

**RESOLUTION OF THE  
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL  
REGARDING  
VALDEZ DUCK FLATS SMALL PARCEL PWS 05**

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

1. On December 4, 2000, the Council resolved to provide funds for the United States to purchase all of the seller's rights and interests in the small parcel PWS 05, consisting of 32.66 acres, and to provide funds necessary for closing costs recommended by the Executive Director of the Council (Executive Director) and approved by the Council, subject to certain conditions. One of the conditions was that a title search satisfactory to the State of Alaska and the United States must be completed and that the seller is willing and able to convey fee simple title by general warranty deed to the property. The seller is the University of Alaska (University).

2. The Forest Service, on behalf of the United States, has conducted a title search of the property and determined that the University is unwilling to convey fee simple title to the property by general warranty deed. The University was granted the property from the State of Alaska (State), which received the property as part of the State's land entitlement for the University and pursuant to the Alaska Statehood Act. A provision of the Statehood Act, Section 6(i), generally provides that land grants made to the State shall include mineral deposits and that any reconveyance of these lands by the State is subject to a State reservation of all the minerals in the lands conveyed. If lands are conveyed contrary to this provision, the United States may seek appropriate proceedings to forfeit the lands to the United States. When the University received the lands contained in PWS 05 from the State, the mineral estate was included in the grant. The

University has stated that a conveyance of PWS 05 to the United States is subject to Section 6(i) and therefore it is unwilling to convey fee simple title by general warranty deed.

3. For all of the reasons detailed in the Council's resolution of December 4, 2000, the Council continues to find that the purchase of PWS 05 is an appropriate means to restore a portion of the injured resources and services in the spill area.

THEREFORE, we resolve to provide funds for the United States to purchase all of the seller's rights and interests in the small parcel PWS 05 and to provide funds necessary for closing costs recommended by the Executive Director and approved by the Council, pursuant to the following conditions:

(A) the amount of funds to be provided by the Trustee Council to the United States shall be one hundred and twenty five thousand dollars (\$125,000) for small parcel PWS 05;

(B) authorization for funding for any acquisition described in the foregoing paragraph shall terminate if a purchase agreement is not executed by September 1, 2002;

(C) completion of a title search satisfactory to the State of Alaska and the United States and the seller is willing and able to convey fee simple title by a deed acceptable to the United States;

(D) no timber harvest, road development or alteration of the land will be initiated by the seller prior to the purchase without the express agreement of the State of Alaska and the United States;

(E) completion of a hazardous materials survey satisfactory to the State of Alaska and the United States;

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

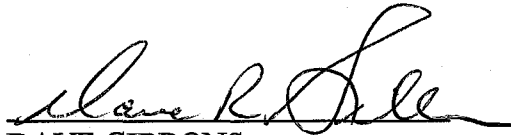
(G) a conservation easement on parcel PWS 05, satisfactory in form and substance to the United States and the State of Alaska Department of Law, shall be conveyed by the seller to the State of Alaska. It is the intent of the Council that, except as described below, any facilities or other development on the foregoing small parcel 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 parcel except 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 resources 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 approved by the Council. The conservation easement will allow for the continued operation and maintenance of the Crooked Creek Visitor Center and fish viewing area by the Forest Service and may provide for the improvement of these facilities consistent with local zoning and the protection of the natural resources and services provided by this parcel.

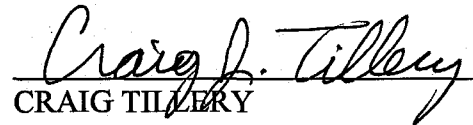
By unanimous consent, following execution of the purchase agreement between the seller and the United States and written notice from the Executive Director that the terms and conditions set forth herein and the purchase agreement have been satisfied, we request the Alaska Department of Law and the Assistant 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 parcel from the appropriate account designated by the Executive Director.

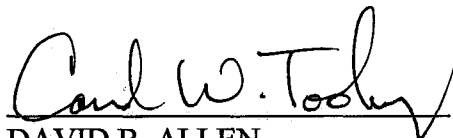
Such amount represents the only amount due under this resolution to the sellers by the United States to be funded from the joint trust funds, and no additional amounts or interest are herein authorized to be paid to the sellers from such joint funds.


Approved by the Council at its meeting of August 6, 2001 held in Anchorage, Alaska, as affirmed

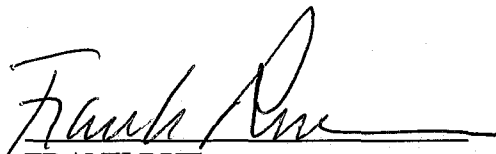
by our signatures affixed below:

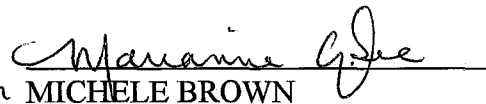
  
DAVE GIBBONS  
Supervisor, Chugach National Forest  
USDA Forest Service

  
CRAIG TILLEY  
Assistant Attorney General  
State of Alaska

*Set*  
  
DAVID B. ALLEN  
Alaska Regional Director,  
U.S. Fish and Wildlife Service  
U.S. Department of the Interior

  
JAMES BALSIGER  
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