

02.01.11

Exxon Valdez Oil Spill Trustee Council The Small Parcel Process

The Exxon Valdez Oil Spill (EVOS) Trustee Council will consider small parcel nominations focusing on the acquisition of small parcels, generally less than 1,000 acres in size, designed to restore, replace, or enhance the recovery of resources and associated services injured by the Exxon Valdez Oil Spill.

Acquisition of small parcels prevents further injury to those species and services injured by the oil spill and enables populations to recover and sustain recovery objectives. Proposals for consideration by the Council should address those species identified by the Council as “not recovering,” “recovery unknown,” or “recovering,” and/or the services supported by these species.

Injured Resources and Associated Services*

Injured species:

Not Recovering	Recovery Unknown	Recovering
Common Loon	Cutthroat trout	Clams
Cormorant	Dolly Varden	Designated Wilderness
Harbor Seal	Kittlitz's murrelet	Intertidal communities
Harlequin duck	Rockfish	Killer whale (AB pod)
Pacific herring	Subtidal communities	Marbled murrelets
Pigeon guillemot		Mussels
		Sea otter
		Sediments

Associated injured services:

Recovering
Recreation
Commercial Fishing
Passive Uses
Subsistence

*As outlined in the Injured Resources and Services List, 2002 (amended 2003).

The Small Parcel Program will enhance the recovery of resources and services injured by the Exxon Valdez Oil Spill. It is not intended to impede commercial development nor is it intended to impede the development of subsurface rights held by individuals, corporations, or by the state when not acquired with EVOS funds.

Nomination of Parcels

A parcel may be nominated by an individual, organization, or local government for consideration by The Trustee Council through a sponsoring agency. A sponsoring agency

is any state or federal agency that has the statutory authority to acquire and/or manage land and is willing to manage the proposed parcel. To ensure that a parcel is a viable nomination, the following Threshold Criteria must be met before any nomination will be further considered by the Trustee Council:

1. The parcel must be located within the oil spill area.
2. A parcel must have a willing seller. (A parcel may be nominated by another individual or organization but must have the consent of the owner of the property)
3. The seller acknowledges that the governments will only acquire property rights at or below fair market value.
4. The parcel must be linked to the restoration of one or more of the above listed resources and/or associated services.
5. The parcel can reasonably be incorporated into a sponsoring agency's existing land management systems.

Nomination forms are available from the Exxon Valdez Oil Spill Restoration Office. When nominating a parcel the sponsoring agency must be identified and its approval secured prior to preparing a proposal. Completed nomination forms must be submitted to the Exxon Valdez Oil Spill Restoration Office. A copy should also be provided to the sponsoring agency's EVOS liaison. The EVOS Restoration Office will maintain a record of all parcel nominations and provide an initial review of compliance with the Threshold Criteria.

Sponsoring Agencies:

- US Forest Service
- US Fish and Wildlife Service
- National Park Service
- Alaska Department of Natural Resources
- Alaska Department of Fish and Game
- Bureau of Land Management

Trustee Council Proposal

If the nomination has met the Threshold Criteria a formal proposal will be developed with the sponsoring agency. The proposer should also work with the Restoration Office to schedule presentation of the proposal at an appropriate Trustee Council meeting. The proposal should be designed for presentation to the Trustee Council at a public meeting and should address the following evaluation criteria:

How is the parcel linked to injury?

- Occurrence – the parcel contains key habitats/sites that benefit the recovery of injured resources or service.
- Uniqueness – key habitats/sites on the parcel are unique in relation to key habitats/sites off-parcel or within the region.
- Connectedness – the habitats/sites linked to injured resources or services on the parcel are connected to other elements or habitats in the greater ecosystem.

- Quality –the parcel has high levels of production, diversity, use levels or other measures of habitat richness?

What is the restoration potential of the parcel?

- Key habitats or sites on the parcel are vulnerable to or potentially threatened by disturbance or habitat loss.
- Key habitats or sites on nearby lands are vulnerable to or potentially threatened by disturbance or habitat loss from development of the subject parcel.
- Key habitats or site on the parcel are protected from incompatible adjacent land uses.
- Recovery of the injured resources or services would benefit from protection in addition to that provided by the owner and applicable laws and regulations.

How will management of the parcel contribute to recovery?

- Acquisition of the parcel will allow for enhancement of injured resources and or services.
- The parcel has strategic value to protect or provide access to key habitats or sites that occur on or beyond the parcel’s boundaries.

