

**RESOLUTION 11-04 OF THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL  
REGARDING SILVER-KEN 3008, SALTZ-KEN 3009, AND POORE-KEN 3010**

We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council ("Trustee Council") do hereby certify that, in accordance with the Memorandum of Agreement and Consent Decree entered as settlement of *United States of America v. State of Alaska*, No. A91-081 Civil, U.S. District Court for the District of Alaska, and after public meetings, unanimous agreement has been reached to expend funds received in settlement of *State of Alaska v. Exxon Corporation, et al.*, No. A91-083 CIV, and *United States of America v. Exxon Corporation, et al.*, No. A91-082 CIV, U.S. District Court for the District of Alaska, for necessary Natural Resource Damage Assessment and Restoration activities for Federal Fiscal Year 2011, as described in Attachment A.

This resolution authorizes the distribution of \$43,600 of FFY 2011 funding for due diligence expenses, consistent with State and Trustee Council requirements, in support of Kenai River habitat protection efforts for three small parcels (Silver-KEN 3008, Saltz-KEN 3009 and Poore-KEN 3010), as described in Attachment A, to be distributed according to the following schedule:

Alaska Department of Natural Resources (includes 9% GA)	\$43,600
<b>TOTAL APPROVED TO STATE OF ALASKA</b>	<b>\$43,600</b>

Authorization of the approved funding shall run from February 11, 2011, to September 30, 2012.

By unanimous consent, we hereby request the Alaska Department of Law and the Assistant Attorney General of the Environmental and Natural Resources Division of the United States Department of Justice to take such steps as may be necessary to make funds available in the amount of \$43,600 from the appropriate account as designated by the Executive Director.

Approved by the Trustee Council at its meeting of February 11, 2011, held in Anchorage, Alaska, as affirmed by our signatures affixed below.

  
STEVE ZEMKE  
Trustee Alternate  
Chugach National Forest  
U. S. Department of Agriculture

  
KIM ELTON  
Senior Advisor to the Secretary  
for Alaska Affairs  
Office of the Secretary  
U.S. Department of Interior

\_\_\_\_\_  
CORA CAMPBELL  
Commissioner  
Alaska Department of Fish and Game

  
JOHN J. BURNS  
Attorney General  
Alaska Department of Law

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CRAIG R. O'CONNOR  
Special Counsel  
National Oceanic & Atmospheric  
Administration  
U.S. Department of Commerce

  
LARRY HARTIG  
Commissioner  
Alaska Department of Environmental  
Conservation

Attachment A - Restoration Benefits Reports and Maps for Silver-KEN 3008, Saltz-KEN 3009, and Poore-KEN 3010

Approved by the Trustee Council at its meeting of February 11, 2011, held in Anchorage, Alaska, as affirmed by our signatures affixed below.

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Trustee Alternate  
Chugach National Forest  
U. S. Department of Agriculture

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JOHN J. BURNS  
Attorney General  
Alaska Department of Law

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KIM ELTON  
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Attachment A - Restoration Benefits Reports and Maps for Silver-KEN 3008, Saltz-KEN 3009, and Poore-KEN 3010



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Attachment A - Restoration Benefits Reports and Maps for Silver-KEN 3008, Saltz-KEN 3009,  
and Poore-KEN 3010



**KEN 3008: Silver Parcel – Kenai River**

<b>Owner:</b>	Gregory Gennette and Richard Silver
<b>Physical Location:</b>	This parcel is located adjacent to the Big Eddy State Recreation Area
<b>Acreage:</b>	4.01 acres
<b>Brief Description:</b>	T 5 N, R 11 W, SM, Sec. 24, Tract A
<b>Agency Sponsor:</b>	Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation
<b>Appraised Value:</b>	Unknown

**Parcel Description.** This parcel is located adjacent to the Big Eddy State Recreation Area between Kenai and Soldotna and is accessible by road. Most of the parcel is lowland wetlands characteristic of the lower Kenai River. A man-made canal borders this parcel and drains into the river. It is forested with black spruce and has an understory of shrubs and grasses.

**Linkage to Restoration:**

**Restoration Benefits.**

Injured species that will benefit from this parcel acquisition include bald eagles and Barrow’s goldeneyes. Although bald eagles are considered to be recovered, protecting important habitats is essential to maintaining recovery objectives. The parcel also supports coho salmon spawning habitat and bird roosting and nesting habitat.

