin ducks, surf scoters and goldeneye. Pigeon guillemots, common murre, and marbled murrelets are found in large numbers throughout the shallow waters of Uyak Bay. There are 3 bald eagle nest territories located within a mile of the parcel.

Camps and cabins used for recreation and subsistence hunting and fishing are scattered throughout Uyak Bay. The potential for intrusive development is significant. Several commercial lodges operate throughout the Uyak Bay area providing clients with hunting, fishing, kayaking and wildlife viewing opportunities. Continued development in this area will adversely impact water quality and fish and wildlife habitat. The acquisition of this parcel will continue the USFWS program of preserving the restoration benefits of the surrounding Koniag large parcel acquisition and enhance sound natural resource management.

Habitat Protection

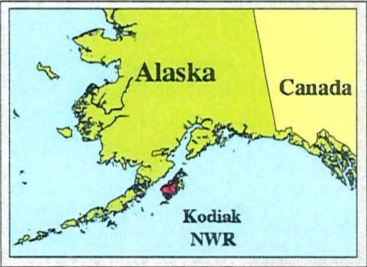
Small Parcels

Kodiak Island,
Alaska

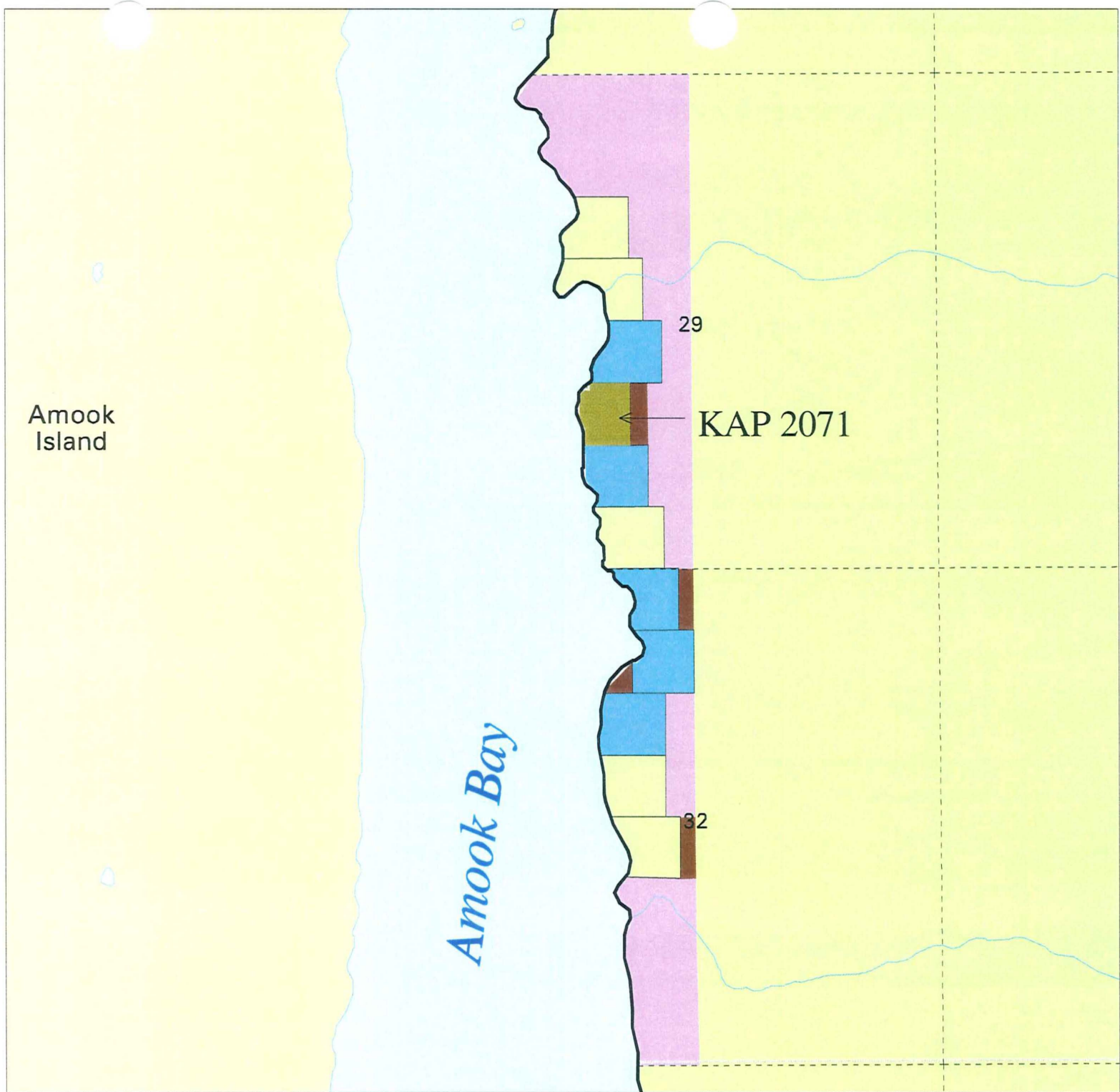
T.31S.,R.28W.-SM
Parcel : KAP 2071

-  Gary Nickle Parcel
-  10-Acre Parcels
-  LBTC Owned
-  Koniag Owned/US Conservation Easement
-  Kodiak NWR

- Land status represents USFWS interpretation of BLM records.
- Projected in Albers.



0 Miles .30
0 Kilometers .48



Parcel ID: heirs of Cynthia Fenwick 10-acre Parcel
EVOS Parcel Number KAP 2072
USFWS Parcel Number KO-123

RANK: N/A **Acreage:** ~10 acres **Agency Sponsor:** USFWS

Estimated Value: \$16,000

Location: Fractional W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, T. 30 S., R. 28 W., Seward Meridian, located in the Kodiak Recording District, Third Judicial District, State of Alaska.

Address: P.O. Box 1417
Sitka, Alaska 99835

Pursuant to the Alaska Native Claims Settlement Act, certain regional and village Native corporations were organized under Alaska law, including the village corporation for Larsen Bay, Nu-Nak-Pit, Inc., and the regional corporation, Koniag, Inc. In October 1980, these corporations, among others signed a plan of merger which provided that the corporations would merge into Koniag, Inc. and Koniag would receive all the village corporation real estate selection rights and conveyances. Pursuant to the Plan of Merger, Koniag quit claimed its interest in certain lands to Larsen Bay Tribal Council for the benefit of Tribal members. Subsequently LBTC, deeded lands in small parcels of about 10 acres each to individual tribal members. The USFWS has acquired over 50 of these small parcels from landowners willing to sell their land at appraised fair market value.

