

**RESOLUTION 13-10 OF THE EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL
REGARDING BEESON PARCEL (KEN 3012)**

We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council (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 as follows:

1. The Beeson small parcel (Parcel) is within Section 18, Township 5 North Range 10 West, Seward Meridian, Alaska and is identified as Kenai Peninsula Borough Parcel 057-64-044, as described in Attachment A. The owner of the Parcel (Seller) has indicated an interest in selling this Parcel of approximately 4.59 acres
2. The Parcel has attributes that, if acquired and protected, will restore, replace, enhance and rehabilitate injured 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 *Exxon Valdez* Oil Spill (EVOS) has been documented.
3. 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 Bald Eagle Protection Act and the Marine Mammal Protection Act, are intended, under normal circumstances, to protect resources from serious adverse effects caused by activities on the lands. However, restoration, replacement, and enhancement of resources injured by the EVOS present a unique situation. Without passing judgment on the adequacy or inadequacy of existing laws and regulations to protect resources, scientists and other resources 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.

4. There has been widespread public support within Alaska, as well as on a national basis, for the acquisition of lands within the EVOS area.

5. The purchase of the Parcel is an appropriate means to restore a portion of the injured resources and services in the EVOS area.

6. Acquisition of the Parcel is consistent with the Final Restoration Plan.

THEREFORE, we authorize the transfer of \$36,160 to the State of Alaska Department of Natural Resources: \$26,160 to conduct due diligence activities and up to \$10,000 to purchase all of the Seller's rights and interests in the Parcel. The purchase of this Parcel is subject to the following conditions:

- a. Authorization for the purchase of this Parcel shall terminate if a purchase agreement is not executed by October 28, 2015;
- b. The EVOSTC, Executive Director, Alaska Department of Natural Resources and the Alaska Department of Law determine it is in the best interest of the Council to move forward with acquisition of the Parcel;
- c. Filing by the United States Department of Justice and the Alaska Department of Law of a notice, as required by the Third Amended Order for Deposit and Transfer of Settlement Proceeds, of the proposed expenditure with the United States District Court for the District of Alaska and with the Investment Fund established by the Council within the Alaska Department of Revenue, Division of Treasury (Investment Fund), and transfer of the necessary monies from the Investment Fund to the State of Alaska Department of Natural Resources;
- d. A title search satisfactory to the State of Alaska and the United States will be completed, and the Seller shall be 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 Parcel prior to the purchase of this Parcel without the express written agreement of the State of Alaska and the United States;
- f. A hazardous materials survey satisfactory to the State of Alaska and the United States will be completed;

- g. Compliance with the National Environmental Policy Act; and
- h. A conservation easement on the Parcel will be conveyed to the United States that is satisfactory to the United States and the State of Alaska Departments of Law and Natural Resources. It is the intent of the Council that the above-referenced conservation easement will provide that:
 - 1. any development on the Parcel shall be of limited impact and consistent with the goals of restoration; and
 - 2. there shall be no commercial use except as may be consistent with applicable state or federal law and the goals of restoration to pre-spill 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 Council.

The funds authorized above are to be distributed as follows:

State of Alaska Department of Natural Resources	\$36,160
TOTAL APPROVED TO STATE OF ALASKA	\$36,160

By unanimous consent, we hereby 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 take such steps as may be necessary to make available the funds authorized above, for the purposes noted above, from the appropriate account(s) designated by the Executive Director.

Approved by the Council at its meeting of October 28, 2013 held in Anchorage, Alaska,
as affirmed by our signatures affixed below.



