

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL ADMINISTRATIVE RECORD

VOLUME I

COVER WORKSHEET FOR 1993 IDEA SUBMISSIONS Checked for Completeness √ID stamped/Input completed ✓Affiliation √Costs Category HABITAT WORKING GROUP Lead Agency Cooperating Agency (ies) Y Passed initial screening criteria PROTECTION Rank Within Categories RANKING H M L H L Rank Overall

Project Number - if assigned _____

1993 PROJECT SCORING SHEET

Critical Factors

Potential projects must meet all of the following to be considered further. Check the blank for "yes", "no", or "unknown".

YES NO	UNK	MOM	VN
	_/	1.	Linkage to resources and/or services injured by the Exxon Valdez oil spill.
<u> </u>		2.	Technical feasibility.*
<u>i/</u>		3.	Consistency with applicable Federal and State laws and policies.*

Comments:

See letter & supert from tradian Island Borough in Commete Pile. # 9206/15279

^{*} Restoration Framework, 1992, pp 43-44.

EXXON LLDEZ OIL SPILL TRUSTEE (NCIL

FORMAT FOR IDEAS FOR RESTORATION PROTECTS。 皇皇皇皇

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Title of Project:		200/5	*\ co	చే	ä	
WEIR/CONSERVATION LAND ACQUISITION		9 %				
Justification: (Link to Injured Resource or S	Service)		المراود الأنابة والكالية			
Salmon systems on Kodiak Island were	•	escapem	ent in	1989	do	to
Exxon Valdez oil spill. Description of Project: (e.g. goal(s), object		•				
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In 1989, nearly the entire Kodiak Hanagement Area Valder oil spill. Escapement objectives were exceed in at least one major sockeye system, Red Lake, a Kodiak salmon systems are managed for escapement populations should not be as adversely impacted. ability to effectively regulate escapement. To mit be made to insure that Kodiak salmon resources and Specially, we propose that funds be made available ensuring ecosystem protection, rehabilitation, and resources especially for sockeye salmon. The Department of Fish and Game has been unable typically the lease agreements are negotiated once prices have been accelerating well beyond normal budgets and lease renewal options, make it important for Native lands to be purchased over a three year.	nd the damage may have a bro cand not a fixed exploitation. This is contingent on the igate resource damage, we propre managed to maintain health to purchase Native lands. The nd continuation of the most to obtain long term lease e every three years with no inflation levels. This, con	ems. Damag ad ecologi ion level, Department cose that a hy and pro- e lands are valuable arrangement provision upled with	e has like cal impac non-marin t-of Fish long term ductive p eas are es Kodiak a ts for th for renew the unce	ely occur. Become wild and Ga invest opulati sential mese la al. L artainty	irred cause life me's ment ons. for lmon	

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Estimated Duration of Project: 1994 -	1996					
			*			
Estimated Cost per Year: \$1,000,000 t	60 \$600,000					
Other Comments: This proposal addre	sses Options 2, 7, 1	1, and 2	4 in th	he		
Exxon Valdez Oil Spill Restoration F	ramework, Volume I.					
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Name, Address, Telephone:						
Lorne White		•				
AK Dept. of Fish & Game/FRED Div.	Oil spill restoration is a	-				
211 Mission Rd. Kodiak, AK 99615	and suggestions will no will not be given any ex			-		
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EXXO VALDEZ OIL SPILL TRUSTEE COUNCIL 29'168	92 <i>061529</i> 7
FORMAT FOR PUBLIC IDEAS FOR RESTORATION PROJECTS	D A-92 WPWG
Title of Project: WEIR/CONSERVATION LAND ACQUISITION	B - 93 WPWG C - RPWG
Justification: (Link to Injured Resource or Service) Salmon systems on Kodiak Island were damaged due to overescapement in 1989 to Exxon Valdez oil spill.	D - PAG D e - MISC.

Description of Project: (e.g. goal(s), objectives, location, rationale, and technical approach)

In 1989, nearly the entire Kodiak Management Area was closed to commercial salmon fishing due to the Exxon Valdez oil spill. Escapement objectives were exceeded in nearly all salmon systems. Damage has likely occurred in at least one major sockeye system, Red Lake, and the damage may have a broad ecological impact. Because Kodiak salmon systems are managed for escapement and not a fixed exploitation level, non-marine wildlife populations should not be as adversely impacted. This is contingent on the Department of Fish and Game's ability to effectively regulate escapement. To mitigate resource damage, we propose that a long term investment be made to ensure that Kodiak salmon resources are managed to maintain healthy and productive populations. Specifically, we propose that funds be made available to purchase native lands. The lands areas are essential for ensuring ecosystem protection, rehabilitation, and continuation of the most valuable Kodiak area salmon resources, especially for sockeye salmon.

The Department of Fish and Game has been unable to obtain long term lease arrangements for these lands; typically the lease agreements are negotiated once every three years with no provision for renewal. Lease prices have been accelerating well beyond normal inflation levels. This, coupled with the uncertainty of budgets and lease renewal options, make it important to effect purchase agreements soon. Our proposals call for native lands to be purchased over a three-year period starting in 1992.

Estimated Duration of Project: 1994-1996

Estimated Cost per Year: \$1,100,000

Other Comments:

Name, Address, Telephone

Lorne White AK Dept of Fish & Game FRED Division 211 Mission Road Kodiak AK 99615 Because the Oil Spill Restoration is a public process, your ideas and suggestions will not be proprietary, and you will not be given any exclusive right or privilege to them.

Project Number - if assigned _____

1002 PROJECT SCORING SHEET

Critical Factors

Potential projects must meet all of the following to be considered further. Check the blank for "yes", "no", or "unknown".

YES NO UNKNOWN

<u> </u>		1. Linkage to resources and/or services injured by the Exxon Valdez oil spill.
	MANAGEMENT	2. Technical feasibility.*
	•	3. Consistency with applicable Federal and State laws and policies.*

Comments:

Restoration Framework, 1992, pp 43-44.

Exxon Valdez Trustee Council 645 "G" Street Anchorage, Alaska 99501

June 15, 1992

To the Trustees:

One "restoration" project that would provide a very long term benefit to Prince William Sound and the future of the fishery resources would be to purchase the Olsen Bay watershed and have the Forest Service maintain this area as a RESEARCH NATURAL AREA. The Olsen Bay watershed would provide a baseline or "barometer" that would allow evaluation of future catastrophes, e.g. oil spills and earthquakes.

More than 20 years (1958-1979) of pioneering research was accomplished by the National Marine Fisheries Service (formerly the Bureau of Commercial Fisheries, Fish and Wildlife Service, U.S. Department of the Interior) at Olsen Bay. This research included major contributions to knowledge on: the success of intertidal spawning pink and chum salmon, ecological descriptions of the intertidal spawning environment, influence of marine and freshwater factors on the age and size-at-maturity and survival of chum salmon, effects of land changes caused by the Great Alaska Earthquake of 1964 on survival of pink and chum salmon, consequences of black bear predation on pink and chum salmon, description of new species of aquatic oligochaete, et al.

Because of the excellent pre- and post- earthquake descriptions of intertidal invertebrates made the National Marine Fisheries Service (NMFS) at Olsen Bay, they still monitor invertebrates in the bay several times a year for hydrocarbon baseline studies. Of course, these studies have proven highly useful for evaluation of the Exxon Valdez oil spill.

The direction of research by the National Marine Fisheries Service has changed since the late 1970's when they made efforts to retain the Olsen Bay Field Station from land claim settlement. However, that does not preclude the value of the Olsen Bay watershed as an index or baseline area. I strongly believe that the options to renew research activities at Olsen Bay Field Station should remain open. The baseline of research information at Olsen Bay is too valuable to allow the area to be opened to noncompatible developments.

I feel that the best interests of the Olsen Bay watershed would be maintained if the area remained in the ownership of the U.S. Forest Service and managed as a research natural area. This agency is in the land management business and is very aware of the potential of Olsen Bay for research purposes.

I personally worked at Olsen Bay from 1958 to 1979 and am still working on some scientific papers based on Olsen Bay data. If the Olsen Bay watershed was clear-cut logged it would have no

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A - 92 WPWG

B - 93 WPWG

C - RPWG

D - PAG

value as a baseline or "barometer" watershed for Prince William Sound.

Sincerely Juneau, Alaska 99801

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Q	C - RFWG
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Some Publications and Theses based in whole on impart nesearch accomplished at Olsen Bay since 1957

- Helle, J. H. 1960. Characteristics and structure of early and late spawning runs of chum salmon, in streams of Prince William Sound. MS Thesis, University of Idaho, Moscow.
- Conkle, C. 1961. Temporal and spatial relationships of spawning pink salmon in a Prince William Sound stream. Proceedings of the Twelfth Alaskan Science Conference, College, Alaska.
- Kirkwood, J. 1962. Inshore marine and freshwater life history phases of the pink salmon and the chum salmon in Prince William Sound, Alaska. Doctoral Dissertation, University of Louisville.
- Helle, J. H., R. Williamson, and J. Bailey. 1964. Intertidal ecology and life history of pink salmon at Olsen Creek, Prince William Sound, Alaska. U.S. FWS, Special Scientific Report 483.
- Thorsteinson, F. 1965. Effects of the Alaska earthquake on pink and chum salmon runs in Prince William Sound. Proceedings of the Fifteenth Alaskan Science Conference, College, Alaska.
- Moyle, P. 1966. Feeding behavior of the glaucous-winged gull on an Alaskan salmon stream. The Wilson Bulletin 78(2):175-190.
- Helle, J. H. 1966. Behavior of displaced adult pink salmon.
 Transactions of the American Fisheries Society 95:188-195.
- Idyll, C. P. 1968. The incredible salmon. National Geographic 134(2):195-219.
- Helle, J. H. 1970. Biological characteristics of intertidal and freshwater spawning pink salmon at Olsen Creek, Prince William Sound, Alaska. U.S. FWS, Special Scientific Report 602.
- Thorsteinson, F., J. Helle, and D. Birkholz. 1971. Salmon survival in intertidal zones of Prince William Sound streams in uplifted and subsided areas. National Academy of Sciences. Publication on the Great Alaska Earthquake of 1964, Biology Section.
- Hubbard, J. 1971. Distribution and abundance of intertidal invertebrates at Olsen Bay in Prince William Sound, Alaska. National Academy of Sciences, Publication on the Great Alaska Earthquake of 1964, Biology Section.

