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BRUCE M. BOTELHO
ATTORNEY GENERAL

CRAIG J. TILLERY
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Attorneys for the State of Alaska

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EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

STATE OF ALASKA,

Plaintiff,

v.

EXXON CORPORATION, and EXXON
SHIPPING COMPANY,

Defendant.

No. A91-083 CIV (HRH)

FOURTH JOINT NOTICE OF
EXPENDITURES FROM
SETTLEMENT ACCOUNT MONIES
PREVIOUSLY DISBURSED

The United States and the State of Alaska ("the Governments") hereby jointly notify the Court of their intent to expend \$130,000 in interest that has accrued on monies disbursed from the EXXON VALDEZ Oil Spill Settlement Account for the purposes described below. The resolutions of the Exxon Valdez Oil Spill Trustee Council evidencing the unanimous decision of its members to expend these sums for these purposes are attached to this Notice as Exhibit A. The certification of the Executive Director of the Trustee Council that the conditions of acquisition appearing in those resolutions have been met is also

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE BRANCH
1031 W. FOURTH AVENUE, SUITE 200
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ACE 30396649

1 attached at Exhibit A.

2 The sum of \$130,000 will be provided to the United
3 States to fund the acquisition of eight small parcels (KAP 1089,
4 1094, 2003, 2006, 2036, 2038, 2039 and 2046) comprising
5 approximately 79.5 acres of land on Kodiak Island within the
6 Kodiak National Wildlife Refuge.

7 The total of these expenditures -- \$130,000 -- is
8 available to the Governments from interest that has accrued from
9 investments on funds previously disbursed by the Court and placed
10 in the Natural Resource Damage Assessment and Restoration Fund
11 managed by the Department of the Interior and the Exxon Valdez
12 Settlement Expendable Trust Account managed by the Alaska
13 Department of Revenue. Accordingly, the Governments will not
14 request a disbursement of additional monies from the Investment
15 Fund to fund these restoration activities.
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FOURTH JOINT NOTICE OF EXPENDITURES
FROM SETTLEMENT ACCOUNT MONIES
PREVIOUSLY DISBURSED

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RESPECTFULLY SUBMITTED this 19th day of November, 2000
at Anchorage, Alaska.

FOR THE STATE OF ALASKA
BRUCE M. BOTELHO
ATTORNEY GENERAL

By: *Craig J. Tillery*
CRAIG J. TILLERY
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FOURTH JOINT NOTICE OF EXPENDITURES
FROM SETTLEMENT ACCOUNT MONIES
PREVIOUSLY DISBURSED

ACE 30396651

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FOR THE UNITED STATES OF AMERICA
LOIS J. SCHIFFER
Assistant Attorney General
Environment and Natural Resources
Division

WILLIAM D. BRIGHTON, Asst. Chief
Environmental Enforcement Section
Environment & Natural Resources
Division
U.S. Department of Justice
Washington, D.C. 20530

By: *Regina R. Belt*
REGINA R. BELT
Environmental Enforcement Section
Environment & Natural Resources
Division
U.S. Department of Justice
801 B Street, Suite 504
Anchorage, Alaska 99501-3657
(907) 271-3456

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on 15th day of
November, 2000, a copy of the foregoing
document, attachments, and proposed order
was served by U.S. mail, first class,
postage prepaid, to the following:

Regina R. Belt
James F. Neal
Douglas J. Serdahely
Patrick Lynch
John F. Clough III

Jan M. Clark 11/15/00
Name Date

\\TILLERYC\WP\ENXON\DISNOT4.WPD

FOURTH JOINT NOTICE OF EXPENDITURES
FROM SETTLEMENT ACCOUNT MONIES
PREVIOUSLY DISBURSED

ACE 30396652

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**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,

ACE 30396653

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ATTACHMENT A
PAGE 1 OF 13

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.

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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:

ACE 30396655

(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
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

(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;

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(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").

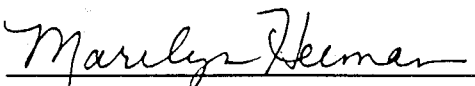
By unanimous consent and upon execution of the purchase agreement and written notice from Fish and Wildlife Service of the Department of the Interior and the Executive Director that the terms and conditions set forth herein and in the purchase


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.

