

**RESOLUTION OF THE
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
REGARDING ONE 10-ACRE PARCEL
KAP 2069**

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 Trustee Council agreed to provide funding of up to \$1,000,000 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 inholdings as parcels 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 Trustee Council also agreed to authorize funding of up to \$645,000 from the previously dedicated \$1,000,000 for the purchase of privately owned approximately 10-acre parcels conveyed by the Larsen Bay Tribal Council ("Tribal Council") to tribal members. This motion designated these inholdings as parcels meriting special consideration by virtue of their location within and adjacent to the boundaries of a large parcel acquisition of land purchased from Koniag, Inc. with Trustee Council funding.

c. Subject to funding by the Trustee Council, the present owner of a certain parcel formerly conveyed by the Tribal Council to its members, and the U.S. Fish and Wildlife Service are negotiating an agreement to sell and purchase, respectively, one such parcel. This parcel and its respective approved appraised value is identified as follows:

EVOS Parcel KAP# Owner	Legal Description Twp, Rng, Sec-Lot	Size	Appraised Value
2069 Johnson, James	31S 28W 5-15	10 acres	\$12,000

d. An appraisal totaling \$12,000.00 for this parcel comprising about 10 acres has been approved by the Federal review appraiser.

e. As set forth in Attachment A, if acquired, this parcel has 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 service, 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 the United States Fish and Wildlife Service to offer to purchase and, if the offer is accepted, to purchase all of the seller's rights and interest in the parcel; 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 parcel, identified above, totaling \$12,000.00;

(b) authorization for funding for the foregoing acquisition shall terminate if the purchase

agreement is not executed by December 30, 2001;

(c) filing by the United States Department of Justice and the Alaska Department of Law of a notice(s), 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 with the Alaska Department of Revenue, Division of Treasury ("Investment Fund"), and transfer of necessary monies from the Investment Fund to the United States;

(d) a title search satisfactory to the United States and the State of Alaska is completed by the acquiring government and the Seller is willing and able to convey fee simple title by warranty deed, or by limited warranty deed acceptable to the U.S. Department of Justice and the Alaska Department of Law;

(e) no timber harvesting, road development or any alteration of the land is to be initiated on the land without the express agreement of the acquiring government prior to purchase;

(f) a 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 State of Alaska.

It is the intent of the Trustee Council that any facilities or other development on the foregoing small parcel 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 parcel excepting 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 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 between the seller and the United States and written notice from the Executive Director 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 U.S. 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.

Approved by the Council at its meeting of May 3, 2001 held in Juneau and Anchorage, Alaska, as affirmed by our signatures affixed below.



DAVE GIBBONS
Supervisor, Chugach National Forest
USDA Forest Service



CRAIG TILLERY
Assistant Attorney General
State of Alaska



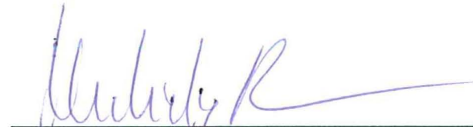
DAVID B. ALLEN
Alaska Regional Director,
U.S. Fish and Wildlife Service
U.S. Department of the Interior



JAMES BALSIGER
Director, Alaska Region
National Marine Fisheries Service



FRANK RUE
Commissioner
Alaska Department of
Fish and Game



MICHELE BROWN
Commissioner
Alaska Department of
Environmental Conservation

Parcel ID: James J. Johnson 10-acre parcel
EVOS Parcel Number KAP 2069
USFWS Parcel Number 77b

Rank:	N/A	Acreage:	10+	Agency Sponsor:	USFWS
Estimated Value:	\$12,000				
Location:	Browns Lagoon Fractional SW $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, T. 31 S., R. 28 W., Seward Meridian				
Landowner/Agent:	James Johnson				
Address:	P.O. Box 16 Larsen Bay Alaska 99624				

Pursuant to the Alaska Native Claims Settlement Act, certain regional and village Native corporation were organized under Alaska law, including the village corporation for Larsen Bay, Nu-Nachk-Pit, Inc., and the regional corporation Koniag, Inc. In October 1980, these corporations, among others signed a plan of merger which provided that the corporations would merge into Koniag, Inc. and Koniag would receive all the village corporation real estate selection rights and conveyances. Pursuant to the Plan of Merger, Koniag quit-claimed its interest in certain land to Larsen Bay Tribal Council for the benefit of Tribal members. LBTC subsequently deeded small parcel of about 10 acres to each individual tribal member. A number of these private parcels have been acquired with *EVOS* funds at fair market value.

This property lies along the western shore of Brown's Lagoon about seven miles east of the village of Larsen Bay on western Kodiak Island. A portion of the parcel is bounded on the east by Uyak Bay. The parcel is also bounded on the east by a private parcel in the process of being acquired with *EVOS* funds. Lands on the west and south boundaries of the parcel are retained by LBTC. The parcel is encompassed within lands purchased from Koniag by the USFWS in September 1998 as part of the Koniag large parcel acquisition funded by the Exxon Valdez Oil Spill Trust Council, which was classified as "High" value by the *EVOS* staff. The lands have excellent access from Uyak Bay.

Browns Lagoon provides important habitat for a number of wildlife species. A bald eagle nest is located within this parcel. The lagoon provides important eagle foraging habitat. High densities of pigeon guillemots use the lagoon year round, and nest in the small hillsides along the lagoon. Large numbers of black oystercatchers use the shoreline of the parcel. A variety of sea ducks including golden eye, harlequin ducks, and surf scoters also commonly use the lagoon.

There is a cabin near this parcel as well as numerous other cabins and developments on lands throughout Uyak Bay. Cabins are mainly used for recreational and subsistence hunting and fishing. These sites have significant potential for expansion into more intrusive development. Several commercial lodges operate in Uyak Bay, providing their clients with opportunities for hunting, fishing, kayaking, wildlife viewing and other ecotourism. Continued development in this area could further adversely impact water quality and fish and wildlife habitat. The acquisition of this parcel will help to preserve the wildlife, habitat, wilderness, recreational, and subsistence restoration benefits of the surrounding Koniag large parcel acquisitions and enhance sound natural resource management.

Habitat Protection

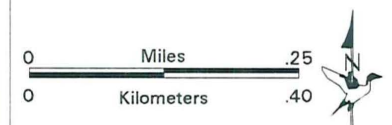
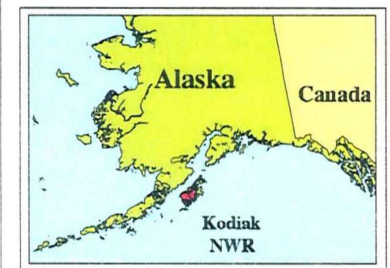
Small Parcels

Kodiak Island,
Alaska

Parcel : KAP 2069

- Jimmy Johnson Parcel
- Conveyed Native Allotment
- 10-Acre Parcels
- LBTC Owned
- Koniag Owned/US Conservation Easement
- Kodiak NWR

- Land status represents USFWS interpretation of BLM records.
- Projected in Albers.



Amook
Island

Uyak Bay

KAP 2069