

**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. The owners of one of the Valdez Duck Flats small parcels, PWS 05, have indicated an interest in selling PWS 05, consisting of 32.66 acres, to the United States as part of the Council’s program for restoration of natural resources and services that were injured or reduced as a result of the EVOS. A State highway right-of-way encumbers 9.42 acres of this parcel.

2. An appraisal approved by the state and federal review appraisers estimates the fee simple fair market value of PWS 05 is \$125,000.

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 the and this parcel supports spawning populations located in a small stream that flows through the parcel. Harbor seals and sea otters are known to feed in the Duck Flats, and the mid to lower intertidal habitats at the mouth of the flats supports mussels,

which are heavily impacted by the EVOS. Mussels constitute an important food source for several species injured by the spill such as harlequin ducks and black oystercatchers. This parcel is the site of the Forest Service visitor center and fish viewing area, which receive 120,000 visitors each year.

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 from activities on the lands. However, restoration, replacement and enhancement of resources injured by the EVOS present a unique situation. Without passing judgement on the adequacy or inadequacy of existing laws and regulations to protect resources, scientists and other resource specialists agree that, in their best professional judgement, 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 the recovery of injured resources and lost or diminished services provided by these 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 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 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 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 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 harvest, road development or alteration of the land will be initiated by the owner 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 excepting such limited commercial use as may be consistent with applicable state or federal law and the goals of restoration to prespill 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 ("MOA") and the Restoration Plan as approved by the Trustee Council ("Restoration Plan"). 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 improvement of the 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 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 parcel from the appropriate account designated by the Executive Director.

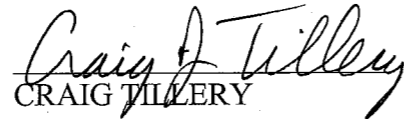
Such amount represents the only amount due under this resolution to the sellers by the United States to be funded from the joint trust funds, and no additional amounts or interest are herein authorized to be paid to the sellers from such joint funds.

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

affirmed by our signatures affixed below:



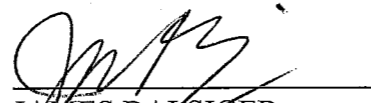
DAVE GIBBONS
Alaska Region
USDA Forest Service



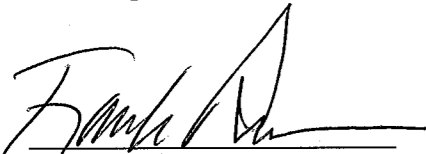
CRAIG TILLEY
Assistant Attorney General
State of Alaska



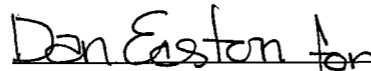
MARILYN HEIMAN
Special Assistant to the
Secretary for Alaska
U.S. Department of the Interior



JAMES BALSIGER
Director, Alaska Region
National Marine Fisheries
Service



FRANK RUE
Commissioner
Alaska Department of
Fish and Game



Dan Easton for
MICHELE BROWN
Commissioner
Alaska Department of
Environmental Conservation

Attachment A

**Parcel ID: PWS 06
Valdez Duck Flats**

Rank: Moderate **Acreage:** 20 acres **Agency Sponsor:** ADF&G

Location: Valdez Duck Flats, US447, T8S, R6W, Sec. 32

Landowner: University of Alaska

Address: Statewide Land Office
3890 University Lake Drive, Suite 103
Anchorage, Alaska 99508

This parcel is located adjacent to the Valdez Boat Harbor on the Valdez Duck Flats, and is 24.68 acres in size. Portions of the parcel contain an animal control facility and FAA communications station. Those features will be excluded from the proposed sale, reducing the size of the parcel to approximately 20 acres.

The parcel's restoration benefits are based on intertidal/subtidal values and pink salmon. The Valdez Duck Flats are a large and unique complex of intertidal mud flats and salt marsh covering approximately 1000 acres. The flats are flooded regularly by incoming tides that mix with seven freshwater streams creating a productive estuary environment. Millions of salmon fry from these streams and the nearby Soloman Gulch hatchery feed and rear throughout the Duck Flats, assisted by the counter clockwise currents that flow through Port Valdez. There is an anadromous fish stream located on the parcel. The Duck Flats also provide nesting, molting and staging habitat for 52 species of marine birds, 8 species of waterfowl, 18 species of shorebirds and numerous other passerines and raptors. Harbor seals and sea otters also forage throughout the area for mussels and clams.

The Valdez Duck Flats are threatened by increasing development around the perimeter of the Flats and pollutants from a variety of potential sources. Acquisition of this parcel would mitigate some of this threat.

