

**RESOLUTION OF THE
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL**

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. Owners of the following small parcels and lots and tract within small parcel PWS 17 in the small parcel acquisition process have indicated an interest in selling the same:

KAP 220

KAP 226

Lots 1 and 2, Ellamar Subdivision ("PWS 17A")

Lot 12, Block 10 Ellamar Subdivision ("PWS 17B")

Lot 3 Hidden Treasure Lode Subdivision ("PWS 17C")

Central Alaska Mission Tract of USMS 556A ("PWS 17D");

2. The Trustee Council authorized appraisals of the above identified small parcels and lots and tract (the lots and tract are hereinafter collectively referred to as the "Subparcels"). Appraisals have now been completed for these small parcels and Subparcels and approved by the government review appraisers;

3. As set forth in Attachment A these small parcels and Subparcels have attributes which if they are acquired and protected 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;

4. 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 ("EVOS") present a unique situation. Without passing on the adequacy or inadequacy of existing law and regulation to protect natural resources and services, 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 affect on recovery of injured resources and lost or diminished services provided by these resources;

5. There has been widespread public support for the protection of small parcels; and

6. The purchase of these small parcels and the Subparcels 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 State of Alaska or the United States of America, as applicable. to offer to purchase and, if the offers are accepted, to purchase all the Sellers' rights and interests in these small parcels and Subparcels 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:

ACE 30277440

(a) the amount of funds (hereinafter referred to as the "Purchase Price") to be provided by the Trustee Council for the purchase of the small parcels and Subparcels shall be the final approved appraised fair market value of the small parcels and Subparcels as follows:

KAP 220	Mouth of Ayakulik River	\$213,000
KAP 226	Karluk River Lagoon	\$146,000
PWS 17A	Lots 1 and 2, Ellamar Subdivision	\$ 26,500
PWS 17B	Lot 12, Block 10 Ellamar Subdivision	\$ 29,000
PWS 17C	Lot 3 Hidden Treasure Lode Subdivision	\$ 40,000
PWS 17D	Central Alaska Mission Tract of USMS 556A;	\$250,000

Authorization for funding for any acquisition described above shall terminate if a purchase agreement is not executed by December 15, 1996;

- (b) disbursement of these funds by the District Court;
- (c) a satisfactory title search is completed by the acquiring government and the Seller is willing and able to convey fee simple title by warranty deed;
- (e) no timber harvesting, road development or any alteration of the land will be initiated on the land without the express agreement of the acquiring government prior to purchase;
- (f) a satisfactory hazardous materials survey is completed;
- (g) compliance with the National Environmental Policy Act;

It is the intent of the Trustee Council that any facilities or other development on the small parcels or Subparcels shall be of limited impact and in keeping with the goals of restoration and that there shall be no commercial timber harvest on the small parcels or Subparcels nor any other commercial use of the small parcels or Subparcels excepting such limited commercial use as may

be consistent with state and federal law and the goals of restoration to its prespill condition 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").

With respect to the lots and tract in PWS 17 including the Subparcels all acquisitions must form one contiguous parcel in order to facilitate restoration and management.

By unanimous consent and upon execution of the purchase agreements and written notice from the State of Alaska and the Executive Director for the small parcels and Subparcels that the terms and conditions set forth herein and in the purchase agreements 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 petition the District Court for withdrawal of the Purchase Price and any such additional costs related to closing as are recommended by the Executive Director and approved by the Trustee Council for each of the small parcels and Subparcels from the District Court Registry account established as a result of the Governments' settlement to be paid at the time of closing. As purchase agreements are completed for particular parcels we request that the Department of Law and the Department of Justice petition the District Court for disbursement of such funds necessary for closing the acquisitions. These amounts represent the only amounts due under this resolution to the Sellers by the State of Alaska or the United States of America from the joint funds in the District Court Registry and no additional amounts or interest are herein authorized to be paid to the Sellers from such joint funds.

Dated this 11th day of December, 1995 at Anchorage, Alaska.

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