

**RESOLUTION OF THE  
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL  
REGARDING  
VALDEZ DUCK FLATS SMALL PARCEL PWS 06**

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. The owners of one of the Valdez Duck Flats small parcels, PWS 06, have indicated an interest in selling approximately 20 acres of PWS 06 (PWS 06 is 24.68 acres in size) as described in Attachment A (hereinafter the “Property”) to the State of Alaska as part of the Council’s program for restoration of natural resources and services that were injured as a result of the EVOS.

2. An appraisal approved by state and federal review appraisers estimates the fee simple fair market value of the 20 acres in PWS 06 to be \$100,000.

3. As set forth in Attachment A (Restoration Benefits Report), and as described in the Final Report for Restoration Project 97230 Conceptual Plan for the Valdez Duck Flats, the Valdez Duck Flats have attributes that will restore, replace, enhance, and rehabilitate injured natural resources, and the services provided by those natural resources, including important habitat for several species of fish and wildlife for which significant injury resulting from the spill has been documented. The Duck Flats are important habitat for a large number of out-migrating pink salmon in Port Valdez and spawning populations occur in a small stream that flows through the parcel. Harbor seals and sea otters are known to feed in the Duck Flats, and mid- to lower-intertidal habitats at the mouth of the flats support mussels, which were heavily impacted by the

EVOS and constitute an important food source for several other species that were injured by the spill including harlequin ducks and black oystercatchers.

4. 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 associated with human activities. However, restoration, replacement and enhancement of resources injured by the EVOS present a unique situation. Without passing judgment on the adequacy or inadequacy of existing laws and regulations to protect resources, scientists and other resource specialists agree that, in their best professional judgment, protection of habitat in the spill area beyond that provided by existing laws and regulations will have a beneficial effect on the recovery of injured resources and lost or diminished services provided by those resources.

5. There is widespread public support for the acquisition of this parcel.

6. Purchase of this parcel is an appropriate means to restore a portion of the injured resources and services in the spill area. Acquisition of this parcel is consistent with the Restoration Plan and Final Environmental Impact Statement.

7. The purchase of small parcels 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 State of Alaska to purchase all of the seller's rights and interests in the Property and to provide funds necessary for closing costs recommended by the Executive Director of the Council ("Executive Director") and approved by the Trustee Council, pursuant to the following conditions:

(a) the amount of funds to be provided by the Trustee Council to the State of Alaska shall be one hundred thousand dollars (\$100,000) for the Property;

(b) authorization for funding for any acquisition described in the foregoing paragraph shall terminate if a purchase agreement is not signed by June 21, 2001;

(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 general warranty deed;

(d) no timber harvesting, 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 for parcel PWS 06, satisfactory in form and substance to the United States and the State of Alaska, shall be conveyed to the United States. 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 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 or 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. The conservation easement will provide for perpetual protection of the area and recreational development consistent with the Conceptual Plan for the Valdez Duck Flats.

By unanimous consent, following execution of the purchase agreement between the seller and the United States and certification by the Executive Director that the terms and conditions set forth herein and in the purchase agreement, 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.

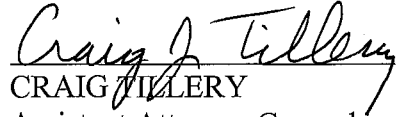
Such amount represents the only amount due under this resolution to the sellers by the State of Alaska to be funded from the joint trust funds, and no additional amounts or interest are herein authorized to be paid to the sellers from such joint funds.

Approved by the Council at its meeting of December 4, 2000 held in Anchorage, Alaska,

as affirmed by our signatures affixed below:



DAVE GIBBONS  
Alaska Region  
USDA Forest Service



CRAIG TILLERY  
Assistant Attorney General  
State of Alaska



MARILYN HEIMAN  
Special Assistant to the  
Secretary for Alaska  
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