Plat Map

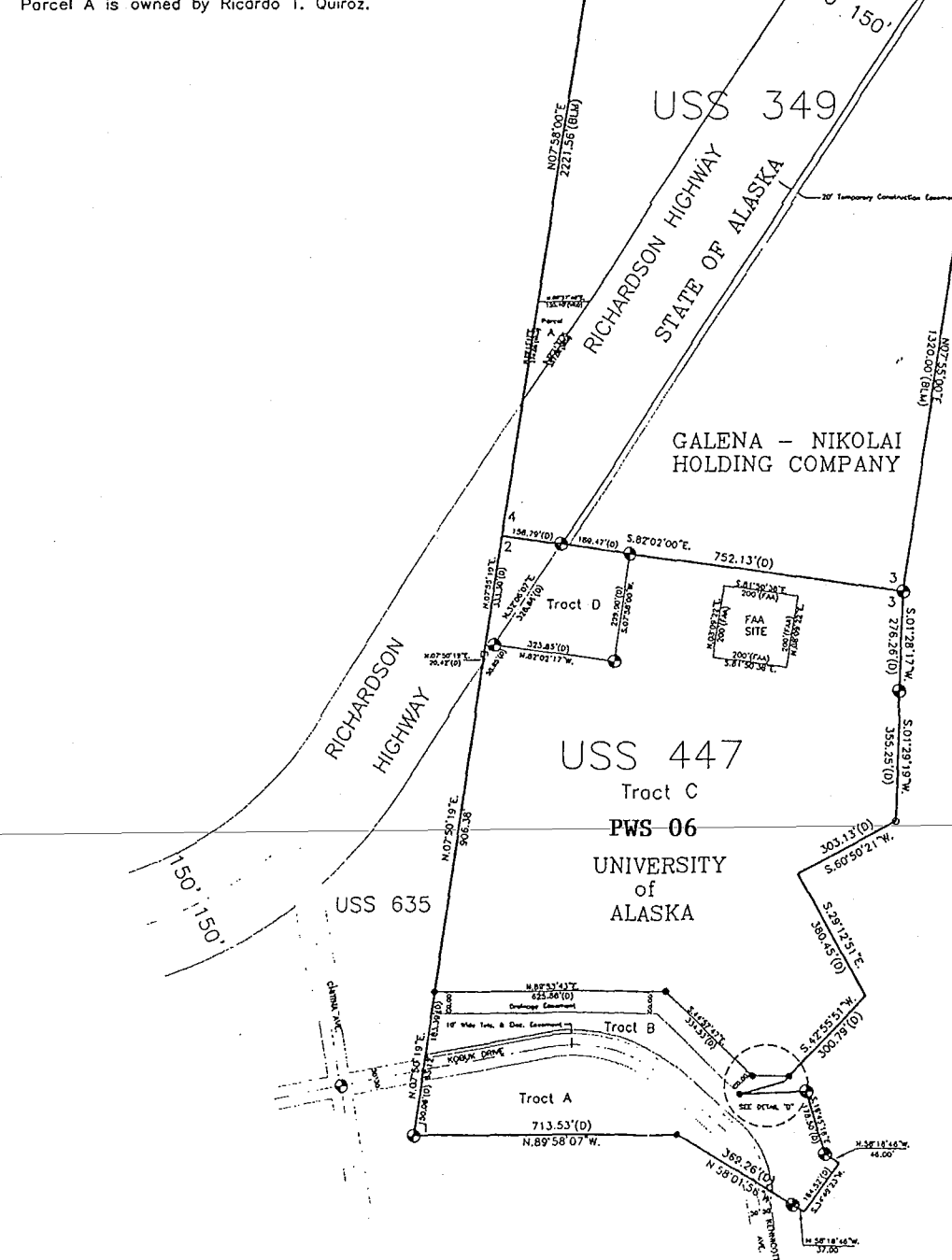
NOTES - USS 349:

Information on the plat was compiled from the original survey of USS 349 performed by the BLM on June 5, 1904, and from plat No. 91-10 filed in the Valdez Recording District by Dowl Engineers on September 25, 1991.

Bearing and Distance information for Parcel A was found at the Valdez Recording District in Book 85, Page 504.

That portion of the Richardson Highway that lies within USS 349 is owned in fee-simple by the State of Alaska.

Parcel A is owned by Ricardo T. Quiroz.



DRAFT

NOTES - USS 447:

Information on this plat was compiled from survey plat No. 90-10 recorded in the Valdez Recording District by Dowl Engineers on January 3, 1990. A correction to Plat 90-10 was filed on September 25, 1991, and recorded as plat No. 91-10. This plat reflects those changes.

