

**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. The owner of the Blondeau small parcel, PWS 1056, has indicated an interest in selling said parcel;
2. At its meeting on December 18, 1997 the Trustee Council authorized an appraisal of the Blondeau small parcel as a parcel having special merit for land acquisition and habitat protection. An appraisal of the parcel, which estimates the value of the parcel to be \$626,800, has been approved by the state and federal review appraisers;
3. As set forth in Attachment A, Restoration Benefits Report for PWS 1056, if acquired, this small parcel has attributes which 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. This 100 acre parcel is at the mouth of Mineral Creek, an anadromous stream that provides spawning and rearing habitat for pink and sockeye salmon. The parcel contains approximately 3200 feet of frontage on Mineral Creek. The parcel contains extensive wetlands and several bald eagle nests. The parcel has significant recreational amenities, including bird and wildlife viewing, beach combing, hiking, and Americans with Disabilities Act access to the tidal flats. Acquisition of this parcel will provide much needed beach access for recreational use by the residents of Valdez, including fishing, kayak, canoe and small boat launching, picnicking and wild food gathering. In addition, acquisition of this parcel will enhance the Shoup Bay trail head currently slated for construction with State of

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Alaska *Exxon Valdez* oil spill ("EVOS") criminal restitution funds. The City of Valdez has agreed, as a condition of the acquisition of the parcel, to convey an additional fifty acres with 2,650 feet of shoreline to the State of Alaska with a conservation easement to be conveyed to the United States;

4. Existing laws and regulations, including but not limited to the Alaska Forest Practices Act, the Alaska Anadromous Fish Protection Act, the Clean Water Act, the Alaska Coastal Management Act, the Bald 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 EVOS 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;

5. There has been widespread public support for the acquisition of lands within Alaska as well as on a national basis;

6. The purchase of this parcel is an appropriate means to restore a portion of the injured resources and services in the oil spill area. Acquisition of this parcel is consistent with the Restoration Plan and the Final Environmental Impact Statement; and

7. 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 State of Alaska to purchase all the seller's rights and interests in the small parcel PWS 1056 and to provide funds necessary for closing costs recommended by the Executive Director of the Trustee Council ("Executive Director"), including

a survey and plat of the fifty acres to be conveyed by the City of Valdez, pursuant to the following conditions:

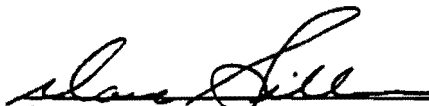
- (a) the amount of funds (hereinafter referred to as the "Purchase Price") to be provided by the Trustee Council to the State of Alaska shall be six hundred twenty-six thousand eight hundred dollars (\$626,800) for small parcel PWS 1056;
- (b) authorization for funding for any acquisition described in the foregoing paragraph shall terminate if a purchase agreement is not executed by February 1, 2000;
- (c) disbursement of these funds by the District Court;
- (d) a title search satisfactory to the State of Alaska and the United States is completed, and the seller is willing and able to convey fee simple title by warranty deed;
- (e) no timber harvesting, road development or any alteration of the land will be initiated on the land without the express agreement of the State of Alaska and the United States prior to purchase;
- (f) a hazardous materials survey satisfactory to the State of Alaska and United States is completed;
- (g) compliance with the National Environmental Policy Act;
- (h) a conservation easement on parcel PWS 1056 shall be conveyed to the United States which must be satisfactory in form and substance to the United States and the State of Alaska Department of Law; and
- (i) the fifty acres referenced in Resolution 97-75 of the City of Valdez and paragraph 3 of this Resolution shall be conveyed by the City of Valdez to the State of Alaska, subject to a conservation easement, which shall be conveyed to the United States, and which must be satisfactory in form and substance to the United States and the State of Alaska Department of Law.


It is the intent of the Trustee Council that the above referenced conservation easements will provide that any facilities or other development on the foregoing small parcel 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 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 and the Restoration Plan as approved by the Trustee Council.