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

- The parcel contributes to the social and cultural values of the local community.
- Acquisition of the parcel contributes economic benefits to the community.
- Acquisition of the parcel provides enhanced public access to resources.
- Acquisition of the parcel supports traditional or subsistence use.

A proposal addressing as many of the above referenced issues, as appropriate, should be developed according to the following format:

Proposal Format

Header Information:

- Parcel Name
- Parcel Owner
- Physical Location
- Acreage
- Legal Description
- Sponsoring Agency, including contact information

Narrative:

- Describe the **physical characteristics** of the subject parcel, adjacent land ownership patterns, existing use of the subject parcel, and any potential threat to the subject parcel or the resources/services it supports.
- Describe the **linkage to restoration** of injured resources and services by addressing the evaluation criteria listed above as appropriate. Note that not all

issues will be relevant to every parcel. Each parcel is unique and will have unique characteristics and differing restoration values.

- Describe **proposed management** of the subject parcel, including protection efforts and anticipated public use and access.

Attachments:

- Vicinity map of the subject parcel.
- Site map of the subject parcel.
- Appraisal summary if available.
- Other information deemed useful in presenting a clearer picture of the benefits of the subject parcel such as photographs or statements of support from members of the community or public at large.
- Draft budget estimating costs of acquisition such as appraisals, title insurance, closing costs, agency due diligence and cost of the parcel if there is a Trustee Council approved appraisal.

Most proposals will not have appraisals or complete title information at the time of submittal to the Trustee Council. However, the Council will likely be interested in developing an understanding of the anticipated cost of acquisition of the parcel being presented. The Council will, should it choose to pursue a particular parcel, provide funds to the sponsoring agency to cover the costs of appraisals, title insurance, title review, hazardous materials review and other tasks necessary for the state or federal governments to perform due diligence prior to accepting an interest in land. It is advisable to have a proposed budget developed for discussion at the Trustee Council presentation.

Authorization to Proceed with Negotiations

The Trustee Council will review the proposal and if supportive, authorize the state or federal government to enter into negotiations with the owner of the parcel. (Authorization to Proceed with Negotiations) The sponsoring agency will secure a preliminary commitment for title insurance (if not previously secured), conduct a preliminary site inspection looking for potentially hazardous materials, and secure an appraisal of the parcel being considered. Negotiations will proceed based upon the results of the appraisal, if preliminary title and HAZMAT review reveal no obvious difficulties for the acquiring agency.

Approval to Purchase

If agreement on a purchase price is reached through negotiations with the landowner, the proposal, including cost of the parcel, will be brought back before the Trustee Council for consideration. At this time, the Trustee Council will either approve by Resolution or reject the proposal. If approved, the sponsoring agency will take steps necessary to perform due diligence on behalf of either the state or federal governments, and move toward closing the acquisition.