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- Frame, G. 1974. Black bear predation on salmon at Olsen Creek, Alaska. Zeitschrift Fuer Tierpsychologie 35:23-38.
- Helle, J. H. 1976. Genetic considerations for salmonid aquaculture: Biological uncertainties. Symposium on Salmon Aquaculture and Alaskan Fishing Community, University of Alaska Sea Grant Publication, Rep. 76-2.
- Paul, A. J., J. M. Paul, and H. M. Feder. 1976. Recruitment and growth in the bivalve *Protothaca staminea*, at Olsen Bay, Prince William Sound, ten years after the 1964 earthquake. The Veliger 18(4):385-392.
- Helle, J. H. 1979. Influence of marine environment on age and size at maturity, growth, and abundance of chum salmon from Olsen Creek, Prince William Sound, Alaska. Ph.D. Thesis, Oregon State University. 118 p.
- Helle, J. H. 1981. Significance of the stock concept in artificial propagation of salmonids in Alaska. Can. Jour. Fish and Aquatic Sci. 38(12):1665-71.
- Helle, J. H. 1989. Relation between size-at-maturity and survival of progeny in chum salmon. Journal of Fish Biology 35(Supplement A):99-107.

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93 PROJECT SCORING SHEET

Critical Factors

Potential projects must meet all of the following to be considered further. Check the blank for "yes", "no", or "unknown".

YES NO UNKNOWN

 	1. Linkage to resources and/or services injured by the Exxon Valdez oil spill.
 Westerna	2. Technical feasibility.*
 **************************************	3. Consistency with applicable Federal and State laws and policies.*

Comments:

^{*} Restoration Framework, 1992, pp 43-44.

AFOGNAK NATIVE CORPORATION 214 W. REZANOF, P.O. Box 1277 KODIAK, ALASKA 99615

Telephone (907) 486-6014 Facsimile (907) 486-2514

Document 1D Number 920622329

E-MISC.

Exxon Valdez Trustee Council

FAX NUMBER: (907) 276-7178

TO:

Dave R. Gibbons, Ph.D.

Interim Administrative Director

FROM:

Afognak Native Corp.

James E. Carmichael

Selection pour

Time:

Date: June 15, 19

SUBJECT:

Response to be submitted by June 15th to solicitation for

proposals for restoration projects.

MESSAGE:

Letter and proposed habitat acquisition project is attached.

NUMBER OF PAGES (INCLUDING COVER LETTER):

ORIGINAL DOCUMENT TO BE MAILED: YES

IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CONTACT US AT THE TELEPHONE NUMBER ABOVE AS SOON AS POSSIBLE. This facsimile is being transmitted from AT&T 4525D fax machine

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Afognak Joint Venture

214 Rezanof West Kodiak, Alaska 99615 (907) 486-6014 FAX (907) 486-2514

	cument ID Number 20622324
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June 15, 1992

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C - RPWG

Exxon Valdez Trustee Council c/o Exxon Valdez Oil Spill Restoration Team 645 G. Street Anchorage, AK 99501

Attn: Dave R. Gibbons, Ph.D.

Interim Administrative Director

Dear Dr. Gibbons:

Pursuant to your solicitation made in May on behalf of the Exxon Valdez Trustee Council soliciting ideas by June 15th for restoration projects we are proposing the habitat acquisition project, an outline of which is enclosed, for lands on Afognak Island. We look forward to working with Oil Spill Restoration Team and the Trustee Council.

Sincerely yours

Howard W. Walley

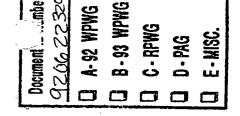
Chairman

Tames E. Carmichael

Manager

enclosure

cc: Koniag, Inc.



TITLE OF PROJECT:

Acquisition of equivalent resources and services on Afognak Island.

JUSTIFICATION:

Since there are limits to restoring the damaged habitat, the best use of the funds is to acquire similar habitat in the spill zone would otherwise be developed and prevent additional environmental degradation from occurring. These environmental effects might have nothing to do with oil development or transportation. While most of the spill damage occurred to marine shoreline habitat, adjacent forested uplands are often extremely important to the wildlife species "injured" by the spill and more likely to be altered by future timber development. Moreover, the best habitat to protect is likely that which was LEAST damaged by the spill or LEAST in danger from a future spill. That is the richest, healthiest habitat which can provide a secure environment for the species "injured" in the spill.

Afognak Island, while little known, could be the choicest habitat available to the Trustees. Afognak Island, formerly national forest land, is within the spill zone but was not damaged as severely as Prince William Sound sites. It is richly forested and provides productive habitat for many of the wildlife species "injured" by the spill. Much of the island is likely to be logged in the next few years unless acquired. Significant, ecologically important tracts of land are available for sale from a willing, cooperative seller contiguous to or nearby existing federal and state managed areas. Few, if any, areas in the spill zone combine such natural and pragmatic assets.

DESCRIPTION OF PROJECT:

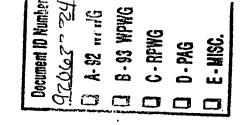
Afognak Joint Venture owns approximately 180,000 acres on Afognak Island, about one-third of the land on the island.

AJV would consider sale of any lands of interest to the Trustees. But, in particular, 125,000 acres of AJV holdings is offered for sale in two parcels, both contiguous to the federally managed Red Peaks Unit of Kodiak National Wildlife Refuge--

- --41,850 acres along the northern portion of the island, immediately east of the Kodiak National Wildlife Refuge parcel.
- --83,150 acres extending southwest of Kodiak NWR.

The US Fish and Wildlife Service is currently studying the AJV lands for wildlife resources related to the priorities that the Trustees might consider in determining land acquisition.

Afognak Joint Venture Project June 15, 1992 Page 2



Moreover, the Alaska State Legislature has approved legislation authorizing and directing the Department of Natural Resources to spend \$7 million of the \$50 million state criminal settlement on acquisition of lands in the vicinity of Pauls and Malina Lakes on Afognak Island. Using Kachemak appraisals as a tentative guideline, about 7,200 acres would be acquired. The two discrete parcels authorized by the legislature could stand on their own as desirable and manageable state lands. Preferably, they would anchor a larger state acquisition package following consideration by the Trustees.

Because the land mass is so large, we suggest an approach to acquisition coordinated between state and federal agencies. For example, building on the recommendation of the legislature, the state might consider the Laura Lake (11,455 acres) area in the northeast and the Malina Lakes area (27,400 acres) in the southwest. Each is near other state lands managed for wildlife and recreation.

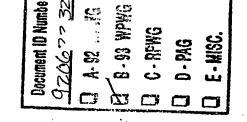
At the same time, the federal government might concentrate on those areas immediately adjacent to the existing Red Peaks Unit of the Kodiak NWR and those AJV owned islands within the boundaries of the Alaska Maritime NWR. Such an approach would incorporate Delphin and Discover Islands (AMNWR units where AJV owns timber rights), Murphy, Hogg, Teck, and Bear Islands within the AMNWR and the Paramanof Peninsula and Bluefox Bay, Redfox Bay, Waterfall Lakes and Delphin Peninsula units within the Kodiak NWR.

There has not been an appraisal of all of these lands. AJV is willing to work within an appraisal framework similar to that developed for the Kachemak Bay parcel. AJV is also willing to discuss deferring development on specific parcels for specific time periods if acquisition proceeds in stages.

AJV would consider a project where an appraisal proceeds as the federal state and trustees continue the resource studies of the island. Following an agreement on an appraisal, AJV and the Trustee staff would negotiate a staged acquisition schedule for federal and state parcels. With an agreement on acquisition in place, AJV could agree to withhold development on those lands while proceeding with logging and other development on those lands not contained in the agreement.

AJV proposes simple sale of lands, not development rights. If we are unable to sell most of the lands, we want to see sales of relatively compact parcels so we are not left with discontiguous tracts, lands encumbered by easements or holdings otherwise made difficult to develop.

Afognak Joint Venture Project June 15, 1992 Page 3



Second, we are interested in selling a mix of timbered and non-timbered lands. To give up ownership of land, we must demonstrate to our partners that we are receiving a fair price and that the sale of the lands is an attractive alternative to timber development. We will not engage in a series of sales which leaves us holding lands with no revenue potential and no hope of further sales.

Acquisition of the AJV lands has been endorsed by fishing interests, conservationists, and the Kodiak city and borough governments. AJV believes that the lands on Afognak Island offer a unique opportunity to the Trustees to return an area originally protected by the federal government in 1892 to public ownership while protecting resources and services which fully qualify under the terms of the Exxon Valdez agreement in an orderly, manageable way.

DURATION OF PROJECT:

AJV would expect an acquisition agreement to extend for a decade, the life of receipt of civil penalties by the Trustees. We would anticipate the agreement to provide for a schedule of acquisitions of approximately equal value throughout the decade.

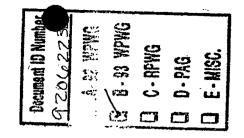
ESTIMATED COST PER YEAR:

It is impossible to specify cost prior to an appraisal. Moreover, the cost of the appraisal process would have to be included in the overall cost to the Trustees.

We would estimate appraisal, administrative and overhead costs at \$100,000 for the first year.

The ratio of timbered to non-timbered land on the AJV holdings is similar to that held by Seldovia Native Corporation in Kachemak Bay State Park. That was appraised at over \$900 per acre. If one assumes that the appraisal process produces a similar figure on Afognak, the 125,000 acres of contiguous AJV holdings would be appraised at a present value over \$112.5 million. (This does not include acquisition undertaken by the state and federal governments from criminal settlement monies.) An acquisition agreement could schedule purchases in stages over the decade. The acquisitions can be structured so that the amount paid in each year is the same, should the Trustees wish. Of course, a smaller acquisition plan would result in lower costs.