Barrow’s goldeneyes are known to use the Kenai River corridor during the spring, summer and fall. This parcel contains wetlands that typically support nesting. The connection between the birds that molt and winter in Prince William Sound and the location where these birds nest is unknown.

The wetlands on this parcel are connected to wetlands of adjacent parcels and provide a continuous wetland connection across this peninsula with the Kenai River. This parcel floods during high water events. The canal, although man-made over 40 years ago, now provides rearing habitat for coho salmon.

The parcel also possesses high recreational opportunities for bird watching.

**Potential Threats.**

The habitat values of this parcel are at risk because of the potential for subdivision development of the parcel. The parcel is bordered on two sides by existing developed subdivisions and the current owner has indicated that subdivision and future development is a possibility.

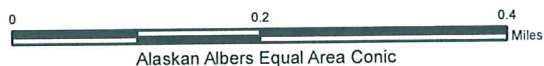
**Proposed Management.**

This parcel has been identified as a priority for the Department of Fish and Game and the Department of Natural Resources, Division of Parks and Outdoor Recreation. This parcel will be jointly managed by the Alaska Department of Fish and Game and the Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation for the purposes of protecting resources and services injured by the *Exxon Valdez* Oil Spill and will be recommended for addition to KRSMA.

# HABITAT PROTECTION SMALL PARCELS

Kenai Peninsula, Alaska

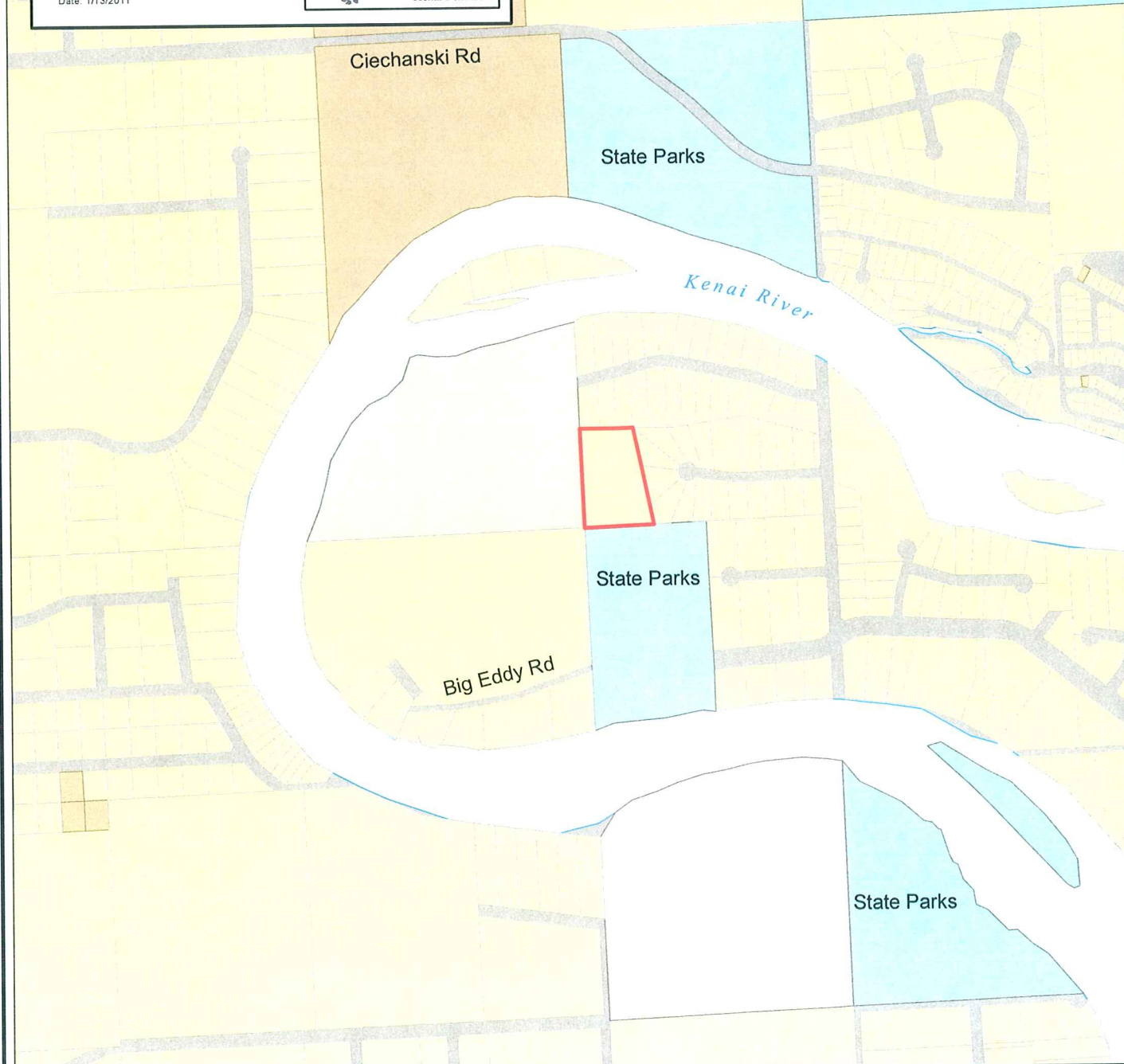
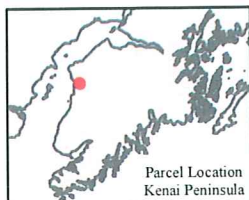
Parcel: Silver