This property is located along the shoreline of Zachar Bay near Carlsen Point about seven miles east of the village of Larsen Bay on western Kodiak Island. The parcel is bounded on three sides, the west, north and east by lands held by the Larsen Bay Tribal Council. The parcel is bounded on the south by a private 10-acre parcel and Zachar Bay. It is encompassed by lands purchased from Koniag by the USFWS in September 1998 as part of the Koniag large parcel acquisition funded by the Exxon Valdez Oil Spill Trust, which was classified as "High" value by the EVOS staff. This parcel has good access from the beach and will provide key marine access.

The waters and intertidal habitat along this portion of Zachar Bay are biologically rich and provide very high value habitat for fish and wildlife. The area is heavily used by pigeon guillemots, common murre, and marbled murrelets. A variety of sea ducks such as harlequin ducks, black scoters, surf scoters and white-winged scoters, long tail ducks and goldeneye use the area throughout the year. The site is also important for marine mammals, with seals using a variety of bars and offshore rocks for haul outs. Black oystercatchers are abundant along the shorelines and offshore rocks. The area and the waters to the north around Carlson Point support healthy populations of sea otters. There are 5 bald eagle nest territories located within a mile of the site.






Camps and cabins used for recreation and subsistence hunting and fishing are scattered throughout Uyak Bay. The potential for intrusive development is significant. Several commercial lodges operate throughout the Uyak Bay area providing clients with hunting, fishing, kayaking and wildlife viewing opportunities. Continued development in this area will adversely impact water quality and fish and wildlife habitat. The acquisition of this parcel will continue the USFWS program of preserving the restoration benefits of the surrounding Koniag large parcel acquisition and enhance sound natural resource management.