Afognak Joint Venture Project June 15, 1992 Page 4



OTHER COMMENTS:

Lands belonging to the Afognak Joint Venture are legally unusual. They do not constitute original village or regional selections under ANCSA. Instead, they are a result of land exchanges with the federal government for surface and subsurface holdings on the Alaska Peninsula. As such, they were selected solely for development.

Section 1427 of ANILCA, the provision of the act which ratified the original exchange also created the unique joint venture. Because some of the lands exchanged from the Peninsula were subsurface lands granted to Koniag, Inc. and Koniag remains a partner in the joint venture, approximately 14% of any receipts from sale of AJV timberlands would be considered subject to Section 7(i) of ANCSA and would thus be shared with all other Alaska Native corporations.

It is the intention of both major partners in AJV--Koniag and Afognak Native Corporation--to establish special permanent fund accounts with net revenues from sale of AJV lands. This will enable both partners to use the proceeds from the sale to diversify their investments and provide long term income to their shareholders without raiding the principal. In that way, the permanence of land will be replaced with permanent capital. It also means that investments will recirculate in the economy and provide long term dividends to Alaskans.

Tituent HOWARD W

D W. YALLEY, CHAIRMAN

JAMES E. CARMICHAEL, MANAGER

AFOGNAK JOINT VENTURE

P.O. Box 1277 214 West Rezanof

Kodiak, AK 99615

Telephone: 907-486-6014 Facsimile: 907-486-2514



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Attn: Dave R. Biggons, Ph.D. EXXON VALDEZ TRUSTEE COUNCIL CO EXXON VALDEZ OIL SPILL RESTORATION TEAM 645 G. Street Anchorage, AK 99501

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	COVER WORKSHEET FOR 1993 IDEA SUBMISSIONS	
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RANKING	H M L Rank Within Categories .	
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	Project Number - if assigned	

FOR IDEAS FOR RESTORAT FORM

B-93 WPWG

920615288

Title of Project:

Kodiak Wildlife Habitat Conservation and Acquisition

Coastal area inholdings Justification: (Link to Injured Resource or Service) and non-Nutive) inside the the of the Kodiak National Wildlife Refuge would be acquired di

Description of Project: (e.g. goal(s), objectives, location, rationale, and technical approach)

The goals and objectives of this project include: (i) Providing public access to lands (principally Native inholdings) which are now closed to such access; (2) Protecting the long-range visibility of the rural Alaskan way of life, including opportunities for subsistence; (3) Consolidating and enhancing the management of the Kodisk National Wildlife Refuge by the U.S. Fish and Wildlife Service as well as the management of fish and game by the State of Alaska through fully and finally resolving the land ownership and use issues which presently exist within the refuge; (4) Generating income for Alaska Native communities within the refuge boundaries from their own assets—their lands; (5) Conserving in perpetuity the lends in their pristing state as brown bear, other wildlife, and fish habitet; (6) Consummeting the underlying congressional purpose of the Alaska Native Claims Settlement Act (ANCSA) to provide Alaska Native corporations the meaningful opponunity for economic self-sufficiency as an integral part of the sentement of aboriginal claims; (7) Stimulating an increase in tourism for the benefit of both the non-Native and Native communities in Alaska in general and In the Kodiak archipelago in particular, and (8) Providing for greater economic development opportunities on lands retained in fee by Native corporations.

The location of the lands involved is along the western, southern and eastern coastine of the Kodiak National Wildlife Retuga.

The retionals for this project includes, but is not limited to, (1) that the lands, waters, fish and wildlife and people of the Archipelago and the surrounding region were affected by the Exxon Vaidez Oil Spill and (2) that acquisition of Kodiak brown bear, migratory bird, bald eagle, salmen, and other fish and wildlife habitat areas, as well as archeological sites and artifacts, of the refuge represent appropriate replacement of Natural Resources . . . or archeological sites and artifacts injured, lost, or destroyed as a result of the Oil Spill, or the acquisition of equivalent resources *

Estimated Duration of Project: Ten Year	5
Estimated Cost per Year: \$5 million	per year for ten years.
Other Comments: **seller basis as	a "acquisition of equivalent resources
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Name, Address, Telephones Emil Christiansen, President	
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Exxon Valder Trustee Council 645 G St. Anchorage, Alaska 99501

Ann: 1993 Work Plan

SEATTLE DEFICE:

JAMIN, EBELL, BOLGER & GENIRY

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
323 CAROLYN STREET
BOOLAK, ALASKA RROLK

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C. WALTER EBELL 300 MUTUAL L FE BUILT NO . M. BOLGER BOS FIRST-AVEN. KODIAK, ALASKA 99615 INA R. GENTHY I L. SCHMITT Dooumen to Number 2. FACSIMILE: (807) 486-61/2 TER W. MASON DUNCAN S. FIELDS TELEPHONE: 1907: 486-6024 MICHAEL ARAUJO 720615288 REPLY TO KODIAK OFFICE PADMITTED TO ALABAS AND WASHINGTON BARS ALL OTHERS ADMITTED TO ALASAA RAN B-93 WPWG DATE: C-RFWG TIME: D - PAG CHARGE TO: E-HISC. TRANSMITTED TO TELECOPY NO.: AUTO DIAL CODE: ATTENTION: FIRM: FROM: GENTRY, JAMIN, EBELL, BOLGER & P.C. Attorneys at Law TOTAL PAGES TRANSMITTED, INCLUDING THIS COVER SHEET: This transmission is intended for the sole use of the individual and entity to whom it is addressed, and Rey contain information that is privileged, confidential, and except from disclosure under applicable law. You are hereby notified that any dissemination, distribution, or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited. If your receipt of this transmission is in error, please notify this firm immediately by collect call to (907) 486-6024, and send the original transmission to us by return mail at the above address. REMARKS: We are transmitting to you from Telecopy Number: (907) 486-

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	COVER WORKSHEET FOR 1993 IDEA SUBMISSIONS
	Checked for Completeness .
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	Pestoration Habital Protection
	Habitat Protection Work Group
	Cooperating Agency(ies)
y (N)	Passed initial screening criteria
TYPE:	PROTECTION
RANKING	H M L Rank Within Categories
	H M L Rank Overáll
	Project Number - if assigned

1993 PROJECT SCORING SHEET

Critical Factors

Potential projects must meet all of the following to be considered further. Check the blank for "yes", "no", or "unknown".

YES NO	UNKI	WN .	
		Linkage to resources and/or services injured by the Exxon Valdez oil	spill.
	All productions in the second	Technical feasibility.*	
		Consistency with applicable Federal and State laws and policies.*	

Comments:

^{*} Restoration Framework, 1992, pp 43-44.

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FORMAT FOR IDEAS FOR RESTORATION PROJECTS

Title of Project:

Purchase of Seldovia Native Association, Timber Trading Company, and Cook Inlet
Region, Inc. Inholdings within Kachemak Bay State Park, Alaska

Justification: (Link to Injured Resource or Service)

Kachemak Bay State Park as well as other south shore localities of Kachemak Bay received slight to moderate oiling from the *Exxon Valdez* oil spill, as did the north shore of Kachemak Bay. Documentation is available through daily reports of the Center for Disaster Assistance in Homer, primarily from May 15, 1989 to June 1, 1989. Injured resources in the Kachemak Bay area as identified by the U.S. Fish and Wildlife Alaska Maritime Wildlife Refuge Office in Homer included Bald Eagles, Common Murres, Pigeon Guillemots, Kittlitz's and Marbled Murrelets, Harlequin Ducks, Common and Yellow-billed Loons, sea otters, land otters, as well as other species.

Several of the above species spend a portion of their life cycles in the uplands of Kachemak Bay State Park, as well as in inholdings currently owned by Seldovia Native Association (SNA) and in timber currently owned by Timber Trading Company (TTC). Eagle nests have been documented for these and surrounding areas by numerous observers including the USFWS. Murrelets congregate in several Kachemak Bay areas including at the mouth of the Wosnesenski River which flows from its headwaters in the Park through SNA and TTC inholdings. Murrelets are considered to nest in SNA and Park uplands. Lakes within SNA/TTC inholdings support loon populations, and land otters utilize the rivers and wetlands on the south shore of Kachemak Bay. Harlequin Ducks breed in similar habitats in the area.

Several anadromous species of fish return to the Wosnesenski and China Poot River systems. CIRI owns subsurface rights in the Wosnesenski River valley. Gravel extraction in this area as well as logging could be harmful to these species.

Description of Project: (e.g. goal(s), objectives, location, rationale, and technical approach)

- 1. The Goal of the project is the completion in 1993 of the purchase of the above-mentioned inholdings by the State of Alaska for reinclusion in Kachemak Bay State Park. Legislative approval for spending almost \$11 million, nearly half of the purchase price, was given in May, 1992. The Governor's signature on the expenditure is pending. This request is for the remaining necessary funding, or for the entire \$22 million in the event that the Governor does not sign the appropriation.
- 2. We request that a Reserve Account for habitat acquisition be set aside for use at the time when the amount necessary for the purchase is better defined.

Estimated Duration or Project:

One time cash payment unless otherwise agreed upon by parties concerned.

Estimated Cost per Year:

Approximately \$11 million, a one time cost, or \$22 million, if the Governor does resign that portion of SB483 that allocates nearly \$11 million toward the abovementioned purchase of inholdings.

Other Comments:

Kachemak Bay State Park received approval in 1971, but portions of it were later allocated to SNA as part of the ANCSA settlement when other nearby land was not approved for transfer.

In 1979, the State and SNA and other entities signed a Memorandum of Understanding that specified that the State and SNA would engage in land trades so that the Park could be reunified and so that SNA might receive other lands of like value. Certain trades were consummated, but in 1987 when most of SNA's land within the Park had not been exchanged, SNA sold timber rights on much of its inholdings to TTC. A series of appraisals were done, and the purchase price of \$22 million was finally arrived at in 1991 after attempts at land and timber trades were abandoned.

