

**RESOLUTION OF THE  
EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL**

We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council ("Council"), after extensive review and after consideration of the views of the public, find as follows:

1. The owners of small parcel KEN 55 have indicated an interest in selling said parcel;
2. An appraisal of the parcel commissioned by the Sellers has been approved by the State and federal review appraisers;
3. As set forth in Attachment A, 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. The parcel fronts on Kachemak Bay and an extensive tidal pool area that is unique to the area. These tidal pools and rocky intertidal habitat contain an especially diverse flora and fauna. The owners have indicated their willingness to sell it to the State of Alaska for the \$279,000 which is the appraised fair market value of the parcel.
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 *Exxon Valdez* oil spill ("EVOS") present a unique situation. Without passing judgment on the

ACE 30394183

1

Attachment A  
Page 1 of 13 Pages

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 these lands;

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

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 offer to purchase and, if the offer is accepted, to purchase all the seller's rights and interests in small parcel KEN 55 and to provide funds necessary for closing costs recommended by the Executive Director of the Trustee Council ("Executive Director"):

(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 \$279,000;

(b) authorization for funding for any acquisition described in the foregoing paragraph shall terminate if a purchase agreement is not executed by December 15, 1997;

(c) disbursement of these funds by the United States District Court for the District of Alaska;

(d) completion of a title search and review satisfactory to the State of Alaska and the United States for the respective interests in lands acquired by each government 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 acquiring government prior to purchase;

(f) a satisfactory hazardous materials survey is completed;

(g) compliance with the National Environmental Policy Act;

(h) a conservation easement shall be conveyed to the United States and a warranty deed to the State of Alaska, both of which must be satisfactory in form and substance to the Department of the Interior and the Department of Law; and

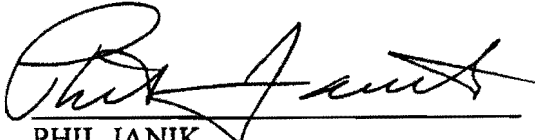
It is the intent of the Trustee Council that any facilities or other development on the foregoing small parcel after acquisition shall be of limited impact and in keeping with the goals of restoration and that there shall be no commercial use except as may be consistent with applicable state or federal 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

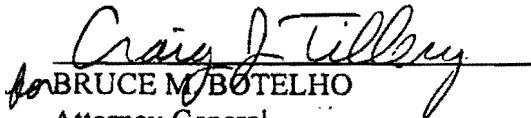
of the joint settlement funds in the above certified amount.

Such amounts represent the only amount due under this resolution to the seller 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 seller from such joint funds.

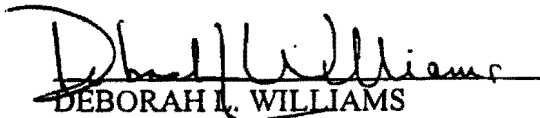
Approved by the Council at its meeting of March 3, 1997, held in Juneau, Alaska, as affirmed by our signatures affixed below:



PHIL JANIK  
Regional Forester  
Alaska Region  
USDA Forest Service



BRUCE M. BOTELHO  
Attorney General  
State of Alaska



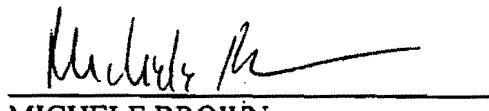
DEBORAH L. WILLIAMS  
Special Assistant to the Secretary  
for Alaska  
Department of the Interior



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

ACE 30394186

## KEN 55: Overlook Park

**Acreage:** 97      **Rank:** Moderate      **Sponsor:** ADNR      **Appraised Value:** \$279,000  
**Owner:** Sandra Cronland, Joyanna Geisler, David Lloyd, Michael McNiven, Sharon Whytal  
**Location:** Three-quarters of a mile north of Bluff Point from Sterling Highway, Homer

**Parcel Description.** This parcel is locally known as Overlook Park because it is situated below and is visible from the Sterling Highway scenic overlook. The parcel is located between state lands on the north and Baycrest (KEN 12) on the east. The parcel is accessible only by foot down the steep bluff from the highway or by walking along the shoreline 3.5 miles west from Bishop Beach. There are no structures, roads or any other human development on this site. The Overlook parcel is visible from and close to the Alaska State Parks Homer Ranger Station. The uplands contain a mixed association of spruce, birch, cottonwood, small, open meadows, bogs, and freshwater ponds. The uplands are used by a variety of birds and mammals including moose and bear.

**Restoration Benefits.** Public ownership of this parcel would protect intertidal/subtidal habitat and ensure public access by foreclosing the possibility that it would be subdivided and developed in the future.

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

- *Intertidal/subtidal organisms.* The parcel lies upland of three-quarters of a mile of Kachemak Bay shoreline and an extensive tidal pool area that is unique to the area and accessible from the road system. These tidal pools and rocky intertidal habitat contain an especially diverse flora and fauna.
- *Recreation/tourism.* The area is popular with local community groups, including public schools and natural history study groups, for field trips and specimen collecting.

**Potential Threats.** There appears to be some residential development potential for this property in the area between the tidelands and the bluff.

**Appraised Value.** The current appraised value of this parcel is \$279,000. This parcel is vacant and unimproved. The highest and best use is to keep the parcel intact for residential or recreational use oriented to natural physical characteristics. The property could be marketed to a single user or sold in undivided interests to a group of residential or recreational users.

**Proposed Management.** The purpose of acquisition is to preserve and protect in perpetuity the ecological, natural, physical and scenic values of the subject property for the benefit of fish and wildlife resources and services that were injured in the *Exxon Valdez* oil spill. ADNR proposes to manage this parcel. The parcel will probably be classified "Habitat/Public Recreation Land."

