

**RESOLUTION OF THE  
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL  
REGARDING CERTAIN KODIAK ISLAND BOROUGH TAX 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 million 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 parcels as 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 agreed to authorize funding of up to \$645,000 for the purchase of privately owned 10-acre parcels conveyed by the Larsen Bay Tribal Council to Tribal members. This motion designated these as parcels meriting special consideration by virtue of their location within the boundaries of a large parcel acquisition of land purchased from Koniag, Inc. with Council funding.

c. Subject to funding by the Council, three private landowners, the Borough and the U.S. Fish and Wildlife Service have reached agreement to sell and purchase, respectively, four such parcels of lands (hereinafter "four tax parcels."). Under Alaska law, the Borough will pay the prior owner of the parcel it sells any proceeds of sale in excess of the tax delinquency and related expenses.

d. Appraisals totaling \$59,000 for these four tax parcels have been approved by the State and federal review appraisers.

e. As set forth in Attachments A and B, if acquired, these small 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 services, 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 FWS to offer to purchase and, if the offer is accepted, to purchase all the seller's rights and interests in the four tax 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:

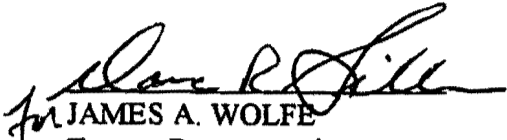
- (a) the amount of funds (hereinafter referred to as the "Purchase Price") to be provided by the Trustee Council to the United States shall be the final approved appraised value of the respective parcels, totaling \$59,000;
- (b) authorization for funding for the foregoing acquisitions shall terminate if the respective purchase agreement is not executed by December 15, 1999;
- (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 and the Seller is willing and able to convey fee simple title by warranty deed;
- (e) no timber harvesting, road development or any alteration of the land will be initiated on the land without the express agreement of the acquiring government prior to purchase;
- (f) a satisfactory 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 non-acquiring government.

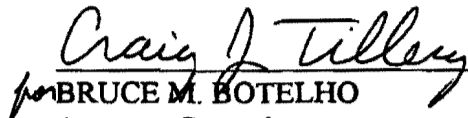
It is the intent of the Trustee Council that any facilities or other development on the foregoing small parcels after acquisition shall be of limited impact and in keeping with the goals of restoration and that there shall be no commercial timber harvest nor any other commercial use of the small parcels excepting such limited commercial use as may be consistent with applicable state or federal law and the goals of restoration to prefill 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").

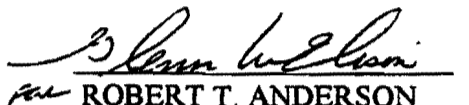
By unanimous consent and upon execution of the purchase agreement and written notice from FWS and the Executive Director that the terms and conditions set forth herein and in the purchase agreements have been satisfied, we request the Alaska Department of Law and the Assistant Attorney General of the Environment and Natural Resources Division of the U.S. Department of Justice to petition the District Court for withdrawal of the Purchase Price and any such additional costs related to closing as are recommended by the Executive Director and approved by the Trustee Council for the four tax parcels from the District Court Registry 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 funds in the District Court Registry and no additional amounts or interest are herein authorized to be paid to the Sellers from such joint funds.


ACE 30396208

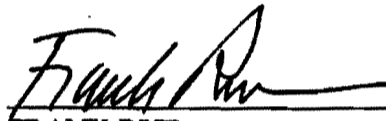
Approved at the December 15, 1998 Trustee Council meeting and dated as of the date the last signature below is affixed.