TERRI MARCERON
Forest Supervisor
Chugach National Forest
U.S. Department of Agriculture

MICHAEL C. GERAGHTY
Attorney General
Alaska Department of Law

PAT POURCHOT
Special Assistant to the Secretary of the
Interior for Alaska Affairs
Office of the Secretary
U.S. Department of the Interior

JAMES BALSIGER
Administrator, Alaska Region
National Marine Fisheries Service
U.S. Department of Commerce

CORA CAMPBELL
Commissioner
Alaska Department of Fish and Game

LARRY HARTIG
Commissioner
Alaska Department of Environmental
Conservation

Attachment A - Restoration Benefits Report and Map for Beeson Property, Kenai River, Alaska

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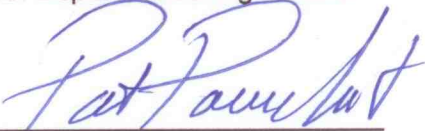
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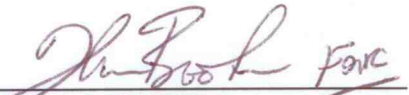
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Attachment A - Restoration Benefits Report and Map for Beeson Property, Kenai River, Alaska

**Beeson Property (KEN 3012)
Kenai River, Alaska**

Property Name:	Beeson parcel
Owner:	Stephan & Cheryl Beeson and Earl & Alice Mundell
Acreage:	4.59 acres
Description:	T 5 N, R 10 W, Sec. 18, SM, KN 2012066 Lofsdell Acres Sub. No 5 Tract A3 (KPB parcel # 05764044)
Agency Sponsor:	Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation
Appraised Value:	unknown
Funding Request:	\$36,160 (\$10,000 purchase price and \$26,160 in due diligence funds)

Overview: The owners seek \$10,000 from the *Exxon Valdez* Oil Spill Trustee Council to fund the protection of the Beeson parcel, a 4.59-acre surface estate located on the lower Kenai River. The Kenai Peninsula Borough assessed this lot at \$103,900 in 2013; however the property owners would sell this property to the Trustee Council at a greatly reduced price. The property owners desire to conserve this undeveloped property in perpetuity, and they request a conservation easement be attached to the property. The property would then be managed by the Alaska Division of Parks and Outdoor Recreation (DPOR).

Since its inception, the Trustee Council's Habitat Protection Program on the Kenai Peninsula, has largely focused on the Kenai River Watershed, the Anchor River, the Ninilchik River and the Homer Spit. The program has provided the council with a unique opportunity to address local needs and concerns by securing parcels that provide important restoration values for those resources and services injured by the *Exxon Valdez* oil spill.

Injured Species in the Kenai River area are dependent on the habitat provided along the river corridor. These habitats are threatened by the diverse uses of the Kenai River, which degrade fish and migratory bird habitat, important wetlands and sources of nutrients essential to the continued health of recovered and recovering Injured Species. In addition, Injured Services, such as recreation is high on the Kenai River and is dependent on the wellbeing of injured fish species. This has been the focus of council's program on the Kenai River.

Property Description and Habitat: The Beeson parcel is located along the lower Kenai River, south of Honeymoon Cove at river mile 13.1. The parcel contains approximately 674 linear feet of river frontage. There are no improvements, and most of the parcel is lowland wetlands. *Wetland Mapping and Classification of the Kenai Lowland, Alaska* (Gracz et al. 2008; www.kenaiwetlands.net/) characterizes the parcel as kettle, discharge slope, and riparian wetlands. These wetlands function as a filter system and nutrient provider for the Kenai River, and support important rearing and overwintering habitat for Dolly Varden, Chinook and coho salmon. The parcel also abuts a small tributary of the Kenai River, which is identified in the Alaska Department of Fish and Game's (ADF&G) *Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes*. The small stream provides rearing habitat for coho and sockeye salmon. The Kenai River and associated bank along the Beeson parcel support spawning habitat for pink and Chinook salmon and Dolly Varden.

Restoration Benefits:

Injured species that benefit from this parcel acquisition include pink (recovered), Chinook, coho and sockeye salmon (recovered), Dolly Varden (recovered), Bald Eagles (recovered), Harlequin Ducks (recovering), Barrow's Goldeneyes (recovering), Common Loons (recovered), Cormorants (recovered) and river otter (recovered). Though many of these species are considered recovered, the continued protection of their habitat is essential to maintaining recovery objectives in the Kenai River corridor.