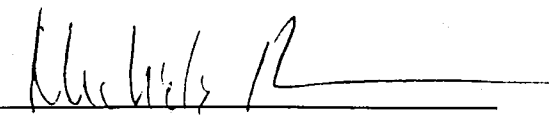

DAVE GIBBONS
Trustee Representative
Alaska Region
USDA Forest Service


BRUCE M. BOTELHO
Attorney General
State of Alaska


MARILYN HEIMAN
Special Assistant to the Secretary
for Alaska
U.S. Department of the Interior


STEVEN PENNOYER
Director, Alaska Region
National Marine Fisheries Service


FRANK RUE
Commissioner
Alaska Department of
Fish and Game


MICHELE BROWN
Commissioner
Alaska Department of
Environmental Conservation

ACE 30396658

**RESOLUTION OF THE
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
REGARDING CERTAIN KODIAK ISLAND BOROUGH AND ADDITIONAL
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 also 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 and adjacent to the boundaries of a large parcel acquisition of land purchased from Koniag, Inc. with Council funding.

c. Subject to funding by the Council, the present owners of certain parcels formerly conveyed by the Tribal Council to various of its members, and the U.S. Fish and Wildlife Service are negotiating agreements to sell and purchase, respectively, 46 such parcels. These parcels and their respective approved appraised values are identified as follows:

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EVOS Parcel KAP# Owner	Legal Description Twp, Rng, Sec-Lot	Size	Appraised Value
1089 Christensen, Randy	31S, 28W, 05-02	8.13 acres	13,000
2008 Kodiak Island Bor.	30S, 28W, 20-05	9.80 acres	12,000
2009 Kodiak Island Bor.	30S, 28W, 28-04	9.85 acres	16,000
2010 Kodiak Island Bor.	30S, 28W, 28-08	4.68 acres	16,000
2011 Kodiak Island Bor.	30S, 28W, 30-02	13.44 acres	18,000
2012 Kodiak Island Bor.	31S, 28W, 05-11	10.00 acres	9,000
2013 Kodiak Island Bor.	31S, 28W, 20-01	10.00 acres	18,000
2014 Kodiak Island Bor.	31S, 28W, 29-02	10.38 acres	19,000
2015 Kodiak Island Bor.	31S, 28W, 29-06	11.06 acres	12,000
2016 Kodiak Island Bor.	32S, 28W, 19-01	6.00 acres	18,000
2017 Kodiak Island Bor.	32S, 29W, 13-05	7.85 acres	18,000
2019 Christensen, Randy	30S, 28W, 28-02	10.00 acres	12,000
2020 Aga, Brad	30S, 28W, 28-05	11.67 acres	22,000
2022 Stager, Fredrick	31S, 28W, 05-04	10.25 acres	21,000
2035 Kaneshiro, Stanley	30S, 28W, 28-01	~10 acres	8,000
2036 Penkusky, James	30S, 28W, 18-07	~10 acres	22,000
2037 Smith, Leslie	31S, 28W, 32-02	~10 acres	12,000
2038 Johnson, Glen	31S, 29W, 22-02	~10 acres	18,000
2039 Penwarden, Richard	31S, 29W, 22-04	~10 acres	18,000
2040 Abston, Patricia	30S, 28W, 19-02	~10 acres	11,000
2041 Lorange, Dexter	30S, 28W, 18-x	~10 acres	11,500
2042 Abston, David	30S, 28W, 19-14	~10 acres	15,000
2043 Jager, Russell	30S, 30W, 34-07	~10 acres	12,000
2044 Antonsen, Julie	30S, 30W, 26-03	~10 acres	22,800
2045 Antonsen, Julie	30S, 30W, 35-01	~10 acres	incl above
2046 Abston, Virginia	30S, 28W, 19-03	~10 acres	15,000
2047 Becker, et al	30S, 28W, 18-13	~10 acres	17,000
2048 Kodiak Island Bor.	31S, 29W, 03-01	~10 acres	12,000
2049 Kodiak Island Bor.	31S, 29W, 15-02	~10 acres	12,000
2050 Kodiak Island Bor.	31S, 29W, 22-01	~10 acres	11,000
2051 Kodiak Island Bor.	31S, 29W, 22-05	~10 acres	16,000
2052 Kodiak Island Bor.	30S, 28W, 18-10	~10 acres	15,000
2053 Kodiak Island Bor.	30S, 28W, 19-06	~10 acres	9,000
2054 Kodiak Island Bor.	30S, 28W, 19-09	~10 acres	9,000
2055 Kodiak Island Bor.	30S, 28W, 20-01	~10 acres	18,000
2056 Kodiak Island Bor.	30S, 30W, 34-06	~10 acres	12,000
2057 Kodiak Island Bor.	30S, 30W, 34-02	~10 acres	14,000
2058 Kodiak Island Bor.	30S, 30W, 34-09	~10 acres	17,000
2059 Kodiak Island Bor.	30S, 30W, 34-05	~10 acres	12,000

