

**RESOLUTION OF THE
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
REGARDING CERTAIN KODIAK ISLAND SMALL PARCELS**

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. a. In its motion of June 8, 1998, the Council agreed to authorize funding of up to \$264,000 for the purchase of three Native allotments in the Three Saints Bay area of Kodiak Island, within the Kodiak National Wildlife Refuge, Parcels KAP 95 (Heirs of Fidusia Inga), KAP 126 (Carl Christiansen) and KAP 134 (Sophia Ignatin). This motion designated these as parcels meriting special consideration by virtue of their location within the boundaries of a large parcel acquisition of land purchased from Old Harbor Native Corporation primarily with Council funding. Subsequently, on September 29, 1998, the Council by resolution authorized the purchase of KAP 95 for the approved appraised value of \$84,000.

b. In furtherance of the motion set forth in Paragraph 1. a., and subject to funding by the Council, the owners of the remaining two Native allotments, KAP 126 and 134, have agreed to sell their allotments located in Three Saints Bay. These parcels are collectively hereinafter referred to as the two parcels.

c. Appraisals for parcel KAP 126 (\$72,000) and KAP 134 (\$72,300) totaling \$144,300 have been approved by the State and federal review appraisers.

d. As set forth in Attachment A, if acquired, these small parcels have attributes which will restore, replace, enhance and rehabilitate injured natural resources and the services provided by those

ATTACHMENT 4
PAGE 9 OF 14

ACE 30395878

natural resources, including providing habitat for bird species for which significant injury resulting from the spill has been documented and providing key marine access for subsistence and recreational uses on the surrounding public lands.

2. 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 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 effect on the recovery of injured resources and lost or diminished services provided by these resources.

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

4 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 FWS to offer to purchase and, if the offer is accepted, to purchase all the seller's rights and interests in the two parcels; 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 30395879

ATTACHMENT A
PAGE 10 OF 14

- (a) the amount of funds (hereinafter referred to as the "Purchase Price") to be provided by the Trustee Council to the United States shall be \$72,000 for KAP 126 and \$72,300 for KAP 134;
- (b) authorization for funding for the foregoing acquisitions shall terminate if the respective purchase agreement is not executed by December 15, 1999;
- (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; and
- (h) a conservation easement satisfactory to the U.S. Departments of Justice and the Interior and the Alaska Department of Law shall be conveyed by the seller to the State of Alaska.

It is the intent of the Trustee Council that any facilities or other development on the foregoing small parcels after acquisition 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 parcels, excepting such limited commercial use as may be consistent with applicable state or federal law and the goals of restoration to pre-impact 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

ATTACHMENT A
PAGE 11 OF 14

ACE 30395880

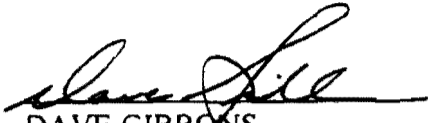
Memorandum of Agreement and Consent Decree between the United States and the State of Alaska entered August 28, 1991 ("MOA") and the Restoration Plan as approved by the Trustee Council ("Restoration Plan")

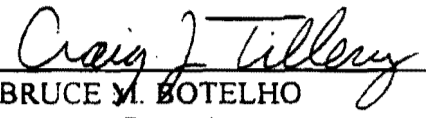
By unanimous consent and upon execution of the purchase agreement and written notice from FWS and the Executive Director that the terms and conditions set forth herein and in the purchase agreements have been satisfied, we request the Alaska Department of Law and the Assistant Attorney General of the 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 KAP 126 and 134 from the District Court Registry account established as a result of the Governments' settlement to be paid at the time of closing. These amounts represent the only amounts due under this resolution to the Sellers by the United States 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.

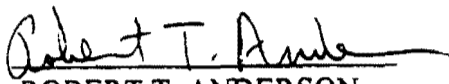
ACE 30395881

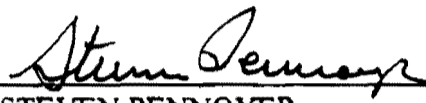
ATTACHMENT A
PAGE 12 OF 14


Approved at the January 22, 1999 Trustee Council meeting and dated as of the date the last signature below is affixed.

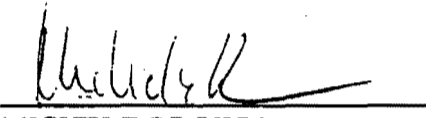

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January, 1999

ACE 30395882

5

ATTACHMENT 17
PAGE 13 OF 14