The Beeson parcel contains wetlands and riparian areas important to Injured Species, and acquisition of this parcel will ensure that protection of these valued habitats is in perpetuity. The undeveloped wetlands and riparian lands act as a filter system and nutrient provider for the Kenai River, which is important to migration, rearing and overwintering habitat for fish species such as Dolly Varden, Chinook, coho, and sockeye salmon. The riverbank also supports spawning habitat for pink and Chinook salmon, and Dolly Varden. Continuous and intact riparian habitats are more effective at protecting a diversity of fauna and aquatic ecosystems by providing good water quality, while also supporting the food web of Injured Species.

In addition, Bald Eagles Harlequin Ducks and Barrow's Goldeneyes use the Kenai River as a habitat corridor. These Injured Species use the river's riparian area as a spring and fall migration corridor, for feeding, staging, nesting and rearing broods along the river and its tributaries (mostly further upstream and at Kenai and Skilak lakes.)

Bald Eagles use the river corridor for all life stages and there are documented nesting sites along the entire river corridor. While the Barrow's Goldeneyes use the corridor for nesting in mature trees and use the main channel of the river in the spring and fall for feeding. There is also a documented population of Barrow Goldeneye's that overwinters just below Skilak Lake on the Kenai River. Bald Eagles and river otter frequent the area and utilize the undisturbed habitat on the parcel. In addition, Common Loons and Cormorants have been known to use the Kenai River corridor as a migration route.

Protection of the Beeson property will assist in efforts to restore and maintain healthy numbers of salmon in the Kenai River watershed, which is important for sustaining recreational and commercial fisheries of Cook Inlet. The property is located within the lower 20 miles of the Kenai River; since 1981, approximately 45% of the total annual sport harvest of salmon in the Kenai River has occurred in this section of the river.

In recent years, the Kenai River Chinook salmon fishery has barely met minimum escapement goals and now it is even more imperative to protect Chinook salmon habitat. In addition, as Chinook salmon numbers decline, Injured Services such as recreation and commercial fisheries have become more dependent on other salmon fisheries. Therefore, it is critical to ensure that Kenai River habitat is protected for all salmon species.

The property is contiguous with two parcels located to the south that were acquired by the Trustee Council in 1998 (Carter parcels OSL 1237). With nearly 700 feet of river frontage, the acquisition of the Beeson parcel would complement the Trustee Council actions to protect

important wetland and riparian habitats along the lower Kenai River. Although the Beeson parcel is only 4.59 acres compared to the 27.2 acres contained within the Carter parcels, the extremely low purchase price provides for a very high cost-benefit ratio for habitat protection.

Potential Threats: The current owners have expressed a willingness to sell the property. The owners retain parcels to the east of this property. The development along the Kenai River has been extensive and has resulted in problems with non-point runoff and habitat degradation. The Mental Health Trust owns the subsurface estate. Mineral and residential development potential for the Beeson parcel is unknown; however, road access is only 0.1 miles away, and there are a limited number of properties like this remaining in the lower Kenai River.

Proposed Management: The current owners have indicated a preference that the DPOR manage the parcel, if acquired, subject to a conservation easement to protect the parcel from development in perpetuity and will be recommended for inclusion to the Kenai River Special Management Area.

The Carter parcels to the south, previously acquired by the Trustee Council, are within the Kenai River Special Management Area, managed by the DPOR. ADF&G also has a Management Right Assignment (ADL 228192). DPOR may consider entering into Cooperative Agreements with ADF&G for both the Beeson parcel and the Carter parcels.

Funding Request: Due Diligence Funding and Conditional-Purchase Authorization Request

