

**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 KEN 10, KEN 12, KEN 19, KEN 29, KEN 34, KEN 54, KEN 55, KEN 148, KEN 1001, KEN 1002, KEN 1003, KEN 1004, KEN 1005, KEN 1006, KEN 1009, KEN 1014, KEN 1015, PWS 17 and PWS 52 have indicated an interest in selling those parcels;
2. The Trustee Council authorized appraisals of the above identified small parcels. Appraisals have now been completed for these small parcels or portions of these small parcels which are more specifically identified at page 5 of Attachment A to this Resolution (hereinafter referred to as the "Small Parcels") and approved by the government review appraisers;
3. As set forth at pages 23-25, 32-41, 44-47, 50-57, and 60-69 of 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 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 diminished services provided by these resources;

5. There has been widespread public support for the protection of these 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 State of Alaska or the United States of America, as applicable, to offer to purchase and, if the offers are accepted, to purchase all the Sellers' rights and interests in the Small Parcels KEN 10, KEN 12, KEN 19, KEN 29, KEN 34, KEN 54, KEN 55, KEN 148, KEN 1001, KEN 1002, KEN 1003, KEN 1004, KEN 1005, KEN 1006, KEN 1009, KEN 1014, KEN 1015, PWS 52, Lots 5 through 11, and Lot 30, Block 10 of Plat 82-13 of PWS 17 as identified in Attachment A 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 30277434

(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:

KEN 10	\$320,000
KEN 12	\$450,000
KEN 19	\$260,000
KEN 29	\$1,200,000
KEN 34	\$600,000
KEN 54	\$2,320,000
KEN 55	\$244,000
KEN 148	\$1,650,000
KEN 1001	\$672,000
KEN 1005	\$50,000
KEN 1006	\$1,835,000
KEN 1009	\$48,000
KEN 1014	\$211,000
KEN 1015	\$531,000
PWS 17	\$310,000
PWS 52	\$150,000

Authorization for funding for any acquisition described above shall terminate if a purchase agreement is not executed by December 15, 1996.

(b) four million dollars (\$4,000,000) is provided towards the purchase of the Kenai Natives Association lands substantially as described in Attachment B including KEN 1002, KEN 1003, and KEN 1004. These three small parcels must be acquired at the time any portion of the funds authorized by this subparagraph are expended. Authorization for funding for these acquisitions shall terminate if a purchase agreement is not executed by December 15, 1998.

(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 except that with respect to parcel KEN

ACE 30277435

29 the Sellers may reserve certain oil and gas rights that will not effect the restoration value of the property and provided that in no event may the surface of the property be used or altered in any way for purposes of oil and gas exploration or production;

(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;

Title to the Land conveyed to the State or the United States of America shall be subject to the conditions that unless otherwise agreed to by the Trustee Council 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 prespill 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"). Covenants to implement these conditions shall be subject to the approval of United States Department of Justice and the Alaska Department of Law.

It is the intent of the Trustee Council that any facilities or other development on the Small Parcels by the acquiring government will be of limited impact and in keeping with the existing character of the land and restoration objectives of the Restoration Plan and the MOA.

ACE 30277436

4

Attachment A  
Page 8 of 27 Pages

By unanimous consent and upon execution of the purchase agreements and written notice from the State of Alaska and the Executive Director for Small Parcels KEN 10, KEN 12, KEN 19, KEN 29, KEN 34, KEN 55, KEN 148, KEN 1001, KEN 1005, KEN 1006, KEN 1009, KEN 1015, PWS 17, and PWS 52, the Department of the Interior and the Executive Director for Small Parcels KEN 54, KEN 1002, KEN 1003, and KEN 1004, and the United States Department of Agriculture and the Executive Director for Small Parcel KEN 1014, respectively, 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 District Court Registry 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 State of Alaska or the United States of America 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 30277437

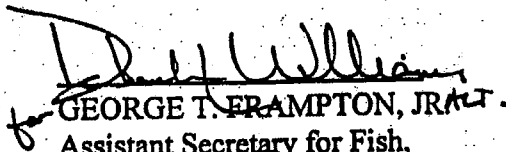
Dated this 20<sup>th</sup> day of November, 1995 at Anchorage, Alaska.



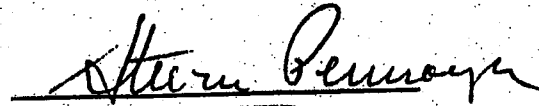
PHIL JANIK  
Regional Forester  
Alaska Region  
USDA Forest Service



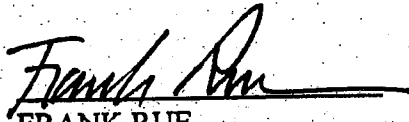
BRUCE M. BOTELHO/CRAIG TILLERY  
Attorney General/Trustee Representative  
State of Alaska



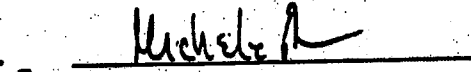
for GEORGE T. FRAMPTON, JR.  
Assistant Secretary for Fish,  
Wildlife and Parks  
U.S. Department of the Interior



STEVEN PENNOYER  
Director, Alaska Region  
National Marine Fisheries Service



FRANK RUE  
Commissioner  
Alaska Department of  
Fish and Game



for GENE BURDEN  
Commissioner  
Alaska Department of  
Environmental Conservation

ACE 30277438