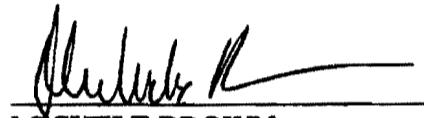
  
for JAMES A. WOLFE  
Trustee Representative  
Alaska Region  
U. S. Forest Service

  
for BRUCE M. BOTELHO  
Attorney General  
State of Alaska

  
for ROBERT T. ANDERSON  
Acting Special Assistant to the  
Secretary for Alaska  
U.S. Department of the Interior

  
for STEVEN PENNOYER  
Director, Alaska Region  
National Marine Fisheries Service

  
FRANK RUE  
Commissioner  
Alaska Department of  
Fish and Game

  
MICHELE BROWN  
Commissioner  
Alaska Department of  
Environmental Conservation

December 15, 1998

**Parcel ID: Larsen Bay 10-Acre Parcels**  
Donna Easter, Randy Christensen, Darlene Naumoff, and Kodiak Island Borough

**Rank:** N/A      **Acreage:** 36.21      **Agency Sponsor:** USFWS

**Appraised Value:** \$99,000

**Location:** Uyak Bay, Kodiak Island

<b>Landowners:</b>	KAP-1091	KAP-1089	KAP-1090
	Donna Easter	Randy Christensen	Darlene Naumoff
	1218 Twin Oaks	P.O. Box 102	P.O. Box 232755
	Mr. Airy, NC 27030	Larsen Bay, AK 99624	Anchorage, AK 99523

KAP-2012  
Kodiak Island Borough  
710 Mill Bay Road  
Kodiak, AK 99615

These parcels are located on the eastern shore of Uyak Bay, east of Amook Island, within the Kodiak National Wildlife Refuge. The Kodiak Island Borough, Naumoff and Christensen parcels are at Brown's Lagoon and the Easter parcel is about four miles south of there. They are part of the lands conveyed by Koniag, Inc., to the Larsen Bay Tribal Council, and further conveyed to Tribal members, including the three sellers and a fourth Tribal member who lost his parcel to the Borough for nonpayment of property taxes. The surrounding Native corporation lands were purchased by USFWS at the end of September 1998 from Koniag, Inc., through funding provided by the *Exxon Valdez* Oil Spill Trustee Council, and became part of the Kodiak NWR. These four parcels would become part of the refuge as well.

Brown's Lagoon is an especially productive marine estuary, supporting high winter concentrations of seabirds in the upper reaches of the bay. Bald eagles and brown bears concentrate at Brown's lagoon to feed on spawning fish. Numerous bald eagle nests occur near the properties. A salmon spawning stream runs through the Naumoff parcel, which sits at the very mouth of Brown's Lagoon. The associated riparian habitat is used for nesting by harlequin ducks. A small colony of pigeon guillemots occurs near the property, where they feed in near shore marine waters that also host marbled murrelets, and wintering sea ducks and loons. In addition, Uyak Bay has some of the highest concentrations of sea otters on Kodiak Island. Cultural sites likely exist on the properties, but they have not been intensively explored for these sites.

These parcels and surrounding area have been used by residents of the area for subsistence purposes, primarily hunting for brown bear and Sitka black-tailed deer, harvesting salmon, gathering shellfish, and berry picking. The accessibility and natural values of the properties give them significant development potential.