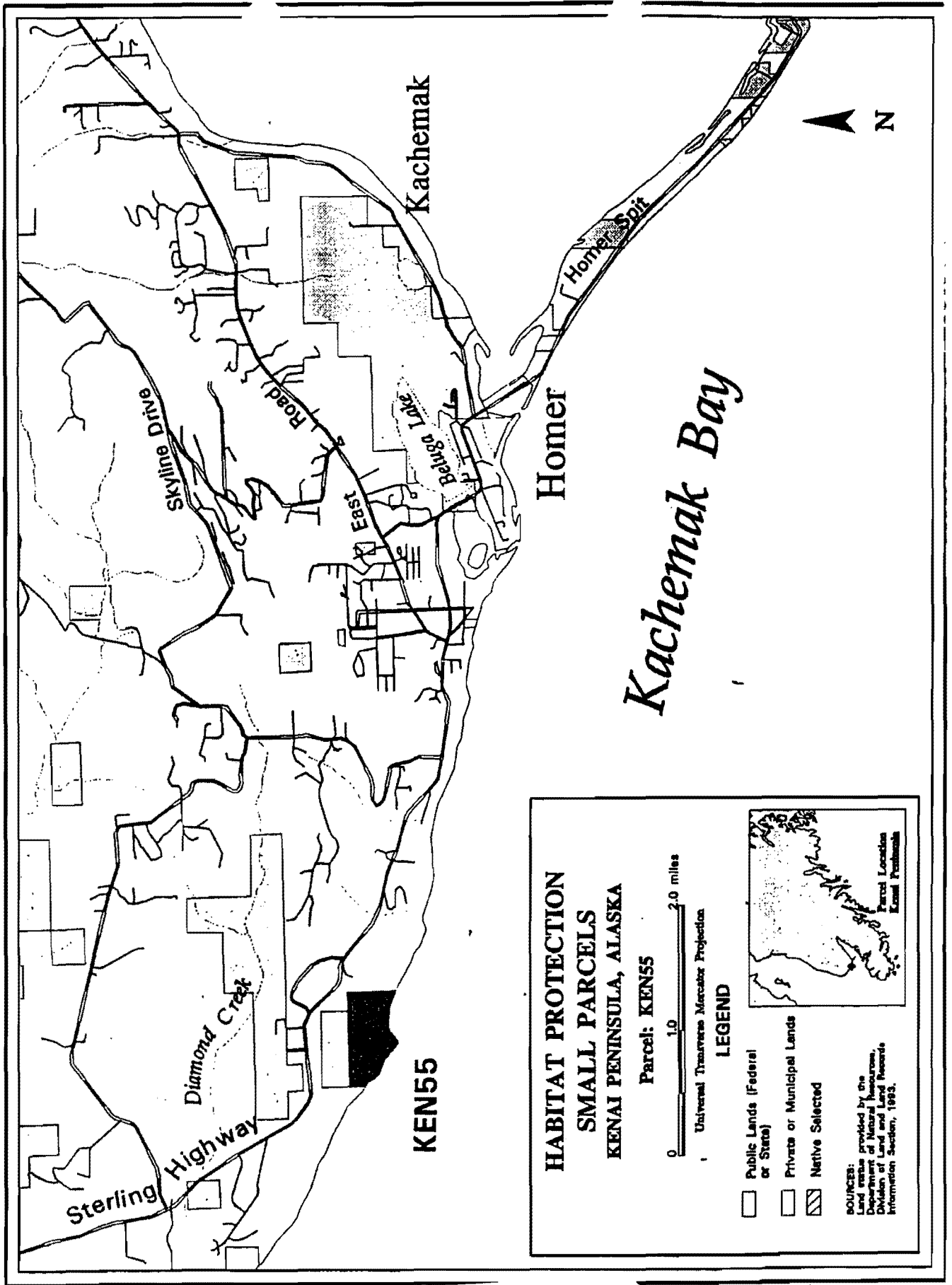
This parcel is immediately adjacent to Baycrest (KEN 12), for which negotiations are ongoing. The natural systems of Overlook Park are contiguous with those of Baycrest and could be managed in a similar way.

**Public Comment.** Support for acquisition of this parcel has been expressed by the City Council of Homer, Alaska (Resolution 95-24), Kachemak Bay State Park Citizens Advisory Board (Resolution 95-2), Kachemak Bay Conservation Society, Kachemak Heritage Land Trust, and 26 individuals, mostly residents of Homer. In November 1995, the Kachemak Heritage Land Trust also submitted a petition signed by 367 people who support acquisition of Overlook Park.

ACE 30394187

2/24/97

Attachment A  
Page 5 of 13 Pages



# Exxon Valdez Oil Spill Trustee Council

645 G Street, Suite 401, Anchorage, AK 99501-3451 907/278-8012 fax: 907/276-7178



June 16, 1997

I certify that the State of Alaska, as represented by the Alaska Department of Natural Resources and the Alaska Department of Law, has complied with the terms and conditions of the resolution approved by the *Exxon Valdez* Oil Spill Trustee Council at its meeting on March 3, 1997 in regard to the small parcel known as KEN 55/Overlook Park and of the purchase agreement for that parcel and hereby request that the Alaska Department of Law and the U.S. Department of Justice request \$279,000 from the U.S. District Court for the purchase of that parcel.

A handwritten signature in cursive script that reads "Molly McCammon".

Molly McCammon  
Executive Director

ACE 30394193

<b>Federal Trustees</b>	<b>State Trustees</b>
U.S. Department of Interior	Alaska Department of Fish and Game
U.S. Department of Agriculture	Alaska Department of Environmental Conservation
National Oceanic and Atmospheric Administration	Alaska Department of Law

Attachment A  
Page 11 of 13 Pages