Total funding request = \$36,160

Due Diligence activities: \$24,000 + \$2,160 GA (@ 9%) = \$26,160

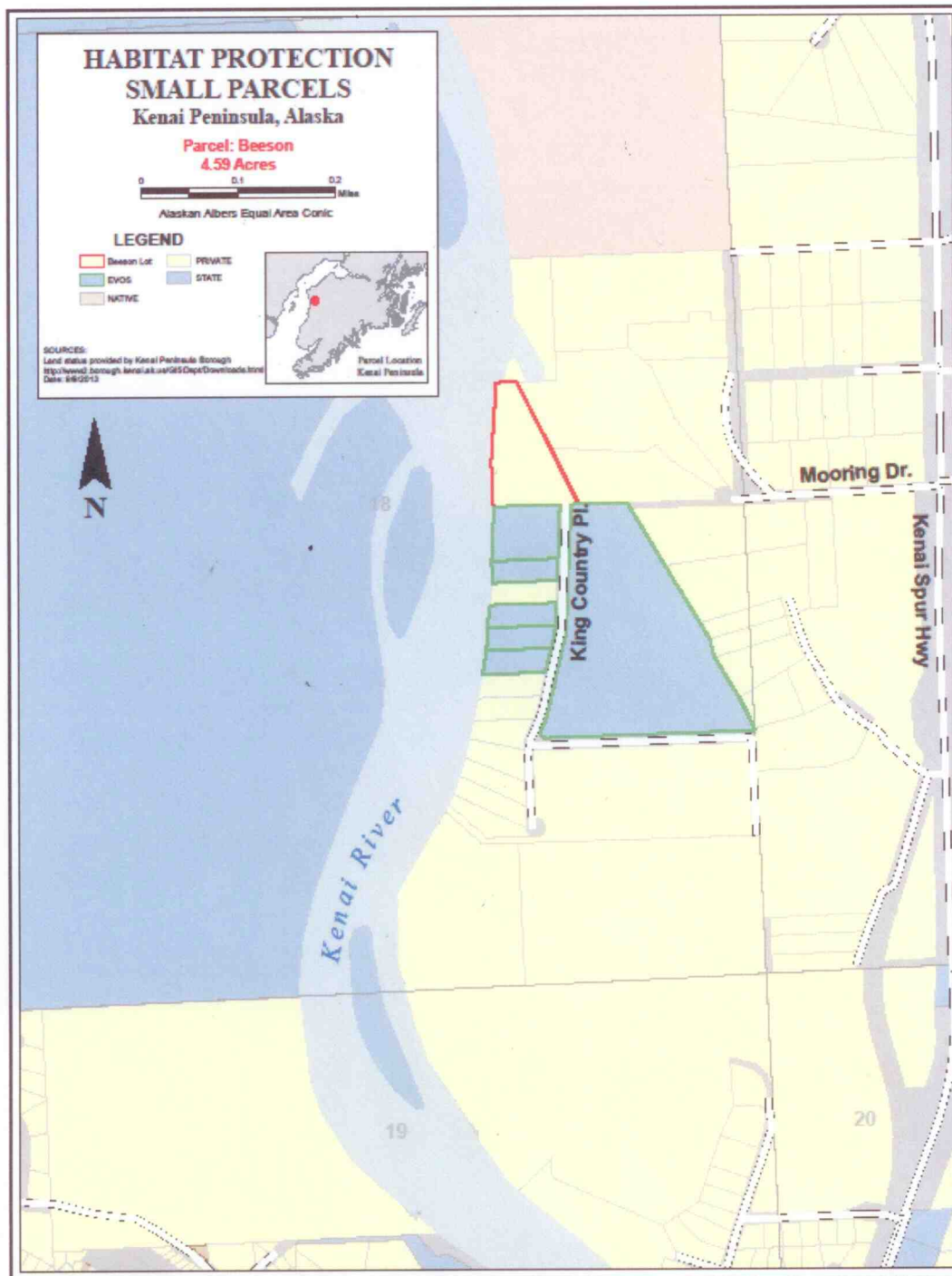
Appraisal and Appraisal Review = \$12,000

Hazmat = \$10,000

Title Insurance = \$2,000

Conditional-Purchase: approval to purchase Beeson parcel at \$10,000 if:

1. Due diligence reports are acceptable to the Departments of Natural Resources (DNR) and Law (DOL); and
2. Provided that the Council's Executive Director, DNR and DOL find that it is in the best interest of the Trustee Council to move forward with acquisition of the parcel.





