

RESOLUTION

OF THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

WHEREAS, the EVOS Trustee Council members have adopted a Final Restoration Plan encompassing a comprehensive restoration program that includes general restoration, habitat protection and acquisition, research and monitoring, administration and public information, and provision for a Restoration Reserve;

WHEREAS, a Final Environmental Impact Statement (FEIS) for the Exxon Valdez Oil Spill (EVOS) restoration program has been issued and the federal Trustees have issued a Record of Decision (ROD) with respect to the FEIS in which the State Trustees have concurred;

WHEREAS, the FEIS finds that habitat protection and acquisition in the long term will contribute to the recovery of the natural resources and related services that were injured by the Oil Spill;

WHEREAS, over the past two and a half years, the Trustee Council has devoted extensive time and effort to develop a balanced habitat acquisition program necessary for restoration, including extensive policy discussions, public review, and scientific analysis;

WHEREAS, as a result of that effort, a firm basis has been established to make habitat protection and acquisition decisions with confidence and in a manner that upholds the public trust.

WHEREAS, the following have been the cornerstones of this basis for decision making:

- **Habitat Acquisition is integral to the Trustee Council's mission** "to efficiently restore the environment injured by the *Exxon Valdez* oil spill to a healthy, productive, world renowned ecosystem, while taking into account the importance of the quality of life and the need for viable opportunities to establish and sustain a reasonable standard of living."
- **A comprehensive habitat analysis evaluation and ranking has been developed** that identifies and evaluates the available lands for habitat critical to long-term restoration and maintenance of resources and services injured by the spill. The analysis has been completed for identified parcels, although negotiations and appraisals are continuing for some parcels.
- **Restoration benefits for parcels and configurations of parcels have been developed** by agencies of the State of Alaska and United States in light of their

experience, historical biological information, and information from the Comprehensive Habitat Protection Process.

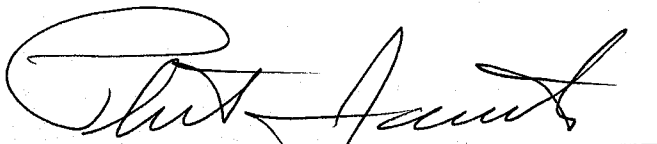
- **Lead agencies are negotiating with landowners** in light of the available habitat information and parcels are being appraised with the expectation of realizing affordable prices.
- **The January 1994 "Resolution to Proceed with Habitat Protection Program"** authorized the federal and state lead agencies, under the aegis of the Executive Director, to proceed with multiple, geographically balanced negotiations.
- **Extensive public review demonstrates support** and an expectation by the public and by the Public Advisory Group that habitat protection and acquisition will be a significant part of the restoration program, and that further acquisitions will soon occur. In addition, the public and communities throughout the spill area have consistently expressed concern that acquisitions be balanced throughout the spill area, and that there not be gross disparities in the protection program.
- **Scientists recommend that habitat be protected throughout the spill area.** The recommendation by the Chief Scientist and Core Peer Reviewers is based on a strong concern that the habitat and biodiversity of the ecosystem be protected throughout the spill area to aid injured resources on the scale of the spill area. The spill area is comprised of four regions that provide the basis for assuring a balanced habitat protection and acquisition effort throughout the spill area;
- **The preferred alternative of the Environmental Impact Statement, Alternative 5,** that was chosen by the Trustee Council assumed for purposes of analysis of the environmental effects, that approximately \$295 to \$325 million would be used for habitat protection and acquisition;

THEREFORE, the Trustee Council does hereby resolve:

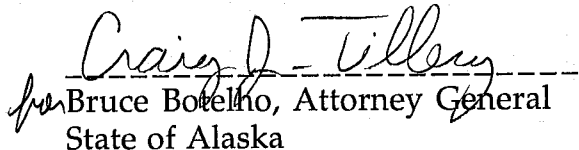
- to pursue habitat protection and acquisition throughout the oil spill area so as to promote restoration of injured natural resources and services throughout the oil spill area and that \$295 to \$325 million is an initial, flexible placeholder for habitat protection and acquisition efforts (this amount is in addition to previous expenditures for habitat protection and acquisition);
- to pursue the acquisition of habitat that will provide for the protection and restoration of the various injured natural resources and services they provide throughout the spill area in a balanced manner while recognizing the importance of different types of habitat, such as timbered lands and non-timbered lands, to the protection and restoration of injured resources

and the services they provide;

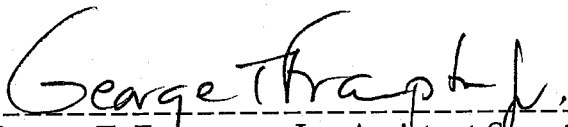
- to continue negotiations to acquire lands or land interests held by the Eyak Corporation, Chenega, Tatitlek, Port Graham, English Bay, Afognak Joint Ventures, and the Kodiak Island Borough to provide protection throughout the spill area in a balanced manner to provide for the protection and restoration of injured resources and services in each of the impacted regions of the spill area;
- to direct the designated lead negotiators and the Executive Director to continue to exercise their best efforts to negotiate proposals for the acquisition of large parcels in accordance with the January 19, 1994 Resolution and in addition to specifically invite and work with willing sellers within Prince William Sound, Kenai Fjords and Afognak Island to develop and submit, prior to the Council's next meeting in December, offers to sell such lands or interests in lands prior to the completion of the appraisals. The Council will consider such offers as it did with its earlier Seal Bay acquisition; and
- to give priority consideration to those habitat protection packages presented to it that include the highest value benefits with preference given to fee simple acquisitions.



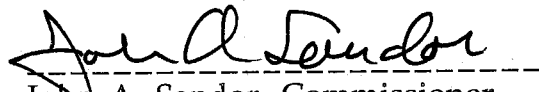
Phil Janik, Regional Forester
Alaska Region
USDA - Forest Service



Bruce Botelho, Attorney General
State of Alaska



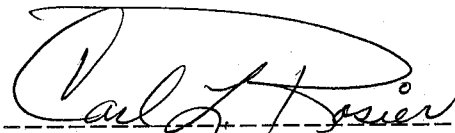
George T. Frampton, Jr., Assistant Secretary
for Fish and Wildlife and Parks
U.S. Department of the Interior



John A. Sandor, Commissioner
Alaska Department of
Environmental Conservation



Steve Pennoyer, Director
Alaska Region
National Marine Fisheries Service



Carl L. Rosier, Commissioner
Alaska Department of Fish & Game

adopted November 2, 1994