

**RESOLUTION 04-10 OF THE
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
REGARDING PROJECT 040126 ADDITIONAL FUNDS**

We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council do hereby certify that, in accordance with the Memorandum of Agreement and Consent Decree entered as settlement of United States of America v. State of Alaska, No. A91-081 Civil, U.S. District Court for the District of Alaska, and after public meetings, unanimous agreement has been reached to expend funds received in settlement of State of Alaska v. Exxon Corporation, et al., No. A91-083 CIV, and United States of America v. Exxon Corporation, et al., No. A91-082 CIV, U.S. District Court for the District of Alaska, for necessary natural resource damage assessment and restoration activities for project 040126 as described in the attached memorandum. We therefore authorize the transfer of \$12,400.00 from the Exxon Valdez Oil Spill Habitat Sub-account to the Alaska Department Natural Resources for associated closing costs on the following parcels: Nakada, Knol and Thompson.

The monies are to be distributed according to the following schedule:

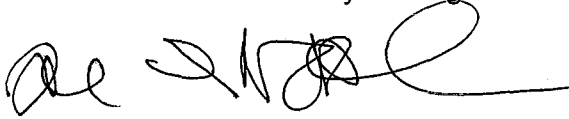
Alaska Department of Natural Resource	\$ 12,400
SUBTOTAL TO STATE OF ALASKA	\$ <u>12,400</u>
TOTAL APPROVED	\$ <u>12,400</u>

Funds must be spent as described in the attached memorandum.

By unanimous consent, we hereby request the Alaska Department of Law and the Assistant Attorney General of the Environmental and Natural Resources Division of

the United States Department of Justice to take such steps as may be necessary to make available Project 040126, in the amount of \$ 12,400.00 thousand from the appropriate account designated by the Executive Director.

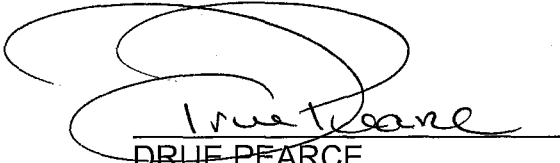
Approved by the Council at its meeting of August 23, 2004 held in Anchorage,
Alaska as affirmed by our signatures affixed below.



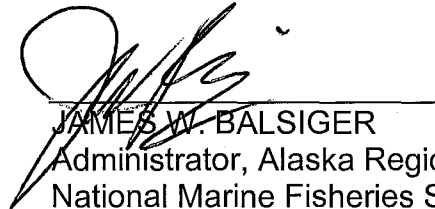
JOE L. MEADE
Forest Supervisor
Forest Service Alaska Region
U.S. Department of Agriculture



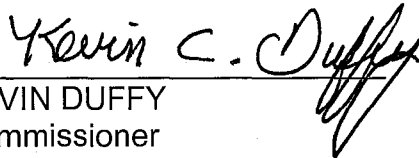
GREGG RENKES
Attorney General
State of Alaska



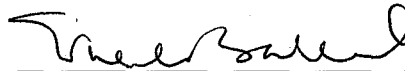
DRUE PEARCE
Senior Advisor to the Secretary
for Alaskan Affairs
U.S. Department of the Interior



JAMES W. BALSIGER
Administrator, Alaska Region
National Marine Fisheries Service
U.S. Department of Commerce



KEVIN DUFFY
Commissioner
Alaska Department of Fish and Game



ERNESTA BALLARD
Commissioner
Alaska Department of Environmental
Conservation

Attachments:
Memorandum

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF THE COMMISSIONER

FRANK H. MURKOWSKI, GOVERNOR

550 WEST 7TH AVENUE, SUITE 1400
ANCHORAGE, ALASKA 99501-3650
PHONE: (907) 269-8431
FAX: (907) 269-8918

August 10, 2004

Gail Phillips
Executive Director
Exxon Valdez Oil Spill Trustee Council
441 West Fifth Ave., Suite 500
Anchorage, AK 99501

RE: Transfer of Three Anchor River Small Parcels from TNC to the State

Dear Ms. Phillips;

The Trustee Council authorized reimbursement of expenses associated with the purchase of small parcels; Knol, Nakada, McGee, and Thompson, by The Nature Conservancy (TNC) at the March 1, 2004 meeting. USFWS as documented in correspondence to the Restoration Office is unable to pay The Nature Conservancy for costs incurred after the expiration of the grant on 9/30/03 due to procurement regulations. The "Projected Future Costs to EVOS" as detailed in the TNC memo to the Council at the March 1 meeting cannot be covered through the USFWS grant.

The Trustee Council Resolution provided for 202,756.29 for expenses described as purchase price and closing of the three parcels currently being transferred as well as other itemized expenses. TNC submitted an invoice to USFWS for \$182,193.73, reflecting the purchase price and expenses listed as "Other Direct Costs to EVOS" in documentation submitted at the March council meeting. USFWS received funds sufficient to cover the full 202,756 estimate and will now lapse approximately \$20,650 from the grant as they are unable to pay any additional expenses at closing.

At the request of The Nature Conservancy, DNR is requesting \$12,400 from the Trustee Council to reimburse TNC for actual expenses to be included in the Settlement Statement at closing, currently estimated at \$11,400 along with \$1,000 of GA. The total cost to the Council will be less than the amount being lapsed by USFWS.

Our goal is to complete these transactions by September 30, 2004. However, in the event that closing is delayed, DNR requests authorization to carry this and the balance in the previous DNR authorization for these parcels (\$10,355) forward into Fiscal Year 2005 in order to complete this transaction.

To summarize, DNR is requesting that \$12,400 be authorized as an addition to the project 040126 project budget and that the authorization for project 040126 be extended to December 31, 2004.

Thank you for considering this request.

Sincerely,

/ss/

Carol Fries
EVOS Project Manager

Attachments: Financial Detail "Projected Future costs to EVOS",
Documentation submitted by TNC for March 1, 2004 Trustee Council meeting
Project 040126 budget document

Financial Detail "Projected Future Costs to EVOS"

Parcel	Projected Future Costs to EVOS	
Nakada	Property tax	278
	Appraisal	-
	Title Insurance	250
	Haz Mat update	1,766
	Escrow	265
Subtotal		2,559
Knol	Property tax	388
	Appraisal update	2,530
	Title insurance	502
	Haz Mat update	1,766
	Escrow	330
Subtotal		5,516
Thompson	Appraisal update	-
	Property tax	657
	Title Insurance	542
	Haz Mat update	1,766
	Escrow	340
Subtotal		3,305
Total Projected Closing Costs payable to TNC		11,380
G&A		1,024
Total Additional 040126 Project Costs		12,404

Note:

Projects costs are less than projected USFWS project lapse.