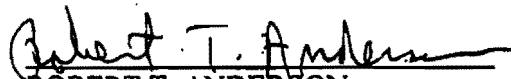
By unanimous consent, following execution of the purchase agreement between the seller and the State of Alaska and certification by the Executive Director that the executed purchase agreement is in accordance with the foregoing terms and conditions, we request the Alaska Department of Law and the Assistant Attorney General of the Environment and Natural Resources Division of the United States Department of Justice to petition the District Court for disbursement of the joint settlement funds in the above certified amount.

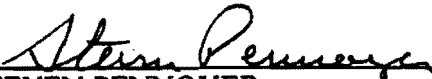
Such amount represents the only amount due under this resolution to the sellers by the State of Alaska to be funded from the joint funds in the District Court Registry, and no additional amounts or interest are herein authorized to be paid to the sellers from such joint funds.


Approved by the Council at its meeting of January 22, 1999 held in Juneau and Anchorage,  
Alaska, as affirmed by our signatures affixed below:

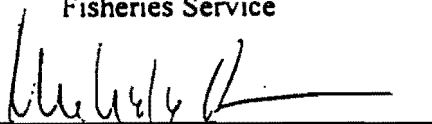
  
DAVE GIBBONS  
Trustee Representative  
Alaska Region  
USDA Forest Service

*for*   
BRUCE M. BOTELHO  
Attorney General  
State of Alaska

  
ROBERT T. ANDERSON  
Acting 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

Attachment: A - Restoration Benefits Report

**PWS 1056: Blondeau Parcel**

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Acreage: 100	Rank: PMSC
Sponsor: ADNR	Appraised Value: \$626,800
Owner: Robert Wayne Blondeau	
Location: Within Valdez city limits, at the mouth of Mineral Creek.	

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**Parcel Description.** The parcel lies at the mouth of Mineral Creek, a stream that runs into Port Valdez. Mineral Creek is an anadromous stream containing wild, spawning populations of sockeye and pink salmon. Bald eagles nest on the parcel. The eagles probably feed on the spawned-out salmon. The parcel abuts wetlands owned by the City of Valdez. The site is used for bird watching and sport fishing by local residents

**Restoration Benefits.** Public ownership of this parcel will protect habitat for pink salmon, sockeye, and recreation/tourism by preventing the loss of wetlands to development. Acquisition of this parcel would establish beach access for the public. Currently, only the harbor and Allison Point provide public waterfront access. Recreation amenities afforded by this parcel include: bird and wildlife viewing, beachcombing, hiking, ADA access to the flats, fishing, kayak, canoe and small boat launching, picnicking and wild food gathering.

Key habitats and other attributes of this parcel include the following:

- Pink salmon and sockeye spawn in the river adjacent to the property.
- Recreation/Tourism. Recreation use of this parcel will provide much needed beach access for the residents of Valdez. In addition, acquisition of this parcel will enhance the Shoup Bay trailhead currently slated for construction with Restitution funds.
- Acquisition of this parcel will protect approximately 3,200 feet of creek frontage and the addition of the city owned parcel to this acquisition protects an additional 2,650 feet of shoreline on Port Valdez.

This parcel was ranked at the top of the low category (18) and scored the same as a number of other small parcels which have been identified as Parcels Meriting Special Consideration. The State feels that the parcel provides comparable benefits for injured resources and services.

In addition, the attached resolution by the City of Valdez demonstrates a commitment on the part of the City to support Trustee Council restoration actions by selling the adjacent 50 acres for \$10.00. This action by the city enhances the benefit of the Blondeau parcel by an additional 50 acres with 2,650 feet of shoreline.

**Appraised Value.** \$626,800

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**Proposed Management.** State Parks would manage the parcel to maintain public access to the beach. The Shoup Bay trail head may be relocated to the improved parking area on this parcel.