TTC indicated that upon receipt of permits they will harvest timber on SNA land in five areas: In the Peterson, China Poot, Neptune and Jakolof Bay areas, and in Sadie Cove. Public reaction to the potential of logging in these sensitive areas which are also within a ADF&G Critical Habitat area was largely negative. In 1992, the legislature passed SB483 which would spend nearly \$11 million to buyback a portion of SNA, TTC, and CIRI's inholdings and reinclude them in Kachemak Bay State Park.

The objective of Kachemak Bay Citizens Coalition is the protection of the injured resources mentioned above as well as the facilitation of the completion of the buyback of these inholdings, the reunification of Kachemak Bay State Park, and the prevention of logging and gravel extraction within the Park.

Name, Address, Telephone:

Anne Wieland Kachemak Bay Citizens Coalition Homer Chapter Box 1395 Homer, AK 99603 235-6919

Enclosures: (2)

Mike Coumbe Kachemak Bay Citizens Coalition Anchorage Chapter Box 240343 Anchorage, AK 99524 277-2444 B - 93 WPWG

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E-MISC.

LOGGING IN

KACHEMAK BAY STATE PARK:

PUBLIC VALUES AT RISK

Executive Summary

Anne Wieland
Kachemak Bay Citizens Coalition
Box 15242 FCB
Homer, AK 99603

February 1991

Document 10 Number 920412244

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E-MISC.



INTRODUCTION

Study of values at risk:

The purpose of this study is to review some of the economic and intrinsic values of the Kachemak Bay State Park area, to educate the reader about what is at stake if the Seldovia Native Association and Timber Trading Company inholdings are not purchased for inclusion in Kachemak Bay State Park. The study was designed to document these values statistically through the use of surveys and research of information from agency and documentary sources. The survey methods employed were the development and distribution of questionnaires.

Study author and funding:

The primary author of the study is Anne Wieland, retired Anchorage School District science teacher and long time resident of Anchorage and Homer. Wieland, a member of the Kachemak Bay Citizens Coalition, works in Homer in the summer as a marine biology counselor and as a sea kayak guide. Assistance with the study was provided by numerous Homer and Anchorage residents. The study was funded by donations from a few individuals. Several specialists served as volunteer editors.

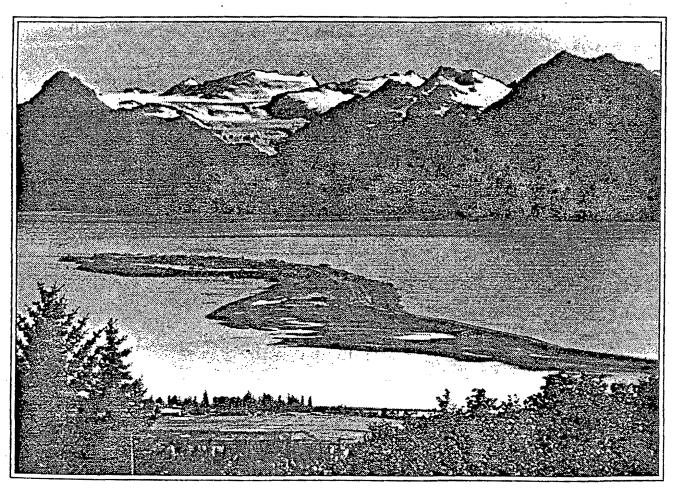


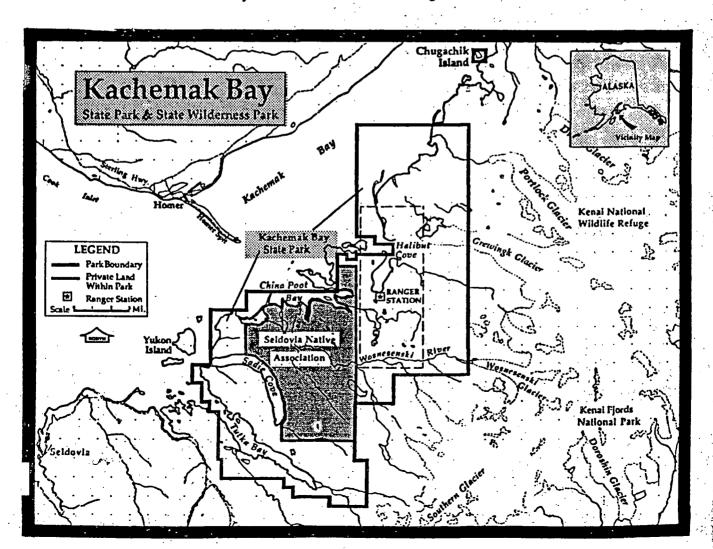
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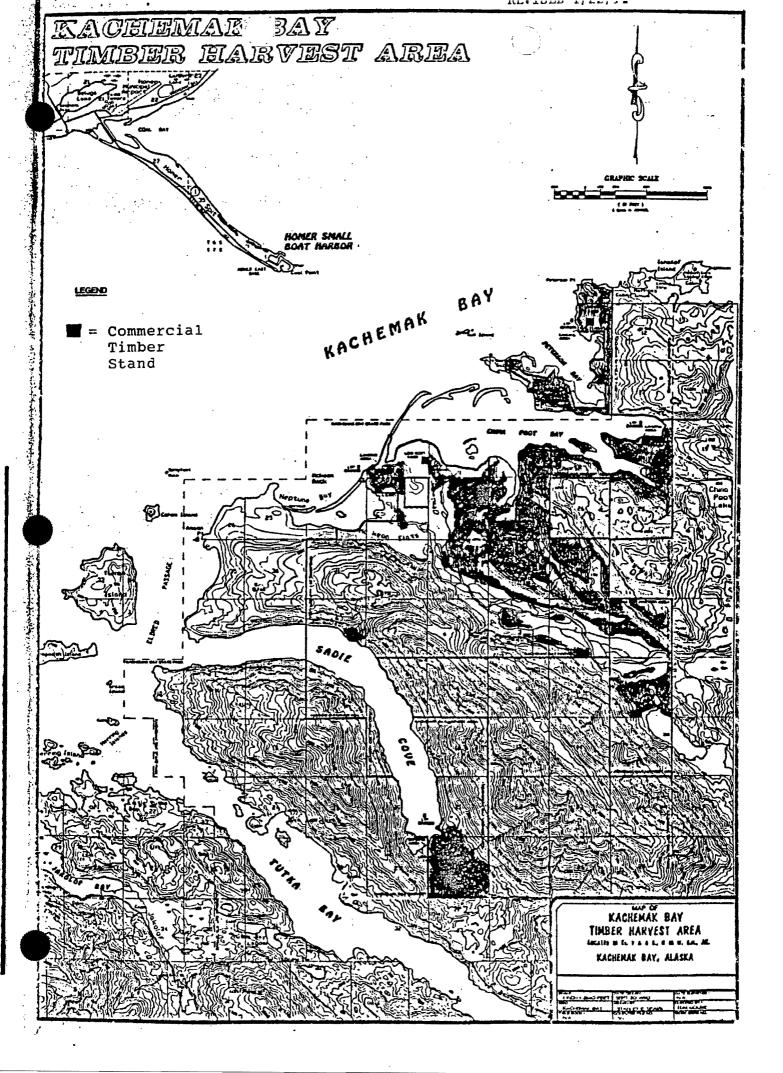
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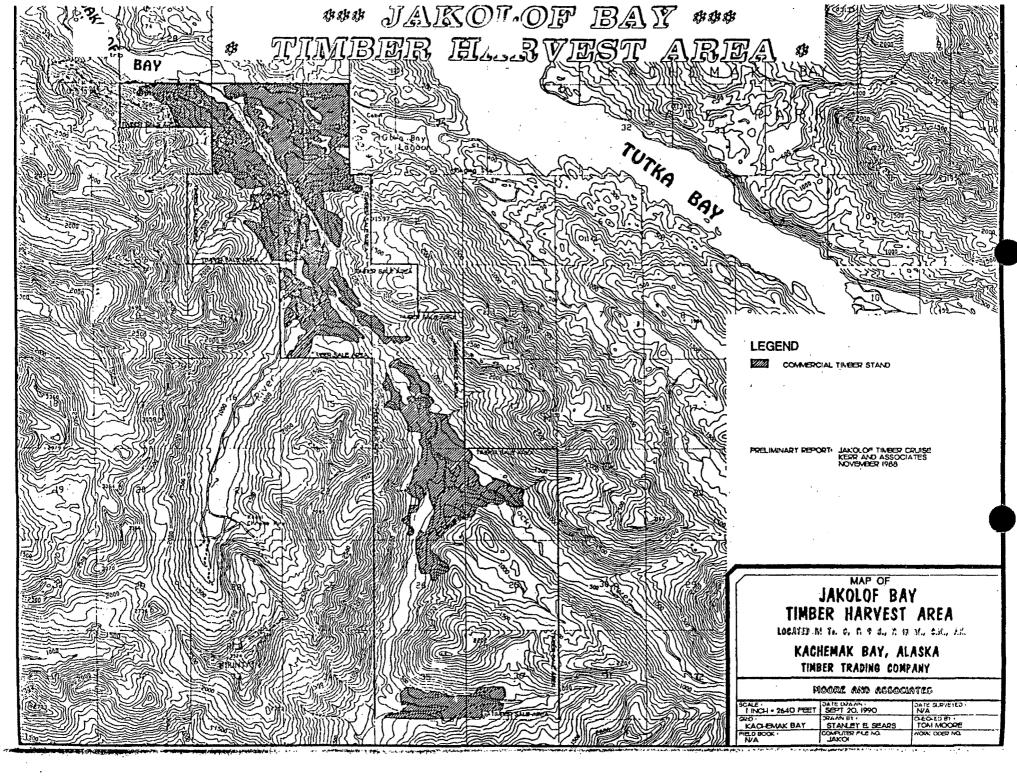
The Alaska Native Claims Settlement Act entitled Seldovia Native Association (SNA) to select 69,000 acres in the Seldovia area. SNA's preferred selections, Jakolof Bay lands, were protested by the state, so in 1974, SNA selected nearly 30,000 acres in and adjacent to Kachemak Bay State Park. In 1979, SNA signed a Memorandum of Understanding with the Kenai Peninsula Borough, Cook Inlet Region, Inc. and the state Department of Natural Resources (DNR) agreeing to exchange SNA's inholdings for state land of equal value. Some small exchanges subsequently occurred.

