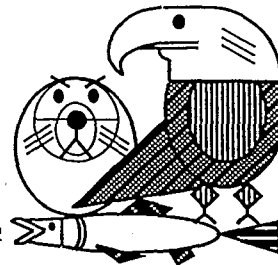


Exxon Valdez Oil Spill Trustee Council

Restoration Office


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Phone: (907) 278-8012 Fax: (907) 276-7178



MEMORANDUM

TO: Trustee Council

FROM: Molly McCammon, Executive Director 

DATE: February 10, 1995

SUBJ: Small Parcel Program — Draft Resolution

The purpose of this memorandum is to propose a process for further implementation of the small parcel acquisition program. A draft resolution in support of the proposed process is provided as an attachment.

Background

On February 13, 1995, a presentation will be made regarding the results of the *Comprehensive Habitat Protection Process: Small Parcel Evaluation & Ranking, Volume III*. This evaluation included the review of 242 small parcel nominations. As a result of the parcel evaluation and ranking process, 117 parcels were determined to meet the threshold criteria and were subjected to more detailed review. As a result of that review, 14 parcels have been identified as having "high" or "moderate" value to the restoration of injured resources and/or services.

Proposed Process for Implementation

As reflected in the attached draft resolution, we propose that the small parcel protection and acquisition program proceed in the following manner:

- The Executive Director will provide overall management of the small parcel protection and acquisition process including preliminary negotiations, appraisals (as needed to provide additional information and consistent with the standardized process), and further evaluation of small parcels ranked "high" or "moderate" in the *Comprehensive Habitat Protection Process: Small Parcel Evaluation & Ranking, Volume III* (February 13, 1995).

- At the direction of the Trustee Council, the Executive Director will also authorize preliminary negotiations, appraisals and further evaluation of parcels that meet the threshold criteria and have been identified by the Trustee Council as otherwise having unique or outstanding restoration value for injured natural resources or services.
- As a second phase of the Small Parcel Protection Process (Phase II), natural resource agencies and the public may nominate additional parcels for evaluation/ranking by a multi-agency small parcel review team. In this supplementary process, any new parcel must be sponsored by an appropriate federal or state agency. The Executive Director will promptly notify the public of the Phase II process.
- As new parcels are nominated and evaluated under the Phase II process, the Executive Director may authorize appropriate agencies to start preliminary negotiations, including appraisals as deemed appropriate, with the landowners of parcels that meet threshold criteria and are ranked "high" or "moderate," or are identified by the Council as otherwise having unique or outstanding restoration value for injured natural resources or services.
- Negotiations will be conducted by the federal and/or state agencies for the purpose of providing the Trustee Council with proposed terms and conditions for acquisition of a parcel, or portion of a parcel. Agreement to proposed terms and conditions are reserved to the Trustee Council. No promises or representations to the landowners to the contrary shall be made. The Trustee Council will provide funding to lead agencies to conduct needed appraisals. (Funding for appraisals in the amount of \$80,000 has been provided within the USFS budget for Project 95126.)
- The Executive Director will provide for public review of the *Comprehensive Habitat Protection Process: Small Parcel Evaluation & Ranking, Volume III*, as well as other parcels considered through Phase II of the small parcel program.
- By June 15, 1995, the Executive Director will provide the Trustee Council with an initial recommendation regarding those small parcels that should be protected using settlement funds.

Draft Resolution

Attached you will find a draft resolution in support of the process described above.

attachment

DRAFT

2/10/95

Resolution of the
Exxon Valdez Oil Spill Trustee Council

SMALL PARCEL PROTECTION AND ACQUISITION PROGRAM

The *Exxon Valdez* Oil Spill Trustee Council unanimously agrees that:

1. Small parcel protection and acquisition should be continued as an integral part of the overall Habitat Protection and Acquisition Program.
2. The Executive Director shall provide overall management of the small parcel protection and acquisition program including preliminary negotiations, appraisals (as needed to provide additional information and consistent with the standardized process), and further evaluation of small parcels ranked "high" or "moderate" in the *Comprehensive Habitat Protection Process: Small Parcel Evaluation & Ranking, Volume III* (February 13, 1995). At the direction of the Trustee Council, the Executive Director shall also authorize preliminary negotiations, appraisals and further evaluation of parcels that meet the threshold criteria and have been identified by the Trustee Council as otherwise having unique or outstanding restoration value for injured natural resources or services.
3. As a second phase of the Small Parcel Protection Process (Phase II), agencies and the public may nominate additional parcels for evaluation and ranking by a multi-agency small parcel review team, consistent with the procedures used in the Phase I analysis. This review shall be coordinated by the Executive Director. Parcels nominated in this supplementary process must receive agency sponsorship. The Executive Director shall promptly notify the public of the Phase II process.
4. As new parcels are nominated and evaluated under the Phase II process, the Executive Director may authorize appropriate agencies to start preliminary negotiations, including appraisals as deemed appropriate, with the landowners of parcels that meet threshold criteria and are ranked "high" or "moderate," or are identified by the Council as otherwise having unique or outstanding restoration value for injured natural resources or services.
5. Negotiations shall be conducted by the federal and/or state agencies for the purpose of providing the Trustee Council with proposed terms and conditions for acquisition of a parcel, or portion of a parcel. Agreement to terms and conditions of a negotiation are reserved to the Trustee Council and no promises or representations to the landowners to the contrary shall be made.

6. The Executive Director shall provide for public review, including review by the Public Advisory Group, of the *Comprehensive Habitat Protection Process: Small Parcel Evaluation & Ranking, Volume III* as well as other parcels that may be evaluated under Phase II of the small parcel process.
7. By June 15, 1995, the Executive Director is directed to provide the Trustee Council with an initial recommendation regarding those small parcels that should be protected using joint settlement funds. The Executive Director's recommendation regarding these parcels shall:
 - include analysis of the restoration benefits resulting from protection of the parcels;
 - take into account the terms and conditions of the landowner;
 - reflect consideration of public comment received regarding the parcels;
 - address the management strategy proposed for the parcels; and
 - include any additional information that may be pertinent to the Trustee Council's decision to proceed with acquisition of the parcels, including the availability of joint settlement funds for this restoration purpose and the availability of other funding sources.

Adopted this day, February 13, 1995:

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

Gene Burden, Commissioner
Alaska Department of
Environmental Conservation

Steve Pennoyer, Director
Alaska Region
National Marine Fisheries Service

Frank Rue, Acting Commissioner
Alaska Department of Fish & Game