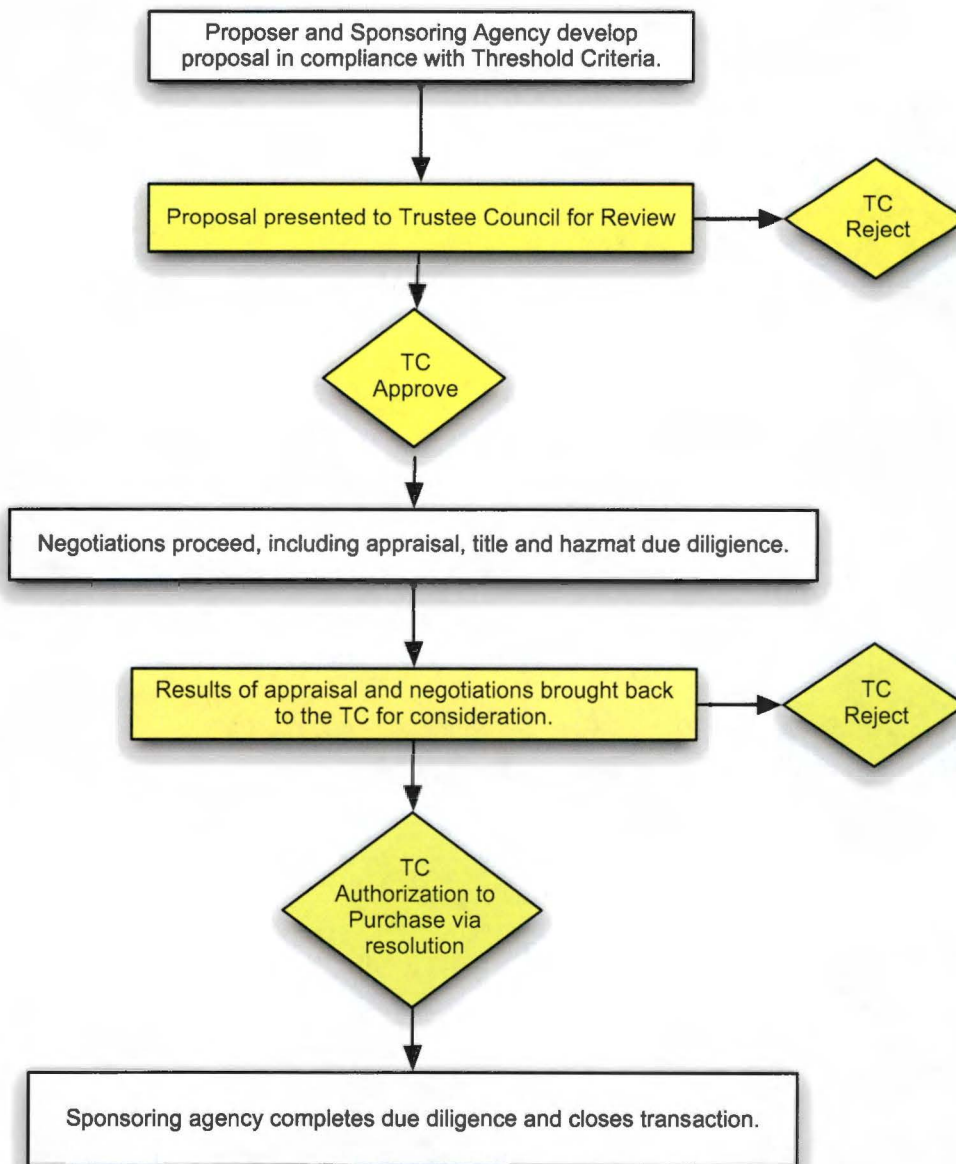
Closing

The following documents are required to complete the acquisition:

- A reviewed and approved appraisal conforming to USFLA and USPAP and Trustee Council appraisal instructions (Attached).
- Trustee Council Resolution authorizing purchase.
- Satisfactory evidence of clear title, including title insurance (required by acquiring agency)
- Satisfactory hazardous materials assessment (required by State and Federal land acquisition procedures)
- NEPA compliance
- Any other requirements set forth in the Trustee Council Resolution authorizing purchase of the subject parcel.

The EVOS Restoration Office will confirm and certify that all documentation is complete prior to requesting the Department of Law and the Department of Justice submit a request for the release of funds from the Court. Typically a title company will assist in closing the transaction. Following closing and recordation of documents, state and federal agencies will follow appropriate procedures to incorporate acquisitions into existing land management systems.

Exxon Valdez Oil Spill Trustee Council Small Parcel Process



**Exxon Valdez Oil Spill Trustee Council
Small Parcel Program
Parcel Nomination Form**

Part 1: Landowner Information

Landowner:	
Address:	
Phone:	
Email:	
Co-owner:	
Contact Information:	
Other contacts/agent:	
Contact Information:	
Subsurface owner:	

Part 2: Parcel Information

Legal Description of Property:

Approximate acreage of parcel:

General Description of Property:

Is your property located within or adjacent to a State or Federal Park ☐, Refuge ☐ or National Forest ☐ or other public land unit ☐?

If so, which?

Please describe any improvements or development on the parcel.

Are there any hazardous materials on the property such as waste oil, mine tailings, dump, etc? Yes ☐ No ☐ Unknown ☐

If yes, please describe.

Please explain why you are nominating this parcel.

Please provide additional documentation such as surveys, photos, maps, a copy of the deed, etc that you feel would provide additional information regarding your parcel nomination.

Part 3. Threshold Criteria

All sellers MUST be willing sellers.

Is your parcel located within the oil spill area (see attached map)? Yes ☐ No ☐

Are you willing to sell your parcel at fair market value? Yes ☐ No ☐

Are there any injured species or associated services that occur on or are affected by your property? Yes ☐ No ☐

If yes, please describe:

In order to proceed, a sponsoring agency, one that is able and willing to manage the parcel should it be selected for purchase, must be identified.