In 1987, when the complete exchange still had not been consummated, SNA signed a 12 year timber harvest contract with Timber Trading Company (TTC) on land within and adjacent to the park. Kachemak Bay Citizens Coalition (KBCC) formed to serve as facilitator to encourage DNR, SNA, and TTC to enter into exchanges. In the 1990 legislative session these proposed land and timber exchanges were transformed into a \$20 million buy-back which failed by a 20-20 vote in the House.

TTC submitted logging permit applications in January, 1991 and has reiterated its intention to harvest if the buy-back fails in the 1991 legislative session.







IMPACT OF PURCHASE OF INHOLDINGS ON PARK MANAGEMENT:
Purchase of inholdings within and adjacent to Kachemak Bay State Park will have several major positive impacts on this popular park. Significant recreational and scenic values as well as habitat will be acquired and preserved. The integrity of the park will be maintained instead of perpetuating the "doughnut hole" situation that

currently exists with the heart of the park in private ownership. Opportunities to develop new trails, trailheads, ranger stations, campsites and access points will exist.

Acquisition will improve boundary definition. Many people are unfamiliar with the location of current park boundaries, particular in non-contiguous portions of the park away from the Halibut Cove Lagoon ranger station.

Kachemak Bay has been designated as a State Critical Habitat Area by the Alaska Legislature and is managed by the Alaska Department of Fish and Game and the Department of Natural Resources. Acquisition of private inholdings will protect park lands and waters adjacent to private inholdings from the disruption to the ecosystem that would occur as a consequence of logging.

Impact of adjacent logging:

Impact of adjacent logging on Kachemak Bay State Park would be negative. Management would be reactive, not proactive, because of multiple impacts on trails and access points, visitor use, boundary problems such as definition and trespass, and new law enforcement needs. Low flying helicopters may create noise pollution for park users. Additionally, there would be negative impacts on anadromous streams and wildlife habitat. The possibilities exist for increased topsoil erosion as a result of cutting on slopes, fire through carelessness, as well as enhanced conditions for spruce bark beetles such as windthrow in areas adjacent to clearcuts.

ECONOMIC VALUES AT RISK IF THE BUY-BACK FAILS AND LOGGING OCCURS:

Tourism and fisheries are the mainstays of the Homer economy. This report documents the impacts to these and other industries if logging is allowed to occur. Homer is a very popular tourist destination, having been visited by about 76,000 out-of state or foreign residents six years ago (Alaska Division of Tourism 1985 estimates), by at least an equal number of Alaskans, and by a high percentage of Anchorage residents (The McDowell Group of Juneau study).

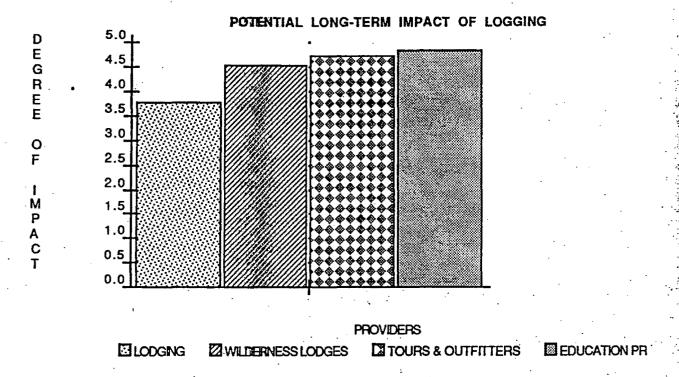
Impacts on tourism:

Seventy-four tourism-related area businesses were surveyed for this study, representing only a fraction of the Kachemak Bay focused tourism-related businesses. Surveyed were providers of lodging, education programs, tours and outfitters, and wilderness lodges. There were forty responses (54%). Others **not** surveyed because of study funding constraints include restaurants and other businesses on Homer Spit, liquor stores, boat storage yards, souvenir, general merchandise and tackle shops, and the owners of the cruiseships Sagafjord, S.S.Universe, Lindblad Explorer, etc. which make several calls per season to Homer.

Opinions about potential impact of logging:

The providers of goods and services were asked to predict the short and long term impact on their businesses if clearcut logging were to occur on SNA's land in and adjacent to Kachemak Bay State Park. The following chart summarizes the respondents' predictions of the long term impact.

The scale is 1 = strongly positive impact to 5 = strongly negative impact.



The twenty-one responding providers of goods and services most connected with the south side of Kachemak Bay (wilderness lodges, tours & outfitters, and education programs) were almost unanimously negative in their perception of the possible impact of logging on their businesses. For several, logging would necessitate relocation, if that were even economically feasible, with extreme disruption to the owners or operators.

The opinions of lodging providers, most of whom are based in Homer and Anchor Point, were divided about the potential impact of logging. The majority (68%) thought logging would have slightly or strongly negative impact on their businesses and gave a wide variety of reasons for their positions.

Over 200 jobs provided by surveyed businesses:

The following table shows the estimated over 200 seasonal and permanent jobs provided by the 74 surveyed businesses in 1990 in the Homer area and elsewhere.

PROVIDERS OF GOODS AND SERVICES - NUMBERS OF JOBS

	LODGING	WILDERNESS	TOURS	EDUCATION
•		LODGES	& OUTFITTERS	PROGRAMS
NUMBER OF SEASONAL JOBS:	Not Given	26 (3 lodges)	20	24.5

TOTAL REPORTED JOBS = 70.5

EXTRAPOLATED SEASONAL JOBS: Over 100 est. 32 45 30

TOTAL ESTIMATED JOBS = OVER 200 (SOME ARE YEAR-ROUND)

The 21 responding wilderness lodges, tours and outfitters, and education programs provided 70.5 seasonal jobs. If all 34 businesses had responded, this figure may be extrapolated to over 100 jobs.

The lodging providers served an estimated 1/2 million people in the peak season, and employ between 75-150 people. Adding their estimated figures to the ones reported by the other three categories yields over 200 jobs in just the four categories of goods and services surveyed.

Gross incomes of surveyed businesses:

The following table shows the gross incomes of the 74 tourism-related businesses that were surveyed.

PROVIDERS OF GOODS AND SERVICES - GROSS INCOME

	LODGING	WILDERNESS LODGES	TOURS & OUTFITTERS	EDUCATION PROGRAMS
GROSS INCOME	Not Given	(3 only) \$500,000.00	(7 only) \$455,000.00	\$123,000.00
EXTRAPOLATED INCOME	\$7 million est.	\$650,000.00	\$1,026,000.00	\$150,000.00

TOTAL ESTIMATED INCOME = OVER \$8.8 MILLION

The total income reported by the responding tours, wilderness lodges, and education programs for 1989 or 1990 was \$1,078,000. If all had responded, this figure may have reached \$1,826,000. Add to that the estimated yearly \$7 million gross income of lodging providers, and the total rises to over \$8.8 million.

In summary, the responses reflect a workforce of 200 jobs. Obviously, there is great concern by these employers that many jobs will be sacrificed if logging occurs. The responses also represent an industry which serves an estimated half million people and provides an income estimated at over \$8.8 million.

Interdependence of tourist industry:

The great majority of the persons served by the forty responding tourism-related businesses were from the south 49 states, southcentral Alaska, or elsewhere in Alaska. Only about 8% were from Homer. Therefore it can be expected that if logging occurs, not only these businesses but many other tourism-related businesses in the Homer area may be adversely affected. Some of these businesses are owned or operated by interests outside of Homer and even outside Alaska. Responding businesses reported their clients frequently incurred other expenses while visiting Homer. Wilderness lodges reported making major purchases in Anchorage as well as in Homer and elsewhere in Alaska.

Survey of non-Homer people on the Homer Small Boat Harbor waiting list:

One hundred non-Homer people on the Homer Small Boat Harbor moorage waiting list were surveyed. The majority of 49 respondents, many of whom currently transport their boats to and from Homer, would reduce the number of trips to Kachemak Bay if logging occurred. They included strongly worded negative comments about the consequences of logging on their boating habits, including the willingness to transport their boats and build elsewhere.

The demand for recreational use of Kachemak Bay comes from around the state and elsewhere. Of the 414 people currently on the waiting list, 35% are from Homer. Anchorage area residents, (28%), Matanuska-Susitna Valley residents, (4%), and Fairbanks area residents (3%) total an equal number. Soldotna and Kenai area residents comprise 9% and 8% respectively. Residents of other Alaskan towns and south 49 states comprise the remaining 13%. Of the over 700 boats currently moored in Homer Small Boat Harbor just under half, 48.9%, belong to Homer residents. Anchorage residents own 21.9%, second behind Homer.

IMPACTS ON COMMERCIAL AND SPORT FISHING:

Fishing is a major contributer to the Homer economy. Both commercial finfish and shellfish fisheries provide many jobs and bring millions of dollars into the local and the Kenai Peninsula economies annually. Sport fishing is given as the number one reason why clients of area lodging providers come to Homer, and the ADF&G sport fish summary statistics support this conclusion.

Finfish fisheries:

Species fished include halibut, all five salmon species, dolly varden, and rainbow trout in lakes. Salmon fisheries at risk include commercial seining, commercial and personal use setnetting, sport and dipnet fishing in areas slated for clearcut logging. In 1989, 64 southern district seiners and 23 setnetters fished. Yearly delivery of salmon averages \$1.9 million (ex-vessel value.) Commercial fishermen interviewed for this study say logging may damage ADF&G salmon enhancement projects and have a variety of negative impacts on salmon streams. They also comment that logging debris may escape into the water, as happened twice at nearby Koyuktolik Bay in 1990, creating entanglement problems.