Attachment A  
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**HABITAT PROTECTION  
SMALL PARCELS  
PRINCE WILLIAM SOUND, ALASKA**

Parcel: PWS1056

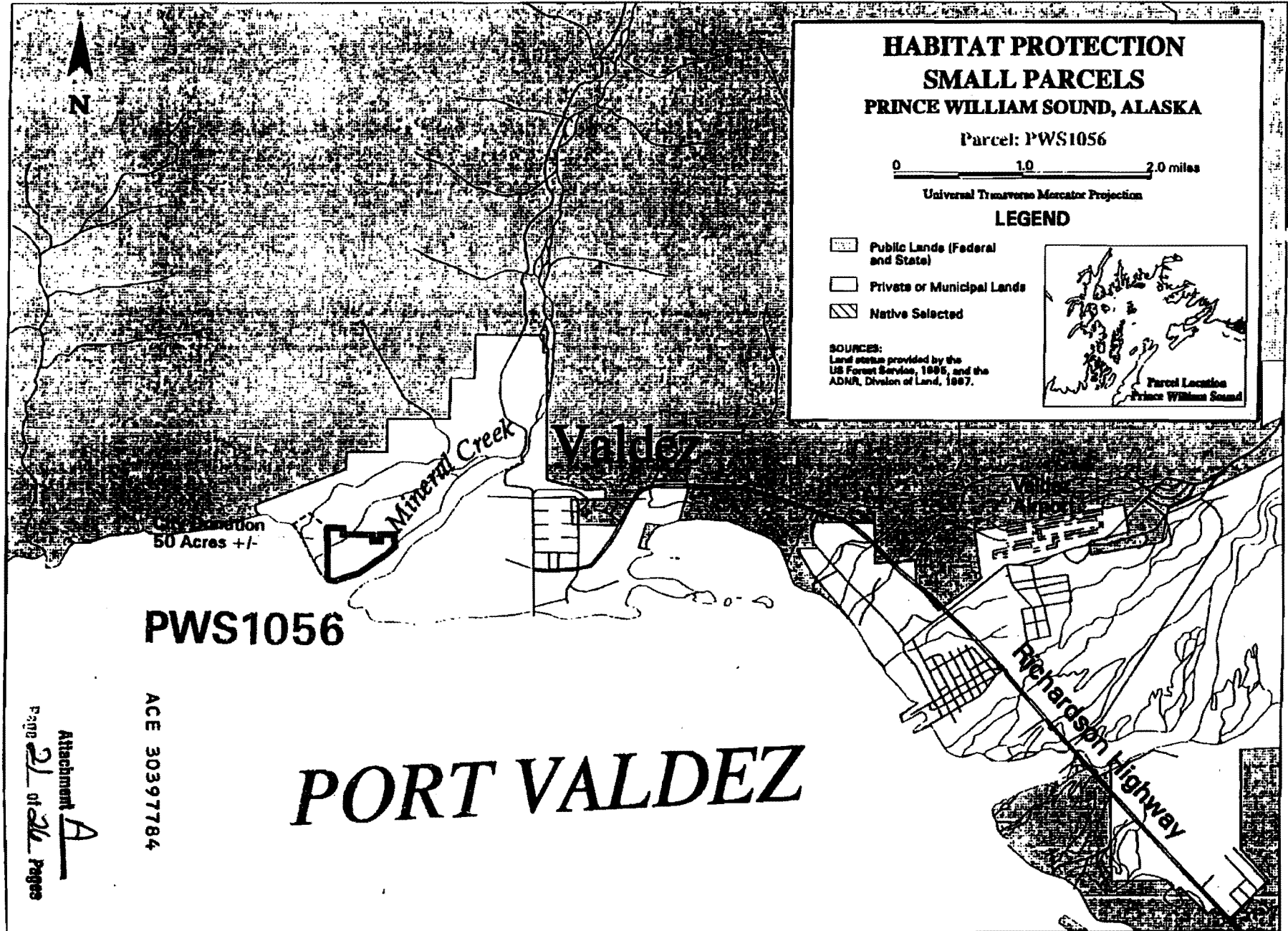
0 1.0 2.0 miles

Universal Transverse Mercator Projection

**LEGEND**

-  Public Lands (Federal and State)
-  Private or Municipal Lands
-  Native Selected

SOURCES:  
Land status provided by the  
US Forest Service, 1995, and the  
ADNR, Division of Land, 1997.



**PWS1056**

**PORT VALDEZ**

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Attachment **A**  
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