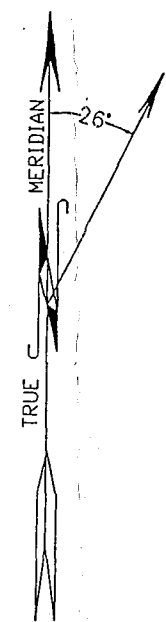
The FAA site was positioned using information from the FAA site plan.

NOTES - USS 448:

Information on the plat was compiled from the original survey of USS 448 performed by the BLM on July 7, 1904, and from plat No. 83-10 filed in the Valdez Recording District by the Department of Natural Resources on September 21, 1983.

The owner of USS 448 in it's entirety is the University of Alaska.

MAGNETIC DECLINATION FROM QUAD VALDEZ (A-7), ALASKA



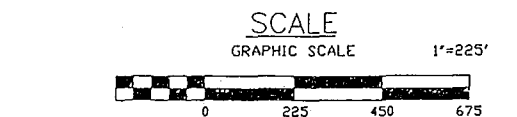
LEGEND

- ⊕ Department of Natural Resources Monument
- ⊙ Bureau of Land Management Monument
- Found 1/2" Rebar
- ⦿ 5/8" Rebar set by Dowl Engineers
- ⊠ Found remains of 4 x 4 Wooden Post set by BLM
- United States Survey (USS) Boundary Line
- - - Easement Boundary Line
- - - Center-Line of Road
- (BLM) Bureau of Land Management Record Information
- (DNR) Department of Natural Resources Record Information
- (VRD) Valdez Recording District Information
- (D) Dowl Engineers Record Information

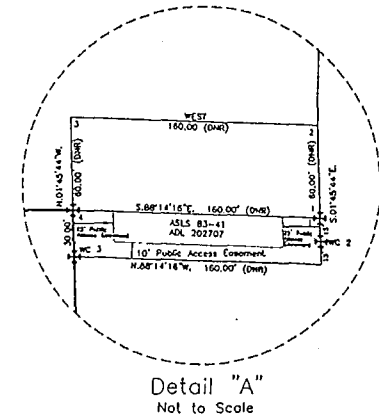
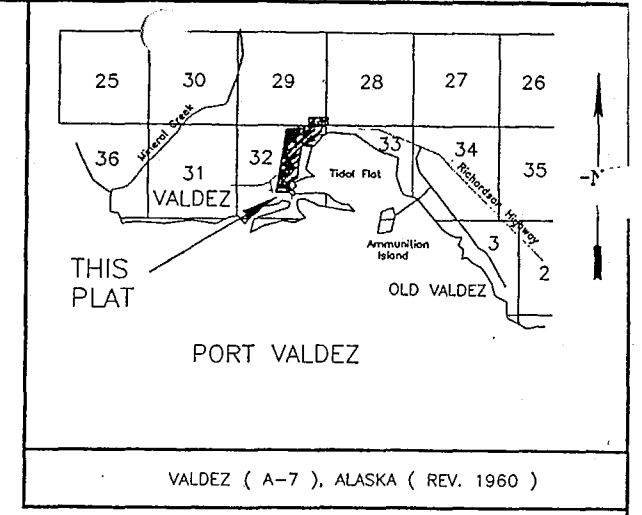
NOTES:

The plat shown is a compilation of several Record Sources, obtained from plats filed by Dowl Engineers, the Department of Natural Resources, and the Bureau of Land Management. No survey was performed by this office.

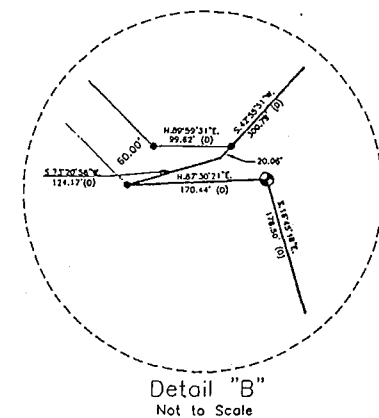
Responsibility for the identification of any and all encumbrances lies with the interested party. As such, public records should be checked for the possible omittance of any outside interest in the surveys shown.



USS 349, USS 447, & USS 448 LOCATED IN SECTIONS 29 & 32 T.8 S., R.6 W., COPPER RIVER MERIDIAN			
CHUGACH NATIONAL FOREST 3301 C STREET - SUITE 300 ANCHORAGE, ALASKA 99503-3998			
DRAWN BY / DATE	CHECKED BY / DATE	FILE	FILE NO.
DCH / 3-6-96	RDS / 3-6-96	VALDEZ.DWG	N/A
			SHT. 1 OF 1



Detail "A"
Not to Scale



Detail "B"
Not to Scale