

Exxon Valdez Oil Spill Trustee Council Habitat Protection Program: Parcel Process

The *Exxon Valdez* Oil Spill Trustee Council (EVOSTC or Council), through its Habitat Protection Program, considers parcel proposals focusing on protection of the surface or subsurface estates located in the *Exxon Valdez* Oil Spill (EVOS) area. The Council seeks to protect habitat in order to prevent further injury to resources and services affected by EVOS, as noted in the Update of the Injured Resources and Services List (IRS), and that will enable these injured species and populations to recover, sustain recovery objectives or enhance their populations over the long term. As of this writing, the current IRS update is 2014; please check for any further updates and a complete IRS on the EVOSTC website at: <http://www.evostc.state.ak.us/>

Information on Parcels

Parcels may be proposed only if there is a willing seller. However, any individual, organization, or local government may submit a parcel information form to the EVOSTC. To ensure that a parcel is a viable proposal, the following Threshold Criteria must be met before a parcel will be further considered by the EVOSTC. Parcel Information forms are available from the EVOSTC website at <http://www.evostc.state.ak.us/index.cfm?FA=protection>.

Threshold Criteria

1. The parcel must be located within the oil spill area. The Spill Area Map is found at <http://www.evostc.state.ak.us/index.cfm?FA=facts.map>
2. A parcel must have a willing seller. A parcel may be proposed by an individual or organization that is not the owner, but only with the written consent of the parcel's owner(s).
3. The governments will only acquire property at or below Fair Market Value, as established by an EVOSTC-compliant appraisal.
4. The parcel must be linked to the restoration or enhancement of one or more of the resources and/or associated services in the IRS noted above.

EVOSTC Proposal/ Benefits Report

If the EVOSTC Office determines a parcel has met the Threshold Criteria, the EVOSTC Office will coordinate the development of a formal EVOSTC proposal. This proposal is also referred to as the "Benefits Report" and may include the following information. A seller may be asked for additional information to help facilitate the proposal and review process.

Owner and Parcel Information

Parcel Name, Parcel Owner(s), Physical Location, Surface or Subsurface Estate, Approximate Acreage, Legal Description

Project Description

- Describes the physical characteristics of the parcel, adjacent land ownership patterns, existing use of the parcel, and any potential threats to the parcel or the resources/services it supports.

- Describes the linkage to restoration or enhancement of EVOS injured resources and services. Note that not all resources will be relevant to every parcel. Each parcel is unique and will have unique characteristics and differing restoration or enhancement values.
- Describes the proposed management of the parcel, including habitat protections and anticipated public use and access.

Evaluation Criteria

Under contract with EVOSTC, Great Land Trust has developed a habitat prioritization for the Council that ranks habitat within the spill area for its potential benefits that purchase and protection would provide to injured resources and services. This prioritization will also be used, along with resource agency information and scientific data, by the EVOSTC Office to analyze the following.

How is the parcel linked to restoring or enhancing habitat for EVOS-affected resources and services in the EVOS Spill Area?

- Occurrence – the parcel contains habitats/sites that benefit or enhance EVOS-affected resources and services.
- Importance – protection of habitats/sites on the parcel provide significant value for spill-affected resources or services. These may include protecting areas for feeding, reproduction, resting, protection of juveniles, moulting, roosting or migration, including key habitats or adjacent to the parcel that are valuable for EVOS-affected resources, such as nearshore, riverine and estuarine environments.
- Connectedness – the habitats/sites linked to injured resources or services on the parcel are connected to other elements or habitats in the greater ecosystem so as to enhance the overall level of benefits to EVOS-affected resources or provide corridors for movement of EVOS-affected resources between other key habitats.
- Quality – habitats on the parcel provide high levels of productivity, diversity, use levels or other measures of habitat richness.
- Other values – the parcel provides habitat for a depleted, rare, threatened, or endangered species or would enhance public use.
- Linkage to past Council actions – protection of the habitats/sites on the parcel would expand, extend or enhance the benefits derived from past EVOSTC habitat protection initiatives.

What is the restoration potential of the parcel?

