

RESOLUTION 08-18
OF THE
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
AFOGNAK TIMBER HARVEST UNIT 5A

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. Rocky Mountain Elk Foundation and The American Land Conservancy (RMEF/ALC), own the timber rights of lands located on Afognak Island, Alaska, as described in Attachment A and generally depicted on the map at Attachment B as parcel 5A, referred to herein as the Timber Rights.

2. The Timber Rights were acquired by RMEF/ALC from Afognak Joint Venture (AJV) in December 2005 concurrent with a grant-funded acquisition on the western side of Perenosa Bay. The remaining rights associated with the surface estate and the corresponding subsurface estate, were previously acquired by the State of Alaska using Trustee Council funds.

3. RMEF/ALC purchased the Timber Rights on parcel 5A based upon a 2004 appraised value of \$1,200,000. An opinion as to the relevance of the 2004 value conclusion has been secured from the appraiser and review appraiser. The appraiser and reviewer have determined that there has been no significant change in the conclusion of value reported for the Timber Rights as of September 20, 2004.

4. The Timber Rights are within the oil spill area as defined by the Council in the Final Restoration Plan approved November 2, 1994.

5. Pursuant to a Resolution adopted March 17, 2008 the Council authorized the expenditure of up to \$10,000,000 for the purchase of parcels on Northern Afognak.

6. The Timber Rights provide important habitat for various species of fish and wildlife for which significant injury resulting from the oil spill has been documented through the Council's habitat acquisitions analysis. The restoration benefits to oil spill injured resources and services are identified in Trustee Council Resolution 02-02.

7. Existing laws and regulations, including but not limited to the Alaska Forest Practices 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 the Exxon Valdez oil spill 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 within Alaska as well as on a national basis for the acquisition of interests in lands.

9. The purchase of this interest in land is an appropriate means to restore a portion of the injured resources and services in the oil spill area. Acquisition of the Timber Rights is consistent with the Final Restoration Plan.

THEREFORE, we resolve to provide funds for the State of Alaska to purchase the Timber Rights in the Lands as described in Exhibit A and to provide funds necessary for closing costs, 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 State of Alaska shall be one million, two hundred thousand dollars (\$1,200,000) for Parcel 5A timber rights;

(b) funds in the amount of \$5,000 are authorized for closing costs;

(c) authorization for funding for any acquisition described in the foregoing paragraphs shall terminate if a purchase agreement is not executed by September 30, 2009;

(d) filing by the United States Department of Justice and the Alaska Department of Law of a notice, 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 the Treasury ("Investment Fund"), and transfer of the necessary monies from the Investment Fund to the State of Alaska Department of Natural Resources;

(e) a title search satisfactory to the State of Alaska and the United States is completed, and the seller is willing and able to convey fee simple title by limited warranty deed;

(f) no timber harvesting, road development or any alteration of the land will be initiated on the land without the express agreement of the State of Alaska and the United States prior to purchase of this parcel;

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

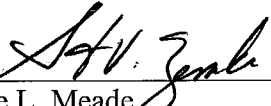
(h) the Timber Rights will be subordinated to and subject to the existing conservation easement on Parcel 5A and must be satisfactory in form and substance to the United States Department of Justice and the State of Alaska Department of Law.

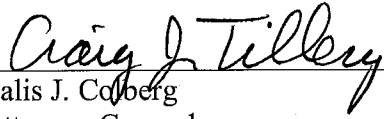
It is the intent of the Council that the above-referenced conservation easement be consistent with the existing easement on the surface estate and the goals of restoration to pre-spill conditions of any natural resource injured, lost, or destroyed as a result of the EVOS, and the services provided by 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 execution of the purchase agreement between the seller and the State of Alaska and written notice from the Executive Director ("Executive Director") of the Council that the terms and conditions set forth herein and in the purchase agreement have been satisfied, we 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 take such steps as may be necessary for withdrawal of the Purchase Price for the above-referenced Timber Rights and closing costs from the appropriate account designated by the Executive Director.


Such amount represents the only amount due under this resolution to the sellers by the State of Alaska to be funded from the joint settlement funds, and no additional amounts or interest are herein authorized to be paid to the sellers from such joint funds.


Approved by the Council at its meeting of September 29, 2008 held in Anchorage, Alaska, as affirmed by our signatures affixed below:

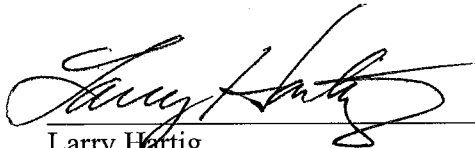
for 
Joe L. Meade
Forest Supervisor
Forest Service Alaska Region
U. S. Department of Agriculture

for 
Talis J. Colberg
Attorney General
Alaska Department of Law


Randall Luthi
Deputy Director
U.S. Fish and Wildlife Service
U.S. Department of Interior


Craig O'Connor
Special Counsel
National Oceanic & Atmospheric
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Denby S. Lloyd
Commissioner
Alaska Department of Fish and Game

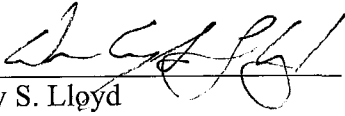

Larry Hartig
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