

**RESOLUTION 14-02 OF THE *EXXON VALDEZ* OIL SPILL TRUSTEE COUNCIL  
REGARDING THE NORTHERN AFOGNAK AND TRIPLET ISLANDS  
CONSERVATION PACKAGE**

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. Ouzinkie Native Corporation (ONC) owns the surface estate of lands located on Northern Afognak Island and the Triplet Islands within the Kodiak Island Archipelago, Alaska, as described in the Attachment (Northern Afognak and Triplet Islands Acquisition) and generally depicted on the map also in the Attachment, and referred to collectively herein as the Lands.
2. The Lands were conveyed pursuant to the authority in the Alaska Native Claims Settlement Act (ANCSA) and the Alaska National Interest Lands Conservation Act (ANILCA) to Afognak Joint Venture (AJV). The subsurface estate associated with the Lands was conveyed to Koniag, Inc., an Alaska Native Regional Corporation.
3. ONC was formerly a member of the AJV that has partitioned its interests and certain lands from the AJV and has received a conveyance of such Lands in such partition.
4. The Lands are within the *Exxon Valdez* Oil Spill (EVOS) area as defined by the Council in the Final Restoration Plan approved November 2, 1994.
5. Pursuant to Resolutions adopted February 21, 2013 (Resolution 13-03) and October 28, 2013 (Resolution 13-08), the Council authorized funds to be used by the Great Land Trust to facilitate the acquisition of lands and interests in lands. An appraisal of the Lands has been completed and reviewed by the State and federally-approved review appraiser. The fair market value for the Lands is \$15,000,000.
6. Existing laws and regulations, including but not limited to the Alaska Forest Resources and Practices Act, the Alaska Anadromous Fish Act, the Clean Water Act, the Bald and Golden 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 the *Exxon Valdez* oil spill 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.

7. There has been widespread public support within Alaska as well as on a national basis for the acquisition of lands.
8. The purchase of these Lands is an appropriate means to restore a portion of the injured resources and services in the EVOS area. Acquisition of these Lands is also consistent with the Final Restoration Plan.

THEREFORE, we resolve to provide funds to purchase all of ONC's rights, title and interests in the Lands as described in the Attachment, subject to ONC reserving the right to reserve rights to air emission offsets and/or carbon credit values derived from the Lands as provided for below in paragraph 8(h), and to provide additional funds necessary for the title insurance policy and closing costs, pursuant to the following conditions:

- a) the amount of funds (hereinafter referred to as the Purchase Price) to be provided by the Council to the State of Alaska shall be fifteen million dollars (\$15,000,000);
- b) the amount of funds authorized for the title insurance policy and closing costs to be provided by the Council to the State of Alaska shall be twenty-five thousand dollars (\$25,000);
- (c) authorization for funding for any acquisition described in the foregoing paragraphs shall terminate if a purchase agreement is not executed by April 1, 2016;
- (d) 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 to be used for the purchase of the Lands;
- (e) conveyance to the State of Alaska of title to the Lands on Northern Afognak Island and to the United States Fish and Wildlife Service of title to the Lands on Triplet Islands;
- (f) a title search satisfactory to the State of Alaska and the United States is completed, and ONC is willing and able to convey all of its rights, title and interests by deed;
- (g) prior to closing on the purchase, no timber harvesting, road development or any other alteration of the land will be conducted on the Lands without the express

written agreement of the State of Alaska and the United States, except that the existing timber harvesting contracts (executed prior to April 1, 2014) may be completed according to their terms. ONC is responsible to ensure full compliance with the State of Alaska's forestry requirements in Alaska Statute 41.17 and regulations at 11 AAC 95, including compliance with the Afognak Island Road Use Agreement, as amended;

- (h) ONC may reserve rights to air emission offsets and/or carbon credits values derived from the Lands, provided that the reservation or exercise of these rights does not create any burden or duty on the owner of the Lands now or in the future;
- (i) a hazardous materials survey satisfactory to the State of Alaska and United States is completed;
- (j) compliance with the National Environmental Policy Act; and
- (k) a conservation easement on the Lands shall be conveyed to the United States (for the property on Northern Afognak Island), and to the State of Alaska (for the Triplet Islands) which must be satisfactory in form and substance to the United States Department of Justice and the State of Alaska Department of Law.

It is the intent of the Council that the above-referenced conservation easement will provide that any facilities or other development on the Lands 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 and/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 Council.

By unanimous consent, following execution of the purchase agreement between the Seller and Great Land Trust and written notice from the Executive Director of the Council (Executive Director) 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, title insurance policy and closing costs for the above-referenced parcels from the appropriate account designated by the Executive Director.

Such amount represents the only amount due under this resolution to ONC by the State