To a lesser degree, commercial and charter halibut fisheries within Kachemak Bay are at risk. The halibut charter industry, a major contributor to the Homer economy, yielded \$9 million in 1985. Seventy-five percent of interviewed charter owners thought that logging may have a slightly negative impact on their business, primarily through loss of tourists no longer attracted by disfigured scenery, and by potential entanglement and safety hazards.

Shellfish fisheries:

Shellfish fisheries such as commercial and sport Dungeness and Tanner crab, clam, and mussel fisheries are also at risk from pot entanglement with debris and from accidental bark loss in water which damages habitat.

BOATING SAFETY CONCERNS:

Partially submerged floating logging debris is a safety issue mentioned by both commercial and sport ishermen. Recreation boats particularly are vulnerable because they are less likely to be equipped with radar. Since it takes the waters of Kachemak Bay an average of 27 days to exchange, loose logs and debris could present a long term hazard, increasingly so as logs become waterlogged and float lower in the water. Although the plans of Timber Trading Company are to prevent logs getting loose in the water, two such incidents occurred in nearby Koyuktolik Bay in 1990.

SURVEY OF HOMER RESIDENTS:

Eighty percent of 60 Homer adults contacted in a random telephone survey in October oppose logging, citing a variety of economic, esthetic, and environmental reasons. Only 8% favor logging.

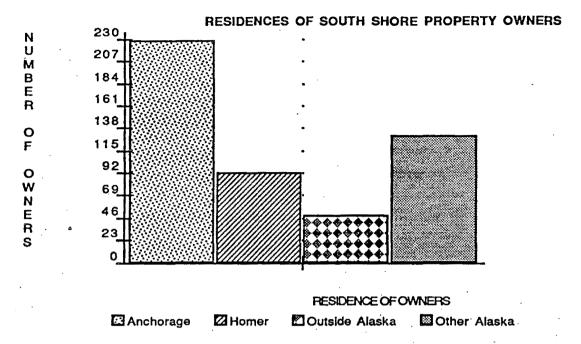
SURVEY OF IMPACTS ON REAL ESTATE VALUES:

Sixty percent of responding real estate professionals predict a 10% decline in real estate values in Homer (\$27 million assessed value loss) if clearcutting occurs, and other factors remain constant. One consequence would be loss of tax revenues.

Many out-of-town people retire in Homer or have a second home here because of the high scenic and recreational values and proximity to major population centers. These owners as well as long-time Homer residents would be affected, according to realtors.

A significant decline in south shore Kachemak Bay property values near clearcuts is also predicted, but with an increase in values farther away, because of the unique nature of the south shore. The largest number of the 495 south shore land owners, 46.1%, are from Anchorage and would be the most affected.

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INTRINSIC VALUES AT RISK IF THE BUY-BACK FAILS AND LOGGING OCCURS:

Scenic values:

The proposed clearcut would be visible from Homer, Homer Spit, and elsewhere in the bay and park areas. As determined by the survey of Homer residents, the lost scenic values would be greatly missed by 82%, most of whom oppose logging. Based on other southern Kenai Peninsula tree regrowth rates, evidence of this logging may be visible for close to 50 years.

Recreational values:

Most Homer residents (85%) visit the south side of Kachemak Bay for a variety of recreational uses ranging from fishing, hiking, sightseeing, berry picking, hunting, trapping, skiing, flying, to even rockhounding. A large number (72%) say that logging would diminish their enjoyment of these lands. Fourteen percent say that they would stop using the lands altogether.

Cultural values:

There is a rich cultural heritage consisting of over 100 prehistoric and historic sites in Kachemak Bay documented by the Alaska Heritage Resources Survey, some dating to as early as 6000 years ago. Undoubtedly, based on the large number of new finds of the October 1990 survey, many more exist. Those on or adjacent to logging areas would be at risk.

Wildlife, vegetative, and soil quality values:

Long term negative consequences to several game species and furbearers including moose, mountain goat, bear, and land otters, would occur due to loss of habitat or presence of humans. The proposed logging camps may attract nuisance bears, necessitating their elimination.

Disturbance of seals and threatened Steller sea lions on hat the and pupping areas by low-flying helicopters transporting logs may occur, especially in China Poot and Peterson Bays. These marine mammals have already experienced recent drastic population declines in the Gulf of Alaska, and even in Kachemak Bay.

A possible loss of 9000 birds per year to logged areas has been predicted by an ornithologist, with particular negative impact to bald eagles and murrelets, both species that experienced losses in Kachemak Bay due to the Exxon Valdez oil spill. Murrelets are experiencing population declines in the southern portion of their range due to the exploitation of Pacific northwest old growth forests where they nest.

Topsoil in logged areas would be lost because of erosion and strong winds, causing flooding, siltation, sedimentation, loss of soil productivity. This may be especially critical in the Wosnesenski River valley, scheduled for extensive logging.

Areas of botanical interest may experience negative impact.

FOUR QUESTIONS ADDRESSED BY THIS STUDY:

Question 1. Will moose benefit from a clearcut?

Answer: No. There are few moose in the park area currently. Since Timber Trading Company plans to utilize clearcut harvesting, a method that would not be beneficial to moose and other wildlife species, much depends on how much and what kind of brush regrows after the cut. Because of past regrowth patterns, it is unlikely that much high quality moose browse will be established. Instead, the same species of brush that existed before a cut is most likely to regrow, with possible expansion of alder and/or grass cover. Additionally, moose would lose cover provided by the forest and would therefore have to negotiate greater snow depths in the winter, especially on the many north-facing slopes.

To quote a memorandum by Lance Trasky, Regional Supervisor, Habitat Division of Alaska Department of Fish and Game Re: Timber Harvesting Impacts on Moose Habitat - Kachemak Bay, dated November 19, 1990, "Increased browse production from the removal of the coniferous overstory by logging could lead to a short-term increase in local moose numbers, but we believe that the limiting factors discussed above will likely minimize that increase over the long term. Any increase in moose numbers after logging will depend on the quantity and quality of available understory browse plants. We believe that the low availability of palatable high quality browse during winter will continue to limit moose population growth over the long term."

Question 2. Do spruce bark beetles infest Kachemak Bay State Park?

Answer: Spruce bark beetles prefer other species of spruce over Sitka spruce, and a warmer dryer climate found in the central Kenai Peninsula, rather than a cooler moist one found in Kachemak Bay State Park. The beetles also prefer uniform stands of old trees to broken stocks of mixed age trees. The following table demonstrates the conditions that affect success of spruce bark beetle populations.

Jι

TYPE OF CLIMATE STOCKING CONDITIONS SPRUCE FOR BEETLES OF TREES White more favorable warmer, dryer mature, uninterrupted Lutz to to Sitka cooler, moister mixed age, broken stands less favorable

In each case, the conditions on the south side of Kachemak Bay do not favor spruce bark beetle expansion unless there is a major disruption such as logging with subsequent blowdowns left on the ground, or significant climatic change. Spruce bark beetle populations there are being monitored by the Forest Service as well as state agencies.

To quote a memorandum by Roger Burnside of the Resource Management Section of the DNR, Re: Spruce Bark Beetle (<u>Dendroctonus rufipennis</u> Kirby) Occurrence on Seldovia Native Association (SNA) Land/Timber Trading Co. (TTC) Timber in Kachemak Bay State Park (KBSP), dated December 19, 1990, "Potential for increased spruce bark beetle activity on SNA land within the Kachemak Bay State Park (and subsequent threat of a major infestation developing) appears to be low at this time."

"Based on past detection surveys, spruce bark beetle impact on southside Kachemak Bay within Kachemak Bay State Park historically is low. Low spruce bark beetle impact is predicted, for the next 2-3 years, based on past survey data for this area. Major site disturbance such as unseasonable climatic trends could alter this prediction. Ongoing sampling will document beetle activity in live timber."

Question 3. What is SNA's attitude regarding the sale of their land?

Answer: SNA has continued to attempt to trade or sell their land for the last 16 years since they were denied their initial request for lands in Jakolof Bay and accepted land selections within Kachemak Bay State Park instead. SNA has stated that it is a land company but is willing to sell this land to the state to finalize this long process. Purchase of their inholdings would allow the SNA the opportunity to implement some long range plans and projects. These would include the retirement of debt on their fish plant, and the construction of a new office building to enable meetings to be held there.

Question 4. Is the buy-back only a Homer issue?

Answer: No. Kachemak Bay State Park is visited by people from the south 49 states, foreign countries, as well as Alaskans. The goods and services provided by 74 area tourist-related businesses that were surveyed primarily serve visitors. Only 8% of the clients were from Homer. Some of the owners or operators of these businesses live in other parts of the state. For example, the University of Alaska, Fairbanks uses two facilities on the south side of Kachemak Bay; one for Marine Science studies, and another for in-field teacher training.

Just 18% of south side property owners are from Homer; 46% are from Anchorage. Only one third of the people on the waiting list for moorage in Homer Small Boat Harbor are Homer residents; an equal number are from Anchorage, Fairbanks, and MatSu valley combined. Petitions supporting the park buy-back have been signed by Alaskans from 57 towns, with an approximately equal number from Homer and Anchorage. Residents from 45 states and 11 countries also signed these petitions.

Logging within Kachemak Bay State Park would establish a precedent of logging within state parks, which might then continue in other state parks.

SHORT TERM GAINS AND LONG TERM LOSSES:

In summary, the Kachemak Bay area including Homer and other nearby communities is gifted with many unique intrinsic and economic values; an intact wilderness ecosystem, a State Critical Habitat Area, an archaeologically rich heritage, two outstanding state parks, beautiful scenery, and a healthy intact economy whose main pillars are fishing and tourism.

Its economies are interwoven with other areas of Alaska, particularly the Kenai Peninsula and Anchorage. If well managed, the Homer and Kachemak Bay area will continue to have very productive fisheries and be an important tourist destination as the gateway to outstanding roadless recreation areas. It is an area of much vested and esthetic interest from all over southcentral Alaska, from rest of the Alaska, and from the south 49 states and foreign countries.