## LEGEND

- |         |         |
|---------|---------|
| BOROUGH | PRIVATE |
| FEDERAL | STATE   |
| NATIVE  |         |

SOURCES:  
Land status provided by ADNIR  
<http://www.asgdc.state.ak.us/>  
BLM SDMS  
<http://sdms.ak.blm.gov/sdms/rmf.jsp?site=sdms>  
Date: 1/13/2011





## KEN 3009: Saltz' Island – Kenai River

<b>Owner:</b>	Clyde Saltz
<b>Physical Location:</b>	This parcel is located at mile 15 of the Kenai River
<b>Acreage:</b>	1.85 acres
<b>Brief Description:</b>	T 5 N, R 10 W, SM, Sec. 19, Lot 7
<b>Agency Sponsor:</b>	Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation, and the Department of Fish and Game
<b>Appraised Value:</b>	Unknown

**Parcel Description.** The Saltz parcel is a partially treed island with an understory of shrubs and grasses located at mile 15 of the Kenai River. It is a low profile island, vulnerable to damage during high water or ice events. The parcel is located within one-half mile of two previously acquired EVOS small parcels, the Tall Timbers and the Kobylarz parcels. The island remains undeveloped except for an old homesteader's cabin that is succumbing to time and weather.

### Linkage to Restoration:

#### Restoration Benefits.

Injured species that will benefit from this parcel acquisition include, pink and sockeye salmon, Dolly Varden and bald eagles. Although these species are considered to be recovered, protecting important habitats is essential to maintaining recovery objectives. The parcel also supports Chinook and coho salmon.

This parcel provides approximately 1,293 feet of undeveloped riparian habitat that is important for rearing and migration of pink, sockeye, coho and Chinook salmon, and rearing and overwintering habitat for resident fishes of the Kenai River, including Dolly Varden. Chinook salmon spawn both immediately upstream and downstream of the island.

This area supports popular recreational fisheries for Chinook, sockeye and coho salmon. Since 1981 approximately 45% of the total sport fishing effort expended on the Kenai River occurs in the lower 20 miles of river. In particular this area supports a popular shore fishery for sockeye salmon during approximately the last 2-weeks of July and early August. All of the salmon species contribute to the commercial fisheries of Cook Inlet.

#### Potential Threats.

This parcel is currently listed for sale with a local realtor. Although the DPOR has several park units in the area, a large proportion of land along this section of river is privately owned. In recent years much private land adjacent to the river has been developed into small parcel subdivisions. Other islands in the area are in private ownership and have been subdivided. Current aerial photographs of the islands compared with aerial photographs approximately twenty years ago show these islands have largely been developed by private landowners. State ownership of undeveloped lands in this area will allow additional habitat protections to aid in maintaining habitat for anadromous and resident fish species of the Kenai River. Unaltered



riparian habitat typical of the lower Kenai River is important and development of this island would reduce the amount of unaltered riparian habitat in the lower Kenai River.

**Proposed Management.**

This parcel has been identified as a priority for the Department of Fish and Game and the Department of Natural Resources, Division of Parks and Outdoor Recreation. This parcel will be jointly managed by the Alaska Department of Fish and Game and the Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation for the purposes of protecting resources and services injured by the *Exxon Valdez* Oil Spill and will be recommended for addition to KRSMA.