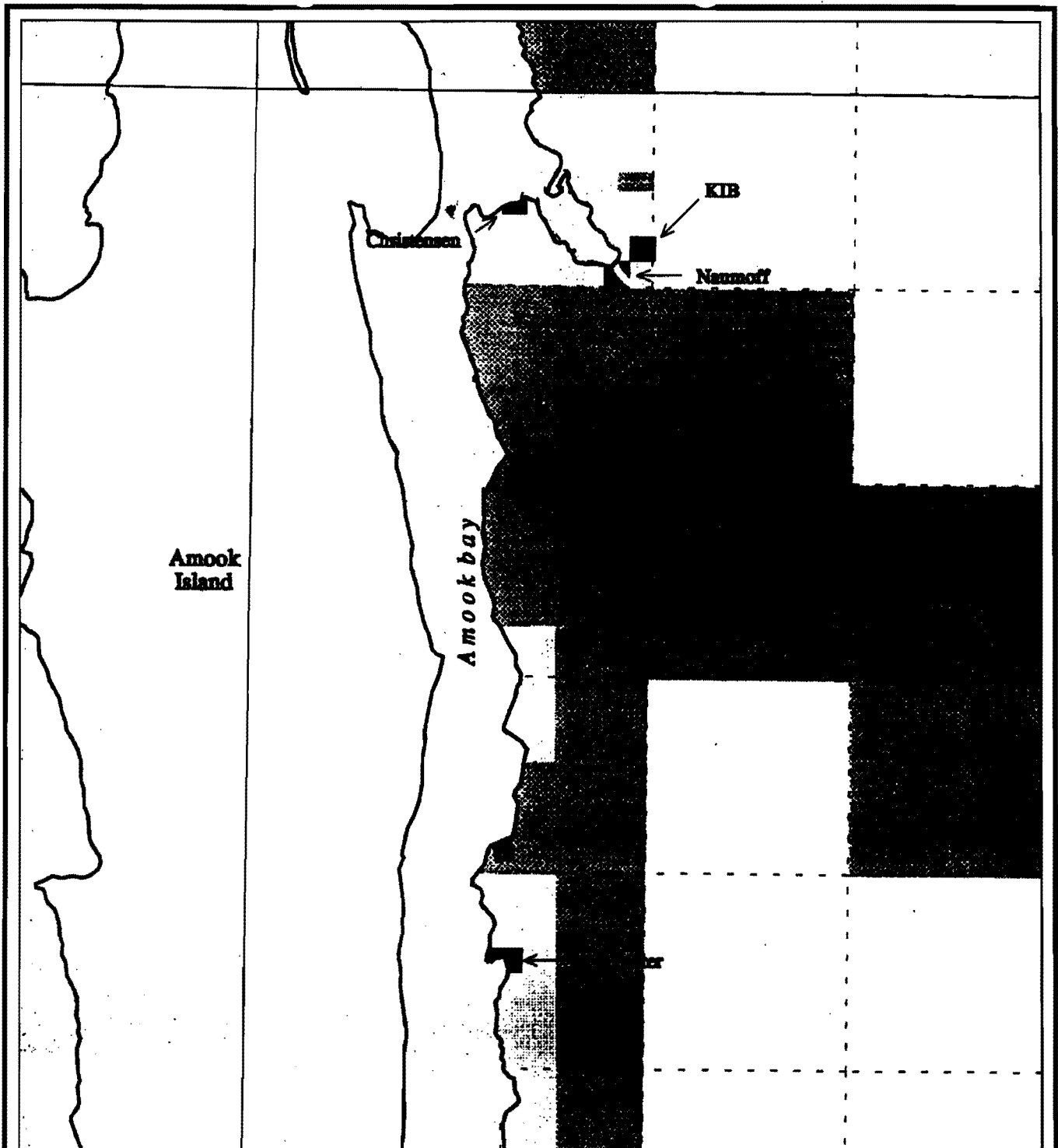
ACE 30396210

Attachment   A    
Page   14   of   24   Pages

Developments have been occurring on a number of these tracts, which are subject to borough taxation. These developments are generally cabin sites used for recreational and subsistence hunting and fishing purposes, often by individuals who purchased them from the original tribal member owners. Continued development in this area could adversely impact water quality and fish and wildlife habitat. The acquisition of this parcel will help to preserve the wilderness, recreational, and subsistence restoration benefits of the Koniag large parcel acquisitions.

ACE 30396211

Attachment A  
Page 15 of 24 Pages

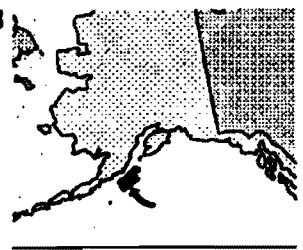


- Nominated Lands
- Refuge Land
- FWS Acquired Land
- Native Conveyed
- Native Allotment
- Other Private

**Trustee Council December Nominations**

U.S. Fish and Wildlife Service  
Kodiak National Wildlife Refuge

One square is equal  
to one mile.



ACE 30396212

Attachment A  
Page 16 of 24 Pages