Habitat Protection

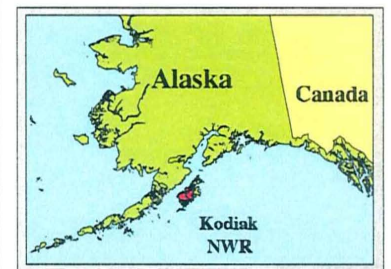
Small Parcels

Kodiak Island,
Alaska

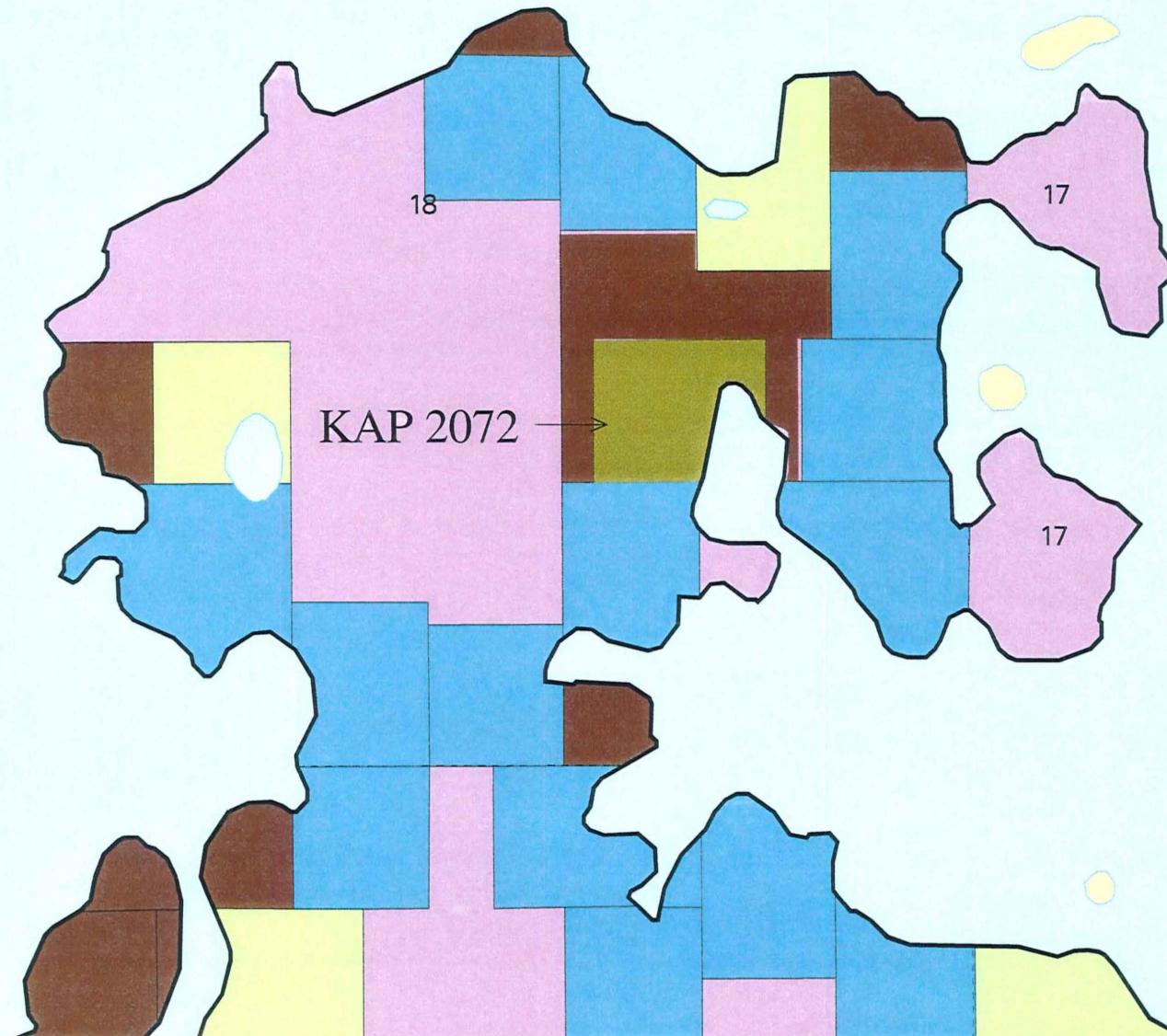
T.30S.,R.28W.-5M
Parcel : KAP 2072

-  Heirs of Cynthia Fenwick Parcel
-  10-Acre Parcels
-  LBTC Owned
-  Koniag Owned/US Conservation Easement
-  Kodiak NWR

- Land status represents USFWS interpretation of BLM records.
- Projected in Albers.