This study documents that logging is not especially welcome in the Kachemak Bay area. It is seen as a threat to the co-existing economies of fishing and tourism as well as to the intrinsic and recreational values of the park and surroundings. The fifty or so jobs that logging may provide in the short term (nine years remain in the timber harvest contract) may well cause a long term loss of many more jobs, and damage the wilderness ecosystem.

The buy-back of oil leases in Kachemak Bay as previously done by the state proved to be a very significant positive occurrence in the development of the area. The buy-back of these land and timber inholdings promises to promote the continued well-being of the area's existing industries and scenic and recreation values. It is hoped that consideration of these many values at risk will be given prior to a decision regarding the fate of the Seldovia Native Association and Timber Trading Company inholdings within and adjacent to Kachemak Bay State Park.

ACKNOWLEDGEMENTS

Findlay Abbott Poppy Benson Dr. Matt Berman Daisy Lee Bitter Scott Burbank Lisa Bykonnen Christa Collier Bob and Alyson Dickson Willie Dunne Keith Iverson Al Kimker Peter Larson Kevin Loran Jim and Dee Mahaffey Mike and Diane McBride Marsha Million Mary Pearsall JoAnne Popham R.W. Tyler

Susan Aramovich Kim Benton Gretchen Bersch Bela Bodnar John Bushell Luther "Spike" Christopher Doug Coughenhower Nick Dudiak Renda Horn Jeff Johnson Janet Klein Jack and Mary Lentfer Roger MacCampbell Sue Matthews Michael McHone Carl Nostrand Alan Phipps Janice Schofield Dr. George West

DEC BENG

	COVER WORKSHEET FOR 1993 IDEA SUBMISSIONS	
	Checked for Completeness	
	<pre>/ID stamped/Input completed /Name Affiliation Costs</pre>	
	Category	
	R HABITAT Protection - Acquisition	
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	Cooperating Agency(ies)	
и 🚱	Passed initial screening criteria	
TYPO:	PROTECTION	*
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	Project Number - if assigned	

1993 PROJECT SCORING SHEET

Critical Factors

Potential projects must "no", or "unknown".	meet all of the fol	llowing to be considered	further. Check the	blank for "yes",
YES NO UNKNOW	N			

<u> </u>		1. Linkage to resources and/or services injured by the Exxon Valdez oil spill.
		2. Technical feasibility.*
		3. Consistency with applicable Federal and State laws and policies.*

Comments:

^{*} Restoration Framework, 1992, pp 43-44.

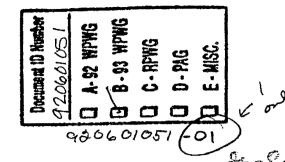


Kodia State Parks Citizen Advisory Board

S.R. 3800, Kodiak, Alaska 99615. Phone: 486-6339

January 30, 1992

To the members of the Exxon Valdez Oil Spill Settlement Trustee Council-



The state park units in the Kodiak area were damaged in varying degrees by oil and, in some cases, the related cleanup work from the Exxon Valdez oilspill during the 1989 summer season. showed up on the beaches near Pasagshak River State Recreation Site Both theses areas are extremely ${}^{\mathcal{C}}_{\!\!\!\!\!4}$ (SRS) and Buskin River SRS. popular with resident and nonresident sportfishermen and women. Shuyak Island State Park was one of the hardest hit places in the entire Kodiak area. A concerted cleanup effort took place there in 1989 and 1990. Oil was still present on Shuyak's beaches during the spring assessment in 1991 and park visitors will no doubt see traces of oil on the park's beaches for many years to come. addition to the physical damages to state park units in the Kodiak area, the two state park rangers assigned to the Kodiak district worked fulltime on oilspill cleanup and coordination during the summer of 1989. As a result much of the routine park maintenance and upkeep to the four park units in the Kodiak district did not get done that year.

As trustees of the Exxon settlement fund, we urge you to consider funding for the following in order to mitigate and/or restore damage done to state park resources from the oilspill:

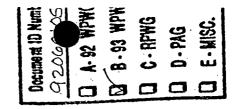
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61

- 2. Acquisition of recreational sites on the Kodiak road system.

 Many areas currently used by the public for recreational purposes are on private lands. These sites should be acquired to insure public access for future generations.
- 3. Public education and interpretation of archaeological resources located in state parks. Training opportunities for park rangers to increase their effectiveness in enforcing historic preservation laws.

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page two-Exxon Valdez Oil Spill Settlement Trustee Council

We look forward to working with the Trustee Council to insure that the funds made available through the settlement are spent wisely. Thank you for your time and efforts.

Sincerely,

Roger Blackett, Chairman

ogn F. Blackett

Kodiak State Parks Citizen's Advisory Board

cc: Senator Fred Zharoff

Representative Cliff Davidson

Neil Johannsen, Director, Alaska State Parks Jerome Selby, Kodiak Island Borough Mayor

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1993 PROJECT SCORING SHEET

Critical Factors

Potential projects must meet all of the following to be considered further.	Check the blank for "y	es",
"no", or "unknown".	•	•

YES NO	UNKN	NOWN
		1. Linkage to resources and/or services injured by the Exxon Valdez oil spill.
<u>′</u> _		2. Technical feasibility.*
<u>′</u> _		3. Consistency with applicable Federal and State laws and policies.*
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Comments:

^{*} Restoration Framework, 1992, pp 43-44.

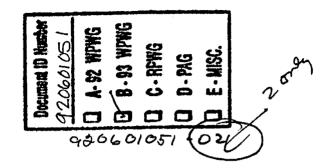


Kodiak State Parks Citizel... Advisory Board

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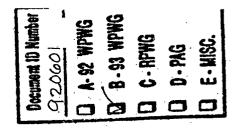
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	COVER WORKSHEET FOR 1993 IDEA SUBMISSIONS
	Checked for Completeness .
	<pre> VID stamped/Input completed VName VAffiliation Costs</pre>
	Category Habitat Acquisition
	Lead Agency Habitat WG
	Cooperating Agency(ies)
N (Y)	Passed initial screening criteria
TYPE:	Protection
RANKING	H M L Rank Within Categories .
	H M L Rank Overall
9F-97-7000000	Project Number - if assigned

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1993 PROJECT SCORING SHEET

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Potential projects must meet all of the following to be considered further. Check the blank for "yes", "no", or "unknown".

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<u> </u>	- .	<u>_</u>	3. Consistency with applicable Federal and State laws and policies.*

Comments:

^{*} Restoration Framework, 1992, pp 43-44.



Kodiak State Parks Citizens dvisory Board

S.R. 3800, Kodiak, Alaska 99615. Phone: 486-6339

Document 10 Number 920601 058-

A- 92 WPWG

■ B-93 WPWG

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January 30, 1992

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Charge ID to Endmitted by Jerone Solly

page two-Exxon Valdez Oil Spill Settlement Trustee Council

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Roger Blackett, Chairman

Kodiak State Parks Citizen's Advisory Board

cc: Senator Fred Zharoff

Representative Cliff Davidson

Neil Johannsen, Director, Alaska State Parks

Jerome Selby, Kodiak Island Borough Mayor

Document 10 Number 920601058

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Kodiak ate Parks Citizens Ivisory Board

S.R. 3800, Kodiak, Alaska 99615. Phone: 486-6339

Document 1D Number 920601 058-1

January 30, 1992

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B-93 WPWG
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- A-92 WPWG
- B-93 WPWG
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page three-draft list of recreational access sites on the Kodiak coad system

- 13. Trail to Cascade Lake This scenic lake is a 3 1/2 hike from Anton Larsen road. the lake is stocked by ADF&G. hikers can glimpse views of Whale and Raspberry Islands, and Kizhuyak Bay. Present land status: Private, Ouzinkie Natives, Inc. and one individual land owner. Approximate acreage: 5 acre camping/recreation site on Cascade Lake and public easement for trail from Anton Larsen road to the lake.
- 14. End of Anton Larsen Road This is where the boundaries of the one deer and four deer areas abut, and so is a popular takeoff point for landbased deer hunters. A maze of trails winds through young Sitka spruce forests and grassy meadows. Present land status: Private, some owned by individuals, and the remainder owned by Ouzinkie Natives, Inc. Approximate acreage: 2-5 acres for a parking area and reststop.

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	COVER WORKSHEET FOR 1993 IDEA SUBMISSIONS	•
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	Lead Agency Habitat WG	_
 .	Cooperating Agency(ies)	
(Y) N	Passed initial screening criteria	_
TYPE:	PROTECTION	_
RANKING	H M L Rank Within Categories .	
	H M L Rank Overall	
	Project Number - if assigned	

1993 PROJECT SCORING SHEET

Critical Factors

Potential projects must meet all of the following to be considered further. Check the blank for "yes", "no", or "unknown".

YES NO UNKNOWN

	1. Linkage to resources and/or services injured by the Exxon Valdez oil spill.
レ 	2. Technical feasibility.*
<u>/</u>	3. Consistency with applicable Federal and State laws and policies.*

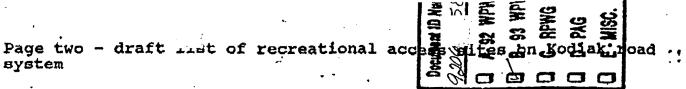
Comments:

^{*} Restoration Framework, 1992, pp 43-44.