Sponsoring Agency:

Signature of Proposer: _____ Date: _____

Signature of Landowner: _____ Date: _____

Signature of Co-owner: _____ - Date: _____

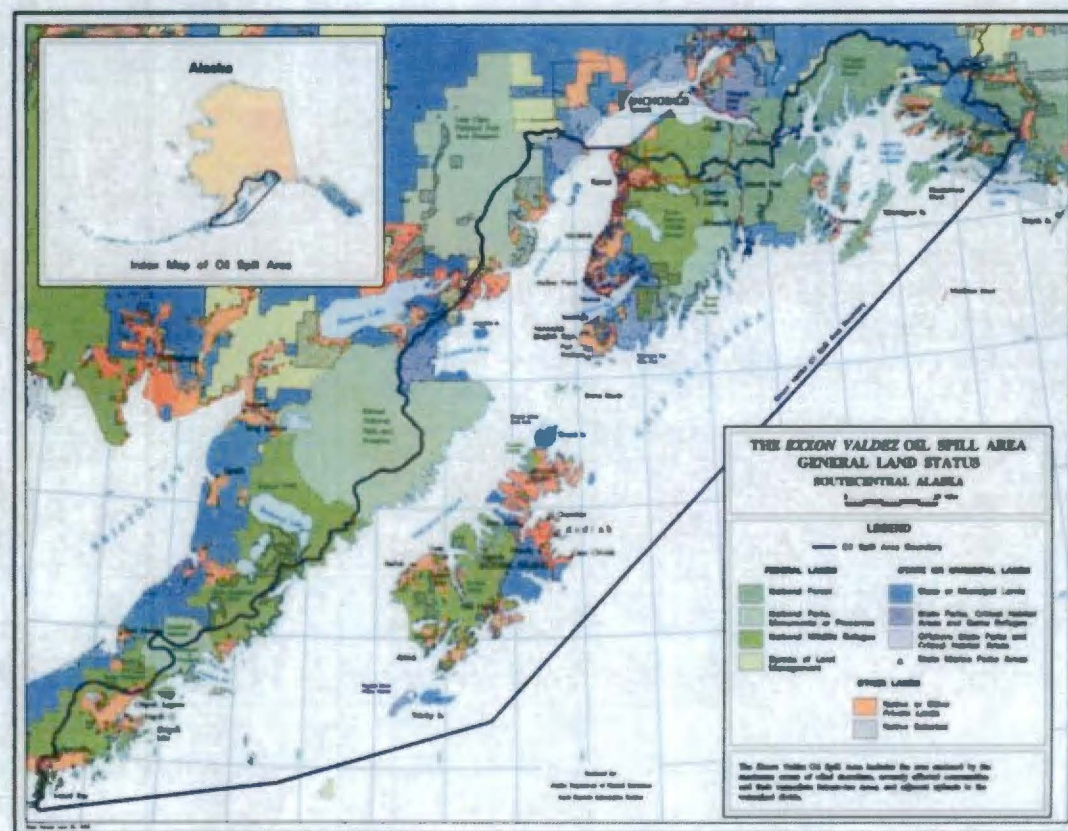
Signature of Sponsoring Agency: _____

Name: _____ Title: _____

NOTE: A nomination does not bind you to sell your land, nor does it bind the Trustee Council to purchase your land. Each parcel should be presented on a separate nomination form.

Please submit nomination forms to both the sponsoring agency and the Exxon Valdez Oil Spill Trustee Council 550 W. 5th Ave., Suite 500, Anchorage, AK 99501.

Map of Spill Affected Area:



Injured resources and associated services*

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Not Recovering	Recovery Unknown	Recovering
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Associated injured services:

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Recreation
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Passive Uses
Subsistence

*As outlined in the injured resources and services list, 2002 (amended 2003)

Small Parcel Program Sponsoring Agencies:

Chief of Realty
US Fish & Wildlife Service
1011 East Tudor Road
Anchorage, AK 99503
907-786-3463

EVOSTC Liaison
AK Dept of Natural Resources
Commissioner's Office
550 West 7th Ave., Ste 1400
Anchorage, AK 99501
907-269-8425

Chief, Division of Realty
US Fish & Wildlife Service
1011 East Tudor Road
Anchorage, AK 99503

EVOSTC Liaison
AK Dept of Fish & Game
333 Raspberry Rd.
Anchorage, AK 99518
907-267-2277

EVOSTC Liaison
Chugach National Forest
3301 C Street, Suite 300
Anchorage, AK 99503
907-743-9521

Lands Specialist
US Forest Service
3301 C St., Ste. 300
Anchorage, AK 99503
907-743-9521

Lands and Realty Chief
Bureau of Land Management
222 West 7th Ave., #13
Anchorage, AK 99513
907-271-3231

Small Parcel Acquisition Program Working Group

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