- Habitats or sites on the parcel are vulnerable to disturbance or habitat loss.
- Habitats or sites on nearby lands are vulnerable to disturbance or habitat loss from potential development or degradation of the parcel.
- Habitats or sites on the parcel are not currently protected from incompatible land uses.
- Recovery or enhancement of the EVOS-affected resources or services would benefit from protection in addition to that provided under current ownership and applicable laws and regulations.

How will management of the parcel contribute to recovery?

- Acquisition of the parcel will allow for restoration, protection or enhancement of EVOS-affected injured resources or services.
- The parcel will be managed in perpetuity so as to protect and enhance EVOS-affected resources and services.
- The parcel will be managed so as to protect any strategic value for access by EVOS-affected resources to key habitats or sites that may occur on or beyond the parcel's boundaries.
- Requirements to ensure management objectives are met will be established at the time of purchase.

How will acquisition of the parcel benefit the public and the local community?

- Acquisition of the parcel will contribute to the social and cultural values of the local community.
- Acquisition of the parcel will contribute economic benefits to the community.
- Acquisition of the parcel will provide improved or enhanced public access for recreation.
- Acquisition of the parcel will support traditional or subsistence use.

Supporting Documentation:

- Vicinity map of the parcel, showing adjacent land ownership including any previously acquired EVOSTC parcels.
- Site map of the parcel.
- Appraisal or other information concerning estimated value, if available.

Additional information deemed useful in presenting a clear picture of the benefits of the subject parcel such as photographs or statements of support from members of the community or public at large.

- Estimated costs of acquiring the parcel as applicable, such as for surveys, appraisals, environmental site assessments, title insurance, closing costs, or other necessary due diligence.

EVOSTC Office Review of Benefits Report

The EVOSTC office will coordinate the review of the Benefits Report and associated documents with applicable federal and state resource agencies. This review may give rise to additional questions or develop additional relevant information about the parcel.

Negotiating and Council Approval of Potential Purchase

If the EVOSTC office is supportive of continuing to pursue the parcel the EVOSTC office will coordinate contact and negotiations with the parcel owner. During this stage the Council may review the parcel and authorize funding to purchase the parcel within a certain range of value (not to exceed the appraised value), subject to final approval by the EVOSTC Executive Director, and if supported by due diligence and appraisal activities. A signed purchase agreement with the owner(s) is required.

Due Diligence

The EVOSTC office will coordinate due diligence activities with the support of agency personnel or necessary contractors as the purchase proceeds. Due diligence activities include but are not limited to the following:

- Approved appraisal conforming to Uniform Standards for Federal Land Acquisitions (USFLA) and Uniform Standards of Professional Appraisal Practices (USPAP).
- Approved review appraisal conforming to USFLA and USPAP.
- Survey, if needed.
- Satisfactory evidence that clear title is held by the seller(s).
- Satisfactory hazardous substances assessment and site inspection.
- Compliance with legal requirements of applicable federal and state laws.
- Satisfaction of all required conditions of sale in the purchase agreement.
- Conveyance document review and approval.
- Engagement of a title company for closing.
- Preparation of Closing Instructions.

Closing

Closing occurs when all legal requirements and the conditions of the sale have been met. Each EVOSTC purchase is unique. The following documents are generally required to complete the acquisition. In particular cases, other documentation may be required:

- EVOSTC Resolution authorizing negotiations and approval to purchase, including EVOSTC proposal/Benefits Report.
- Approved appraisal conforming to Uniform Standards for Federal Land Acquisitions (USFLA) and Uniform Standards of Professional Appraisal Practices (USPAP).
- Approved review appraisal conforming to USFLA and USPAP.
- Satisfactory evidence of clear title in the seller of the parcel.
- Satisfactory hazardous substances assessment and site inspections.
- Completion of agency legal compliance with applicable federal and state statutes.
- Execution and recording of final conveyance documents (i.e., warranty deed, conservation easement).
- Issuance of acceptable title insurance policies to the purchasers.
- Completion of any other requirements set forth in the EVOSTC Resolution or the Purchase Agreement approving purchase of the parcel.
- Payment of the purchase price to the seller is disbursed at the time of closing.