0 Miles .19
0 Kilometers .31



Parcel ID: Nikita Naumoff 10-acre Parcel
EVOS Parcel Number KAP 2073
USFWS Parcel Number KO-63

RANK: N/A **Acreage:** ~10 acres **Agency Sponsor:** USFWS

Estimated Value: \$14,000

Location: Fractional SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, T. 31 S., R. 28 W., Seward Meridian, located in the Kodiak Recording District, Third Judicial District, State of Alaska.

Address: P.O. Box 1283
Soldotna, AK 99669

Pursuant to the Alaska Native Claims Settlement Act, certain regional and village Native corporations were organized under Alaska law, including the village corporation for Larsen Bay, Nu-Nak-Pit, Inc., and the regional corporation, Koniag, Inc. In October 1980, these corporations, among others signed a plan of merger which provided that the corporations would merge into Koniag, Inc. and Koniag would receive all the village corporation real estate selection rights and conveyances. Pursuant to the Plan of Merger, Koniag quit claimed its interest in certain lands to Larsen Bay Tribal Council for the benefit of Tribal members. Subsequently LBTC, deeded lands in small parcels of about 10 acres each to individual tribal members. The USFWS has acquired over 50 of these small parcels from landowners willing to sell their land at appraised fair market value.

This property lies along the eastern shoreline of Brown's Lagoon about seven miles east of the village of Larsen Bay on western Kodiak Island. The parcel is bounded on the north and west by a 10-acre parcel acquired by the USFWS with EVOS funds. The land to the east is Kodiak National Wildlife Refuge lands. The parcel is encompassed within lands purchased from Koniag by the USFWS in September 1998 as part of the Koniag large parcel acquisition funded by the Exxon Valdez Oil Spill Trustee Council, which was classified as "High" value by the EVOS staff.

Brown's Lagoon provides important habitat for a number of wildlife species. Pink, chum and coho salmon spawn in the river. The area is considered very high value habitat for brown bear. There are 5 bald eagle nest territories in the Brown's Lagoon area. A large numbers of oyster catchers use the shoreline of the parcel. High densities of pigeon guillemots use the lagoon year round, and nest in the small hillsides along the lagoon. Sea ducks including goldeneye, harlequin ducks, surf scoters, black scoters, and long tail ducks commonly use the Lagoon. Sea birds, including common murre and marbled murrelets, are common as well.

A cabin is located at the upper end of Brown's Lagoon. Other camps and cabins used for recreation and subsistence hunting and fishing scattered throughout Uyak Bay. The potential for intrusive development is significant. Several commercial lodges operate throughout the Uyak Bay area providing clients with hunting, fishing, kayaking and wildlife viewing opportunities.







Continued development in this area will adversely impact water quality and fish and wildlife habitat. The acquisition of this parcel will continue the USFWS program of preserving the restoration benefits of the surrounding Koniag large parcel acquisition and enhance sound natural resource management.

Habitat Protection

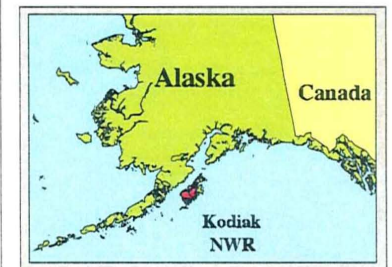
Small Parcels

Kodiak Island,
Alaska

T.31S.,R.28W.-5M
Parcel : KAP 2073

-  Nikita Naumoff Parcel
-  10-Acre Parcels
-  LBTC Owned
-  Conveyed Native Allotment
-  Koniag Owned/US Conservation Easement
-  Kodiak NWR

- Land status represents USFWS interpretation of BLM records.
- Projected in Albers.



0 Miles .20
0 Kilometers .32