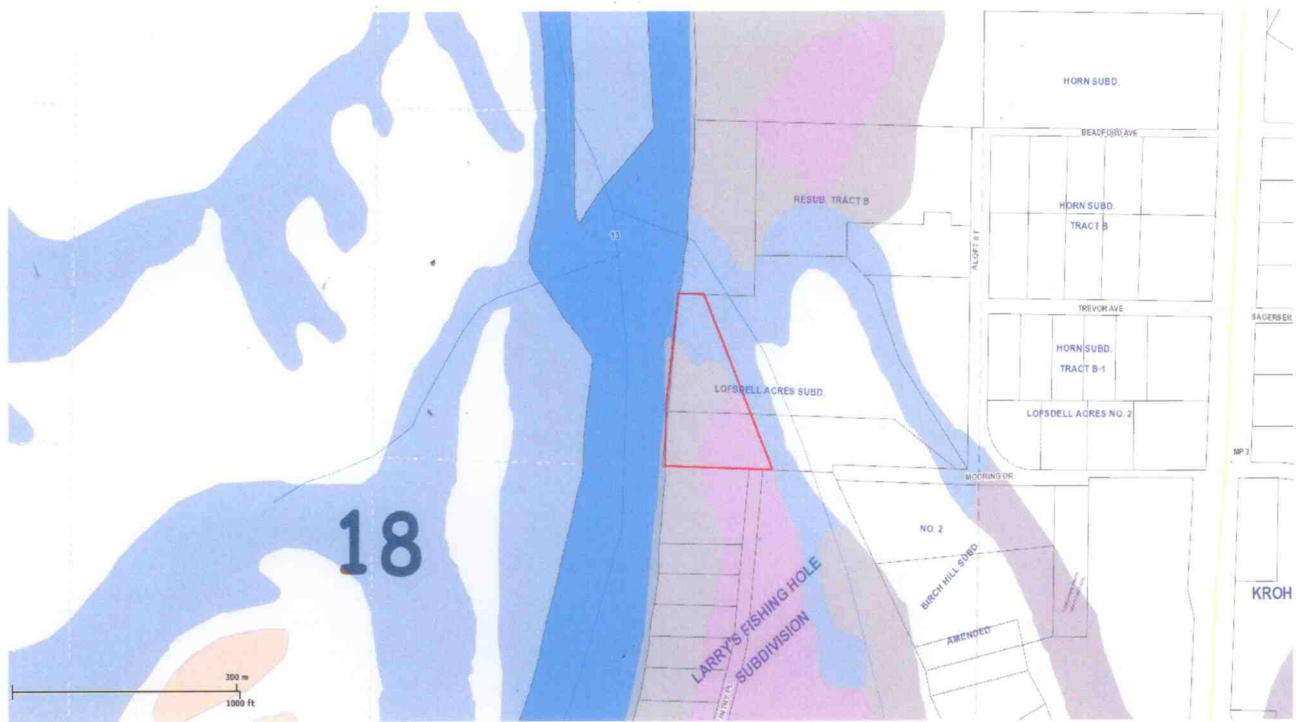
Fri Sep 6 2013 01:59:19 PM

KPB Parcel Viewer

DISCLAIMER: The data displayed herein is neither a legally recorded map nor a survey and should not be used for any legal purposes. Please contact the appropriate authority for more information.



KPB Wetlands Map





October 11, 2013

Exxon Valdez Oil Spill Council
c/o Elise Hsieh, Executive Director
4210 University Drive
Anchorage, AK 99508-4626

Dear EVOS Council members;

Kenai River Sportfishing Association (KRSA) supports the nomination of the Beeson property on the Kenai River to EVOS for purchase.

We support the property owners' desire to conserve this land in perpetuity and that it not be developed. Thus we ask for your consideration to accept the proposal that the Exxon Valdez Oil Spill Trust Council purchase this property, that a Conservation Easement be attached, and that the property be placed under the management of the Alaska State Department of Natural Resources.

KRSA supports fishery conservation for Kenai River wetlands and habitat. The Beeson property contains wetlands that we feel are important for the health of salmon habitat.

Thank you for your time and consideration of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ricky Gease".

