

**RESOLUTION OF THE
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
REGARDING CERTAIN KODIAK ISLAND BOROUGH 10-ACRE 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 resolution of December 11, 1995, the Council agreed to provide funding of up to \$1,000,000 for the acquisition of lands held by the Kodiak Island Borough at key waterfront locations along Uyak Bay within the Kodiak National Wildlife Refuge as a result of forfeitures for tax delinquency. On June 8, 1998, the Council by motion designated these inholdings as parcels meriting special consideration by virtue of their location within the boundaries of a large parcel of land purchased from Koniag Inc. with Council funding.

b. In its motion of June 8, 1998, the Council agreed to authorize funding of up to \$645,000 from the previously dedicated \$1,000,000 for the purchase of privately owned approximately 10-acre parcels conveyed by the Larsen Bay Tribal Council to Tribal members. This motion designated these inholdings as parcels meriting special consideration by virtue of their location within the boundaries of a large parcel acquisition of land purchased from Koniag, Inc. with Council funding.

c. Subject to funding by the Council, The Conservation Fund, the present owner of certain parcels formerly conveyed by the Tribal Council to various of its members,

and the U.S. Fish and Wildlife Service have reached agreement to sell and purchase, respectively, 17 such parcels (The Conservation Fund is hereinafter referred to as the "Seller"). These parcels are identified as follows:

FWS No.	EVOS No.	General Location	Size	Approx. Value
90	1092	Amook Pass	9.69 acres	\$12,000
91	1093	Browns Lagoon	10.00 acres	\$12,000
92	1094	Browns Lagoon	13.17 acres	\$15,000
93	1095	Browns Lagoon	8.94 acres	\$18,000
94	1096	Amook Pass	10.00 acres	\$11,000
95	1097	Amook Pass	10.96 acres	\$15,000
96	1098	Amook Pass	9.28 acres	\$14,000
97	1099	Amook Pass	9.09 acres	\$15,000
98	2000	Amook Pass	10.74 acres	\$15,000
99	2001	South Uyak Bay	10.37 acres	\$20,000
100	2002	South Uyak Bay	8.34 acres	\$15,000
101	2003	South Uyak Bay	9.68 acres	\$16,000
102	2004	South Uyak Bay	7.02 acres	\$15,000
103	2005	South Uyak Bay	6.88 acres	\$18,000
104	2006	South Uyak Bay	8.52 acres	\$13,000
105	2007	South Uyak Bay	12.32 acres	\$14,000
132	2024	South Uyak Bay	8.64 acres	\$16,000
17 parcels			163.64 acres	\$254,000

d. Appraisals totaling \$254,000 for these 17 parcels comprising 163.64 acres have been approved by the State and federal review appraisers.

e. As set forth in Attachment A, if acquired, these parcels have attributes which will restore, replace, enhance and rehabilitate injured natural resources and the services provided by those natural resources, including providing habitat for bird species for which significant injury resulting from the spill has been documented, 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 service, 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 Fish and Wildlife Service of the United States Department of the Interior to offer to purchase and, if the offer is accepted, to purchase all the seller's rights and interest in the 17 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:

(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 the final approved appraised value of the respective parcels, as follows, totaling \$254,000;

FWS No.	EVOS No.	General Location	Size	Approx. Value
90	1092	Amook Pass	9.69 acres	\$12,000
91	1093	Browns Lagoon	10.00 acres	\$12,000
92	1094	Browns Lagoon	13.17 acres	\$15,000
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98	2000	Amook Pass	10.74 acres	\$15,000
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132	2024	South Uyak Bay	8.64 acres	\$16,000

(b) authorization for funding for the foregoing acquisitions shall terminate if the respective purchase agreement is not executed by December 15, 2000;

(c) disbursement of these funds by the District Court;

(d) a title search satisfactory to the United States and the State of Alaska is completed by the acquiring government and the Seller is willing and able to convey fee simple title by warranty deed, or, with respect to parcels numbered KAP 1098 and KAP 2000, the property may be conveyed by limited warranty deed acceptable to the U.S. Department of Justice and the Alaska Department of Law;

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

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

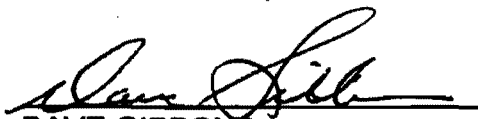
(h) a conservation easement satisfactory to the U.S. Departments of Justice and the Interior and the Alaska Department of Law shall be conveyed by the seller to the State of Alaska.


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 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 ("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 Fish and Wildlife Service of the Department of the Interior 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 the 17 above referenced parcels 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 Seller 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.


Dated this 30th day of November, 1999, in Anchorage and Juneau, Alaska.



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