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2060	Glenn, Fred	30S, 28W, 19-07	~10 acres	17,000
2061	Danilesky, Pete	31S, 29W, 10-01	~10 acres	22,000
2062	Johnson, Darlene	31S, 28W, 5-x	~10 acres	11,500
2063	Johnson, Janissa	30S, 30W, 26-01	10 acres	10,500
2064	Johnson, Noreen	30S, 30W, 26-02	10 acres	10,500
2065	Patricia Hester	31S, 28, 32-05	~10 acres	13,500
2066	Johnson, Jackie	30S, 30W, 35-02	~10 acres	11,500
46 Parcels			453 acres	\$659,800

d. Appraisals totaling \$659,800 for these 46 parcels comprising about 453 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 the United States Fish and Wildlife Service to offer to purchase and, if the offer is accepted, to purchase all of each seller's rights and

ACE 30396661

interests in the 46 parcels 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 identified above, totaling \$659,800;

(b) authorization for funding for any of the foregoing acquisitions shall terminate if the respective purchase agreement is not executed by June 30, 2001;

(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 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 is to 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 prespill 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 various of the purchase agreements and

ACE 30396662

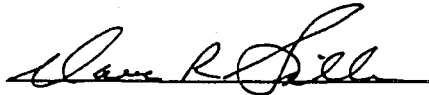
ATTACHMENT A
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written notice from the United States Fish and Wildlife Service and the Executive Director that the terms and conditions set forth herein and in the purchase agreements have been satisfied, we request the Alaska Department of Law and the Assistant Attorney General of the Environment and Natural Resources Division of the U.S. Department of Justice to petition the District Court or to take such other steps as may be necessary for withdrawal of the Purchase Price for the 46 above referenced parcels from the District Court Registry account or any other outside 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 trust funds and no additional amounts or interest are herein authorized to be paid to the Sellers from such joint funds.

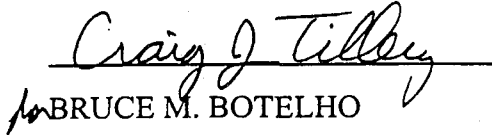
ACE 30396663

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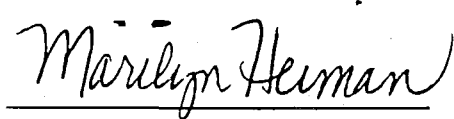
Dated this 5th day in July, 2000, in Anchorage, Alaska.



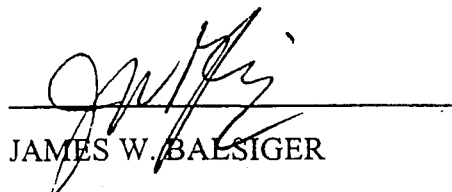
DAVE GIBBONS
Trustee Representative
Alaska Region
USDA Forest Service



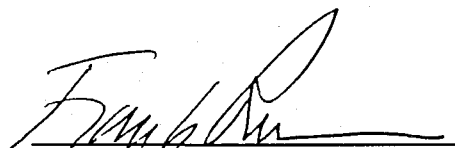
BRUCE M. BOTELHO
Attorney General
State of Alaska



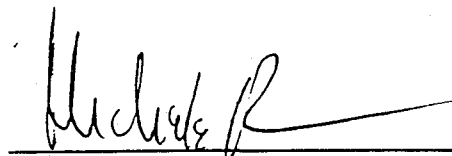
MARILYN HEIMAN
Special Assistant to the Secretary
for Alaska
U.S. Department of the Interior



JAMES W. BALSIGER
Director, Alaska Region
National Marine Fisheries Service



FRANK RUE
Commissioner
Alaska Department of
Fish and Game



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



October 30, 2000


I certify that the U.S. Fish and Wildlife Service, on behalf of the United States government, has complied with the terms and conditions of the *Exxon Valdez* Oil Spill Trustee Council's resolution of November 30, 1999, and hereby request that the Alaska Department of Law and U.S. Department of Justice notify the U.S. District Court of the following disbursements from the Natural Resource Damage Assessment and Restoration fund:

<u>Parcel Number</u>	<u>Landowner</u>	<u>Purchase Price</u>
KAP 1094	The Conservation Fund	\$15,000
KAP 2003	The Conservation Fund	\$16,000
KAP 2006	The Conservation Fund	\$13,000

Further, I certify that the U.S. Fish and Wildlife Service, on behalf of the United States government, has complied with the terms and conditions of the *Exxon Valdez* Oil Spill Trustee Council's resolution of July 5, 2000, and hereby request that the Alaska Department of Law and U.S. Department of Justice notify the U.S. District Court of the following disbursements from the Natural Resource Damage Assessment and Restoration fund:

<u>Parcel Number</u>	<u>Landowner</u>	<u>Purchase Price</u>
KAP 1089	Randy Christensen	\$13,000
KAP 2036	James Penkusky	\$22,000
KAP 2038	Glenn Johnson	\$18,000
KAP 2039	Richard Penwarden	\$18,000
KAP 2046	Virginia Abston	\$15,000

The disbursements total \$130,000.


Molly McCammon
Executive Director

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ATTACHMENT A
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