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RESOLUTION OF THE
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
REGARDING SMALL PARCEL KAP 91

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

1. The owner of small parcel KAP 91 (the Lands), the heir of Andrew Adonga, has indicated an interest in selling said parcel;

2. The Department of the Interior recommended the Lands as a parcel meriting special consideration and the Council at its May 2, 1996 meeting authorized the U.S. Fish and Wildlife Service to obtain an appraisal for the Lands and to initiate preliminary negotiations with the owner. The appraisal has been completed and approved by the State and federal review appraisers. The approved appraised value is \$137,000.

3. The Lands totaling 136.97 acres are located along the Sitkalidak Strait, wholly within the Kodiak National Wildlife Refuge (Refuge), adjacent to property already acquired by the United States with Council funding. The Lands are within the oil spill area as defined by the Council in the Final Restoration Plan approved November 2, 1994.

4. The owner is desirous of selling the Lands at the approved appraised value to the United States as part of the Council's program for restoration of the natural resources and services that were injured by the Exxon Valdez Oil Spill (EVOS).

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5. The Lands have attributes which will restore, replace, enhance, and rehabilitate injured natural resources and the services provided by those natural resources, including important habitat for several species of fish and wildlife for which significant injury resulting from the spill has been documented. Restoration of the injured species will benefit from acquisition and protection of this important habitat through the elimination of activities and disturbances which may adversely affect their recovery.

6. Protection of the Lands will help to ensure the preservation of a portion of one of the nation's most unique ecosystems. The benefits resulting from such acquisition and protection are further described in the Habitat Benefits Report at Attachment A.

7. Existing laws and regulations, including but not limited to the Alaska Native Claims Settlement Act, the Alaska National Interest Lands Conservation Act, the Refuge Administration Act, the Alaska Anadromous Fish Protection Act, the Clean Water Act, the Alaska Coastal Management Act, the Bald Eagle Protection Act and the Marine Mammal Protection Act, are intended, under normal circumstances, to protect resources from serious adverse effects from activities on the Lands. However, restoration, replacement and enhancement of resources injured by EVOS present a unique situation. Without passing judgment on the adequacy or inadequacy of existing law and regulations to protect resources, scientists and other resource specialists agree that, in their best

professional judgment, protection of habitat in the spill area to levels above and beyond that provided by existing laws and regulations will have a beneficial effect on recovery of injured resources and lost or diminished services provided by these resources.

8. There has been widespread public support for the acquisition of Refuge inholdings such as the Lands expressed from within Alaska as well as nationally.

9. Development occurring on the Lands may have a significant effect, particularly on a cumulative basis, on both water quality and injured or reduced natural resources and services located on the Lands or on areas nearby. In the event the Lands are not acquired or protected at this time, development by the landowners may occur in a manner that may adversely impact water quality and subsequently natural resources and services injured or reduced by EVOS.

10. Acquisition of the Lands is consistent with the Final Restoration Plan and 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 U.S. Fish and Wildlife Service to offer to purchase and, if the offer is accepted, to purchase all of the seller's rights and interests in the Lands, pursuant to the following conditions:

(a) funding is limited to the approved appraised value of \$137,000 and is subject to the receipt by the United States

District Court for the District of Alaska (District Court) of any necessary settlement payments due from Exxon Corporation, et al. and the subsequent disbursement of these funds by the District Court for this purpose;

(b) The owner shall grant to the State of Alaska (State) at no additional cost a conservation easement similar to that used in other federal acquisitions funded by the Council which will enable the State to enforce on a non-exclusive basis the restoration objectives of this acquisition. The form and substance of this easement and the related warranty deed for the United States must also be satisfactory to the Alaska Department of Law and the United States Department of Justice;

(c) completion of (i) a title search and review and (ii) hazardous material surveys, satisfactory to the United States and the State for the respective interests in the Lands acquired by each government;

(d) no development is to take place on the Lands prior to closing;

(e) compliance with the National Environmental Policy Act and other provisions of applicable federal law.

(f) execution by the United States and the owner of a purchase agreement consistent with the foregoing by December 31, 1997.

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It is the intent of the Council that any facilities or other development on the Lands after acquisition shall be of limited

impact and in keeping with the goals of restoration and that there shall be no commercial use except 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, and the Restoration Plan as approved by the Trustee Council.

By unanimous consent, following (i) execution of the purchase agreement between the owner and the United States which is consistent with the foregoing conditions, and (ii) certification by the acquiring agency that it will comply with, and has executed a purchase agreement that is in accordance with, the foregoing terms and conditions, we authorize the Executive Director to request the Alaska Department of Law and the Assistant Attorney General of the Environment and Natural Resources Division of the United States Department of Justice to petition the District Court for disbursement of the joint settlement funds in the above-identified amount.

Such amounts represent the only amounts due under this resolution to the owner by the United States, and no additional amounts or interest are herein authorized to be paid to the owner.

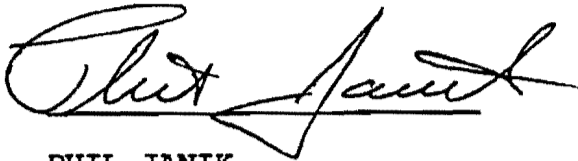
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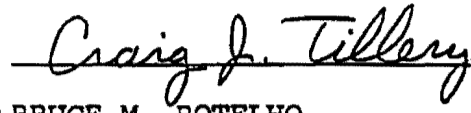
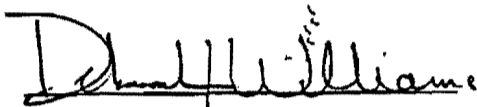
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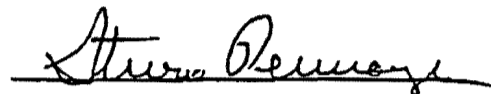
APPROVED by the Council at its meeting of July 2, 1997, held
in Anchorage and Juneau, Alaska, as affirmed by our signatures
affixed below:



PHIL JANIK
Regional Forester
Alaska Region
USDA Forest Service


for BRUCE M. BOTELHO
Attorney General
State of Alaska

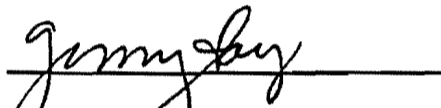
DEBORAH L. WILLIAMS
Special Assistant to the
Secretary for Alaska
Department of the Interior



STEVEN PENNOYER
Director, Alaska Region
National Marine
Fisheries Service



FRANK RUE
Commissioner
Alaska Department of
Fish and Game


for MICHELE BROWN
Commissioner
Alaska Department of
Environmental Conservation

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Exxon Valdez Oil Spill Trustee Council

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August 7, 1997

I certify that the U.S. Department of the Interior has complied with the terms and conditions of the resolution approved by the Exxon Valdez Oil Spill Trustee Council at its meeting on July 2, 1997 in regard to the small parcel known as KAP 91/Adonga and of the purchase agreement for that parcel and hereby request that the Alaska Department of Law and the U.S. Department of Justice request \$137,000 from the U.S. District Court for the purchase of that parcel.

A handwritten signature in cursive script that reads "Molly McCammon".

Molly McCammon
Executive Director

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Federal Trustees	State Trustees
U.S. Department of the Interior	Alaska Department of Fish and Game
U.S. Department of Agriculture	Alaska Department of Environmental Conservation
National Oceanic and Atmospheric Administration	Alaska Department of Law