

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

We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council ("Council"), after extensive review and after consideration of the views of the public, find as follows:

1. The owner of small parcel KEN 1038 has indicated an interest in selling said parcel;
2. An appraisal of the parcel commissioned by the Seller has been approved by the State and federal review appraisers;
3. As set forth in Attachment A, if acquired, this small parcel has attributes which 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 owner has indicated his willingness to sell it to the State of Alaska for the \$698,000 which is less than the appraised fair market value would be for the parcel. As originally proposed the parcel contained 5.9 acres 644 feet of river frontage and was valued at \$1,304,000 by an approved fair market value appraisal. Although the parcel has been reduced in size the river frontage is unchanged. Parcel KEN 1038, because of its location where the Sterling Highway crosses the river and adjacent to the Visitors' Center and in downtown Soldotna, provides highly visible and convenient access to large numbers of recreational anglers. Acquisition of this parcel will ease fishing pressures on more remote sections of the river where it is difficult to justify costly bank stabilization measures and boardwalks and provide a good fishing location when resource managers must close other sections of the river so as to protect sensitive habitat. The boardwalk and other shoreline stabilization measures on the property were built pursuant to an easement that may be terminated by the landowner. Acquisition

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of the parcel will assure that these shoreline protections remain.

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 *Exxon Valdez* oil spill ("EVOS") present a unique situation. Without passing judgment on the adequacy or inadequacy of existing law and regulations to protect resources, scientists and other resource specialists agree that, in their best professional judgment, 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 recovery of injured resources and lost or diminished services provided by these resources;

5. There has been widespread public support for the acquisition of these lands within Alaska as well as on a national basis;

6. The purchase of the lands is an appropriate means to restore a portion of the injured resources and services in the oil spill area. Acquisition of these lands is consistent with the Final Restoration Plan;

7. 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 State of Alaska to offer to purchase and, if the offer is accepted, to purchase all the seller's rights and interests in small parcel KEN 1038 and to provide funds necessary for closing costs recommended by the Executive Director of the Trustee Council ("Executive Director"), which may include the cost of surveying the reduced parcel, and approved by the Trustee Council and pursuant to the following conditions:

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- (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 \$698,000;
- (b) authorization for funding for any acquisition described in the foregoing paragraph shall terminate if a purchase agreement is not executed by December 15, 1997;
- (c) disbursement of these funds by the District Court;
- (d) 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;
- (h) a conservation easement shall be conveyed to the United States and a warranty deed to the State of Alaska, both of which must be satisfactory in form and substance to the Department of the Interior and the Department of Law; and

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 use except as may be consistent with applicable state or federal law and the goals of restoration to prefill 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.

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By unanimous consent, following execution of the purchase agreement between the seller and the State of Alaska and certification by the Executive Director that the executed purchase agreement is in accordance with the foregoing terms and conditions, 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 petition the District Court for disbursement of the joint settlement funds in the above certified amount.

Such amounts represent the only amount due under this resolution to the seller by the State of Alaska to be funded from the joint funds in the District Court Registry, and no additional amounts or interest are herein authorized to be paid to the seller from such joint funds.

Approved by the Council at its meeting of February 14, 1997, held in Anchorage and Juneau, Alaska, as affirmed by our signatures affixed below:

*for* James A Wolfe  
PHIL JANIK  
Regional Forester  
Alaska Region  
USDA Forest Service

*for* Craig J Tillery  
BRUCE M. BOTELHO  
Attorney General  
State of Alaska

*for* Debra Williams  
GEORGE T. FRAMPTON, JR.  
Assistant Secretary for  
Fish and Wildlife and Parks  
Department of the Interior

Steven Pennoyer  
STEVEN PENNOYER  
Director, Alaska Region  
National Marine  
Fisheries Service

Frank Rue  
FRANK RUE  
Commissioner  
Alaska Department of  
Fish and Game

Michele Brown  
MICHELE BROWN  
Commissioner  
Alaska Department of  
Environmental Conservation

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# Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax: 907/276-7178



June 16, 1997

I certify that the State of Alaska, as represented by the Alaska Department of Natural Resources and the Alaska Department of Law, has complied with the terms and conditions of the resolution approved by the *Exxon Valdez* Oil Spill Trustee Council at its meeting on February 14, 1997 in regard to the small parcel known as KEN 1038/Roberts Parcel and of the purchase agreement for that parcel and hereby request that the Alaska Department of Law and the U.S. Department of Justice request \$698,000 from the U.S. District Court for the purchase of that parcel.

A handwritten signature in cursive script, reading "Molly McCammon". The signature is fluid and somewhat stylized, with the first letters of the first and last names being prominent.

Molly McCammon  
Executive Director

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Federal Trustees	State Trustees
U.S. Department of Interior	Alaska Department of Fish and Game
U.S. Department of Agriculture	Alaska Department of Environmental Conservation
National Oceanic and Atmospheric Administration	Alaska Department of Law

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