# HABITAT PROTECTION SMALL PARCELS

Kenai Peninsula, Alaska

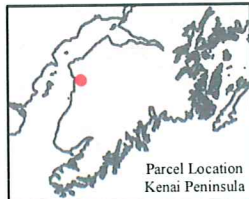
Parcel: Saltz



Alaskan Albers Equal Area Conic

## LEGEND

- |         |         |
|---------|---------|
| BOROUGH | PRIVATE |
| NATIVE  | STATE   |



SOURCES:  
Land status provided by ADNRR  
<http://www.asgdc.state.ak.us/>  
BLM SDMS  
<http://sdms.ak.blm.gov/sdms/mf.jsp?site=sdms>  
Date: 1/19/2011

KENAI RIVER SMA

N

Kenai River

Eddy Ln

KENAI RIVER SMA

SMALL TIMBERS  
EVOS

Big Eddy Rd

KOBYLARZ  
EVOS

State  
Parks

## KEN 3010: Poore – Kenai River

<b>Owner:</b>	Virginia Poore
<b>Physical Location:</b>	This parcel is located at mile 11 of the Kenai River
<b>Acreage:</b>	52 acres
<b>Brief Description:</b>	T 5 N, R 10 W, SM, Sec. 6, Lots 6 and 7
<b>Agency Sponsor:</b>	Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation
<b>Appraised Value:</b>	\$1,100,000

### Parcel Description

The Poore parcel is located along the Kenai River near Eagle Rock and has approximately 1,250 linear feet of river frontage. It is located across the river from the Eagle Rock unit of the state parks on an outside bend of the Kenai River where the shoreline is actively eroding. The parcel has a boat launch facility, including a parking area and restrooms but most of the parcel is undisturbed with numerous areas of lowland wetlands. *Wetland Mapping and Classification of the Kenai Lowland, Alaska* (Gracz et al.) characterizes most of this parcel as lakebed ecosystem wetland with riparian wetlands along waterbodies. A small stream, cataloged in the Alaska Department of Fish and Game Anadromous Waters Catalog, meanders through the parcel east to west before entering the Kenai River in the adjacent parcel. The parcel provides valuable lowland wetland and riparian habitat as well as recreational opportunities for shore based anglers. The boat launch and parking area is especially busy during the end of July when nearby facilities are at capacity.

### Linkage to Restoration:

#### Restoration Benefits

Injured species that will benefit from this parcel acquisition include pink and sockeye salmon, bald eagles, and Barrow's goldeneyes. Although bald eagles, and pink and sockeye salmon are considered to be recovered, protecting important habitats is essential to maintaining recovery objectives. The parcel also supports coho and sockeye salmon rearing habitat. All of these salmon species contribute to the commercial fisheries of Cook Inlet.

This area also supports popular recreational fisheries for Chinook, sockeye, pink and coho salmon. Since 1981 approximately 45% of the total sport fishing effort expended on the Kenai River has occurred in the lower 20 miles of river. In particular, this area supports a popular shore fishery for pink and coho salmon during August and September.

#### Potential Threats

The current owner has indicated that she would like to sell the property. The development potential of the parcel is unknown but would appear to be high, as it is a large parcel with

significant riverfront footage. This is an opportunity to acquire lowland and riparian habitat that may be unavailable in the future.

**Proposed Management**

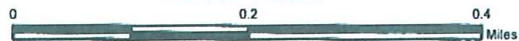
This parcel has been identified as a priority for the Division of Parks and Outdoor Recreation. This parcel will be managed by the Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation, in consultation with the State Historic Preservation Officer for the purposes of protecting resources and services injured by the *Exxon Valdez* Oil Spill and will be recommended for addition to KRSMA.



# HABITAT PROTECTION SMALL PARCELS

Kenai Peninsula, Alaska

Parcel: Poore



Alaskan Albers Equal Area Conic

## LEGEND

- |               |         |
|---------------|---------|
| MUNICIPAL     | PRIVATE |
| NATIVE ALLOT. | STATE   |
| NATIVE        |         |

SOURCES:  
Land status provided by ADNRR  
<http://www.asgdc.state.ak.us/>  
BLM SDMS  
<http://edms.ak.blm.gov/sdms/mt.jsp?site=sdms>  
Date: 1/27/2011

