

**RESOLUTION 09-11 OF THE *EXXON VALDEZ* OIL SPILL TRUSTEE COUNCIL
REGARDING SMALL PARCEL KAP 3002**

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. On March 17, 2008, the Council resolved through Resolution 08-07 to provide funds for the State of Alaska to purchase all of the seller's rights and interests in the small parcel KAP 3002, consisting of 160 acres, subject to certain conditions. One of the conditions was that a purchase agreement had to be executed by June 30, 2009. The Seller is Ralph Capjohn represented by the Department of Interior, Bureau of Indian Affairs (BIA).

2. Although Mr. Capjohn has agreed to sell the land to the State for the price in the Council's resolution of March 17, 2008 (\$192,000) and the State expects to be able to complete the acquisition, a purchase agreement was not executed prior to June 30, 2009 as required by the Council's March 17, 2008 resolution.

3. For all of the reasons detailed in the Trustee Council's resolution of March 17, 2008, the Council continues to find that the purchase of KAP 3002 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 small parcel KAP 3002 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 State of Alaska shall be one-hundred ninety-two thousand dollars (\$192,000) for small parcel KAP 3002;

(b) authorization for funding for any acquisition described in the foregoing paragraph shall terminate if a purchase agreement is not executed by June 30, 2010;

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

(d) a title search satisfactory to the State of Alaska and the United States is completed, and the seller is willing and able to convey fee simple title by warranty deed;

(e) no timber harvest, road development or any alteration of the land will be initiated on the land without the express written agreement of the State of Alaska and the United States prior to purchase of this parcel;

(f) a hazardous materials survey satisfactory to the State of Alaska and United States is completed;

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

(h) a conservation easement on parcel KAP 3002, satisfactory in form and substance to the United States and the State of Alaska Department of Law, shall be conveyed to the United States.

It is the intent of the Trustee Council that the above-referenced conservation easement will provide that any facilities or other development on the foregoing small parcel shall be of limited impact and in keeping with the goals of restoration, that there shall be no commercial use except 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 and the Restoration Plan as approved by the Trustee Council.

By unanimous consent, following execution of the purchase agreement between the seller and the State of Alaska and written notice from the Executive Director ("Executive Director") of the Trustee Council 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 seller by the State of Alaska to be funded from the joint settlement funds, and no additional amounts or interest are herein authorized to be paid to the sellers from such joint funds.

