

RESOLUTION OF THE
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

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. Owners of the small parcels identified in the small parcel acquisition process as KAP 99, KAP 115, KAP 135, KEN 1034 and KEN 1038 ("Small Parcels") have indicated an interest in selling the same;
2. Appraisals have been completed for the Small Parcels by the United States Bureau of Indian Affairs and the Alaska Department of Natural Resources. The appraisals have been reviewed and approved by review appraisers for the United States Forest Service, the United States Department of the Interior and the State of Alaska;
3. As set forth in Attachment A the Small Parcels have attributes which if they are acquired and protected 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;
4. 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 effects from logging and other development activities. However, restoration, replacement and enhancement of resources injured by the *Exxon Valdez* oil spill ("EVOS") 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 affect on recovery of injured resources and lost or damaged services provided by these resources;

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

6. The purchase of the 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 of America and the State of Alaska to offer to purchase and, if the offers are accepted, to purchase all the sellers' rights and interests in the Small 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 for the purchase of the Small Parcels shall be the final approved appraised fair market value of the Small Parcels as follows:

KAP 99	\$155,200
KAP 115	\$110,500
KAP 135	\$73,500
KEN 1034	\$375,000
KEN 1038	\$1,304,000

Authorization for funding for any acquisition described above shall terminate if a purchase agreement is not executed by July 1, 1997;

b) disbursement of these funds by the District Court;

c) 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;

d) 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;

e) a satisfactory hazardous materials survey is completed;

f) compliance with the National Environmental Policy Act.

g) a conservation easement satisfactory to the Department of Justice, the Department of Interior and the Alaska Department of Law shall be conveyed to the non-acquiring government.

It is the intent of the Trustee Council that any facilities or other development on the Small Parcels shall be of limited impact and in keeping with the goals of restoration and that there shall be no commercial timber harvest on the Small Parcels nor any other commercial use of the Small Parcels excepting such limited commercial use as may be consistent with state and federal law and the goals of restoration to its pre-spill condition 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 agreements and written notice from the Department of the Interior and the Executive Director of the Trustee Council 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 each of the Small Parcels from the EVOS settlement account established as a result of the Governments' settlement to be paid at the time of closing. As purchase agreements are completed for particular parcels we request that the Department of Law and the Department of Justice petition the District

Court for disbursement of such funds necessary for closing the acquisitions. These amounts represent the only amounts due under this resolution to the sellers by the United States of America from the joint funds in the EVOS settlement account and no additional amounts or interest are herein authorized to be paid to the sellers from such joint funds.

Dated this 28th day of June, 1996 at Anchorage, Alaska.

PHIL JANIK
Regional Forester
Alaska Region
USDA Forest Service

BRUCE M. BOTELHO
Attorney General
State of Alaska

GEORGE T. FRAMPTON, JR.
Assistant Secretary for Fish,
Wildlife and Parks
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