Ricky Gease

KRSA Executive Director
224 Kenai Avenue, Suite 102
Soldotna, AK 99669

ALASKA STATE LEGISLATURE

REPRESENTATIVE KURT OLSON

- Chair: Labor and Commerce
- Vice Chair: Rules
- Member: Resources, Community & Regional Affairs, Economic Development Trade & Tourism, Fisheries, Legislative Budget & Audit

Session: January - April
State Capitol, Room 24
Juneau, AK 99801-1182
Phone: 907-465-2693
Fax: 907-465-3835



Interim: May - December
145 Main Street Loop, Ste. 221
Kenai, AK 99611
Phone: 907-283-2690
Fax: 907-283-2763

Official Business

October 2, 2013

Ms. Elise Hsieh, Executive Director
Exxon Valdez Oil Spill Trustee Council
4210 University Drive
Anchorage, Alaska
99508-4626

RE: Nomination of the Beeson Property

Dear Ms. Hsieh,

I am writing to encourage Exxon Valdez Oil Spill Trustee Council to favorably consider the nomination of the 4.59 acres parcel (KPB Parcel #05764044) jointly owned by the Beeson and Mundell families. This property has some 674 feet of river frontage and is adjacent to other EVOS properties on the Kenai River.

I strongly support the protection and preservation of the property mentioned above.

Sincerely,

A handwritten signature in blue ink, appearing to be "Kurt Olson", written over a horizontal line.

Kurt Olson
Representative
District 29

cc: Samantha Carroll

RECEIVED
OCT 17 2013
EXXON VALDEZ OIL SPILL
TRUSTEE Council

Email: rep.kurt.olson@akleg.gov

ALASKA STATE LEGISLATURE

SESSION ADDRESS:
Alaska State Capitol, Rm. 125
Juneau, Alaska 99801-1182
Phone: (907) 465-2828
Fax: (907) 465-4779
Toll Free: (800) 964-5733



INTERIM ADDRESSES:
145 Main St. Loop #226
Kenai, AK 99611
Phone: (907) 283-7996

270 W. Pioneer Ave.
Homer, AK 99603
Phone: (907) 235-0690

SENATOR PETER A. MICCICHE

October 3, 2013

Exxon Valdez Oil Spill Trustee Council
c/o Executive Director, Elise Hsieh
4210 University Drive
Anchorage, AK 99508-4626

DISTRICT 0

Anchor Point

Clam Gulch

Cohoe

Diamond Ridge

Fox River

Fritz Creek

Funny River

Halibut Cove

Happy Valley

Homer

Kachemak City

Kachemak Selo

Kalifornsky

Kasilof

Kenai

Nikolaevsk

Ninilchik

Razdolna

Ridgeway

Seldovia

Soldotna

Voznesenka

Dear Ms. Hsieh:

I am writing in support of the nomination of Kenai River property jointly owned by my constituents, Steve and Cheryl Beeson, and Earl Mundell, for purchase by the Exxon Valdez Oil Spill Trustee Council. This property of 4.59 acres has 674 feet of frontage on the Kenai River and is located in the Kenai River Special Management Area adjacent on the south end to other Exxon Valdez Oil Spill Trust Council properties managed by the Alaska Department of Natural Resources (DNR). It is also adjacent on the north end to Honeymoon Cove. It is my understanding a nomination for purchase of this parcel was made during spring and that it will be considered by the Council when it meets later this month.

With the protection and preservation of Kenai River wetlands and salmon habitat as their goal, the Beesons and Mr. Mundell wish to conserve this land in perpetuity. They believe the purchase of this land by the Exxon Valdez Oil Spill Trustee Council and management by DNR will achieve this goal.

I appreciate the Beesons and Mr. Mundell bringing this proposal forward and encourage your serious consideration of their request.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Micciche".

Senator Peter A. Micciche

cc: Samantha Carroll, Large Project Coordinator
Alaska Department of Natural Resources

RECEIVED

OCT 17 2013

EXXON VALDEZ OIL SPILL
TRUSTEE Council