Potential Land Acquisition Sites for Recreational Access Along the Kodiak Road System

- 1. Termination Point Trail System A popular trail system used by local hikers and hunters begins at the end of Monashka Bay Road, and leads to an abandoned cabin once used as a retreat for soldiers during WWII and to Termination Point, a grassy knob extending out into Narrow Strait. The trials wind through old growth Sitka spruce and along steep rock cliffs. Bald eagles, deer, otter, and many shorebirds are commonly seen from along the trails. Present land status: The parking area at the end of the road is Kodiak Island Borough (KIB) land; most of the trail system is on land owned by Lesnoi, Inc. Approximate acreage: 1100 acres.
- Long Island A very popular destination for local boaters, Long Island is only a 20-30 minute skiff ride from downtown Kodiak residents enjoy hiking, picnicking, Many beachcombing, and hunting on the island. The lakes on the island area stocked with rainbow trout. Evidence from three eras of Kodiak's history are present on Long Island with Koniag sites, remnants of Russian occupancy, and WWII gun emplacements and The rocky shorelines and small bays of Long observation posts. Island serve as rookeries for a large number of seabirds, and include the only breeding site in the Kodiak area for the Present land status: Privately owned, rhinoceros auklet. Lesnoi, Inc. Approximate acreage: 1462 acres. Special note: A number of hazardous materials have been detected on the island, including PCBs.
- 3. Sandy Beach Located just southwest of Gibson Cove, this quiet and scenic cove is only a mile from downtown Kodiak. The area is used for picnicking, fishing, and beachcombing. Present land status: State select. Approximage acreage: 28 acres.
- 4. Bruhn Point, Women's Bay A high-use area because of its roadside accessibility, Bruhn Point offers opportunities for camping, fishing, clamming and beachcombing. An unmaintained road leads from the Chiniak highway out to a small cove just south of Bruhn Point. Present land status: Privately owned, Koniag, Inc. Approximate acreage: 50 acres.
- 5. Cliff Point This area has a long history of recreational use mainly because of easy access offered via a number of dirt roads. An old softball field is located at the end of one of the roads, and adjacent to a wide gravel beach. A number of small lakes in this area are stocked and hunting for smallgame and waterfowl is good. Many local residents consider Cliff Point to be a prime spot for watching birds and marine mammals. Present land status: Recently acquired by Trillium, Inc. and Lesnoi, Inc. Approximate acreage: 1677 acres.

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- Middle Bay Waysides Both these areas have been, and continue to be used by the public for a variety of recreational purposes. Middle Bay is one of the best clamming areas on the Kodiak road system and also offers good duckhunting and sportfishing opportunities. Present land status: Unknown. An access road located one mile east of the American river/Saltery Cove road has recently been closed off by a private landowner. Approximate acreage: 105 acres.
- 7. Mayflower Beach This small beach is situated right off the Chiniak highway. A series of seastacks and small islands just offshore of the beach are home to many seabirds. A lake on the west side of the highway is stocked by ADF&G. Present land Private, but may have recreation easement on it. Approximage acreage: 50 acres.
- Myrtle and Frank Creeks, Kalsin Bay These small areas are heavily used by campers and RVers. Sportfishing is excellent, birdlife and scenic values are also high. Present land status: Unknown. Approximate acreage: Ten acres each.
- Thumbs Up Cove This sheltered bay close to the chiniak highway, is used as an anchorage by many local residents. An old dock is situated at the head of the bay. Present land status: A now relinquished private lease to the tidelands has never been conveyed back to public use. Uplands may already be owned by the Approximate acreage: 10 acres.
- Roslyn Beach Roslyn Creek is considered an excellent silver salmon stream and also supports a run of pink salmon. Local residents fish for hooligans along the beach near roslyn Creek. The area may also be suitable for a small boat launch. The combination of sandy beaches so close to mature sitka spruce forests is unique to the Kodiak area. Present land status: May already be state land. Approximate acreage: 50 acres.
- 11. Cape Chiniak This end-of-the-road area has long been used by the public because of its recreational values Hunting, fishing, beachcombing, hiking, and accessibility. birding are all popular activities here. This was the site of a WWII coastal defense installation. Present land status: Private, Koniag, Inc. Approximate acreage: 3500 acres.
- Sacramento River Valley This scenic valley is accessed by foot or four-wheel drive vehicle from the Narrow Cape area, or by foot from over a pass from the Pasagshak highway. The area offers great sportfishing, hiking, and beachcombing. land status: Grazing lease, possibly already state land. opproximate acreage: 400 acres.

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

FORMAT FOR IDEAS FOR RESTORATION PROJECTS

Title of Project: Acquisition of Konia	Inholding in Kodiah notional willige		
Justification: (Link to Injured Resource or Se	ervice)		
Description of Project: (e.g. goal(s), objectives, location, rationale, and technical approach)			
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	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \		
	h		
Estimated Cost per Year:	de stagel over severed years I needs to be don		
Other Comments:			
`	-		
Name, Address, Telephone:			
4300 B (heet, Suite 407	Oil spill restoration is a public process. Your ideas and suggestions will not be proprietary, and you will not be given any exclusive right or privilege to them.		

• 4300 B Street, Suite 407, Anchorage, AK 99503

MEMORANDUM

TO:

Exxon Valdez Oil Spill Trustee Council

FROM:

Frank Pagano, President

Uwe Gross, Chief Executive Officer

DATE:

June 15, 1992

SUBJECT: IDEAS FOR RESTORATION PROJECTS

TITLE OF PROJECT:

Acquisition of equivalent resources and services within the Koniag inholdings, Kodiak National Wildlife Refuge.

JUSTIFICATION:

Kodiak National Wildlife Refuge lies within the Exxon Valdez spill zone. Its shores and privately owned lands belonging to Koniag, Inc. were "oiled". Moreover, these inholdings are home to wildlife and fisheries resources "injured" by the spill and provide services, such as hunting, fishing, and other recreation impacted by the spill.

Koniag offers 112,000 acres for sale. These include all of the Karluk River within the Refuge boundaries, a majority of the Sturgeon River lands, over half of the lands surrounding Karluk Lake as well as thousands of acres of Uyak Bay.

The Fish and Wildlife Service has singled out the importance of the Karluk and Sturgeon valleys—both owned by Koniag—in the Comprehensive Conservation Plan (CCP) for Kodiak NWR and in the Submerged Lands Act study which made priority recommendations for federal acquisition on . Department of Interior lands in Alaska. The Department of Interior has stated that the Koniag inholdings "comprise some of the best habitats for salmon, bald eagles and brown bear found anywhere in the world."

According to the CCP, the Karluk River "is of special value." It is one of two drainages on Kodiak and "one of few such drainages within the boundaries of an Alaska national wildlife refuge...where both steelhead and chinook salmon populations occur in abundance." Since up to 150 eagles and 200 brown bears use the drainage, the Karluk River "provides the visiting public with almost constant opportunities for recreation from June through November."

Document ID Number 920615257

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Exxon Valdez Oil Spin inustee Council June 15, 1992 Page 2

The Refuge supports the highest known density of brown bear in the world. The Koniag lands in the Karluk Lake and River area have the highest concentration of brown bears in the Refuge, as well as in North America. Some of these lands have been reported to have densities of up to ten bears per square mile.

The Sturgeon River, according to the CCP, provides an early run of chum salmon, "one of the earliest and most important on the refuge," a food source for up to 250 eagles and 100 brown bear. "Although public use of Sturgeon River is relatively light, it is anticipated that the high concentrations of both brown bear and bald eagles may become a major attraction for public use in the future."

Both the Karluk and Sturgeon Rivers are major feeding and nesting areas for the Refuges's tundra swan population and the Uyak Bay lands provide important sea bird and sea duck wintering habitat.

Of the ten special values identified in the CCP, five are located primarily on Koniag lands.

Absent a federal proposal to reacquire the Koniag inholdings, they are subject to uses and development which are not consistent with the management objectives of the Refuge. These include increased human use resulting in displacement of wildlife, expansion of existing facilities and construction of new structures, commercial activities, and restrictions on access. In the worst instance, the inholdings could be subdivided, multiplying development options and complicating relationships with the agency and increasing conflicts between users and loss of resources and services.

Use of the Exxon Valdez restoration monies to consummate this acquisition will enhance the management of the Kodiak Refuge, provide for equivalent resources and services within the spill zone, and allow the native corporation to invest the proceeds in the economy.

DESCRIPTION OF PROJECT

Unlike other proposed acquisition projects within the spill zone, the Koniag inholdings have been extensively evaluated and reviewed. 112,564 acres contained within the Koniag holdings were evaluated by the Department of Interior in 1986 as part of an unsuccessful land exchange proposal (See Acquisition of Inholding in Alaska National Wildlife Refuges, DEIS, July, 1988, pages 3-14 ff.) For purposes of that exchange, the Department of Interior allocated a value of the inholdings of \$77.4 million to the Koniag inholdings. Since this value is not based on an independent appraisal, a formal appraisal would be required. Furthermore, shareholder approval of such a sale will be necessary.

Koniag, of course, would prefer a one time purchase of the entire block. We recognize that the schedule of payments to the Trustees and the necessity of undertaking several projects at once may prevent the Trustees from making a single acquisition for all of the lands. In that case, Koniag is willing to negotiate a schedule of purchases resulting in the Trustees purchasing the entire 112,564 area block.

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	COVER WORKSHEET FOR 1993 IDEA SUBMISSIONS	
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RANKING	H M L Rank Within Categories ·	
	H M L Rank Overáll	
	Project Number - if assigned	

Exxon Valdez Oil Spil rustee Council June 15, 1992 Page 3

Koniag is extremely reluctant to consider any acquisition for less than the entire block. Moreover, Koniag will not agree to any proposal which would selectively acquire only those lands of highest value leaving undevelopable lands in private hands. We will not engage in a series of sales which leaves us holding lands with no revenue potential and no hope of further sales.

ESTIMATED DURATION OF PROJECT AND ESTIMATED COST PER YEAR

Based upon the appraised value of the Koniag inholdings, the acquisition could be staged through a series of parcels over a period of time to provide flexibility to the Trustees.

OTHER COMMENTS

Koniag believes that land acquisition is an important use of the settlement funds. The residents of the Kodiak Archiepelago—including the shareholders of Koniag have a direct connection with the spill zone and in some instances, were disadvantaged by its consequences. We believe that land sales can help our shareholders and those of other corporations in the state. Income from the sale is preferable to the conflicts and environmental damage which might result from development of the Kodiak Refuge inholdings.

Unlike some other suggestions from the settlement money, investments and dividends flowing from our corporation should have long term economic benefits for our region and for the state. It is the objective of the Koniag Board of Directors to establish a permanent fund, funded through proceeds from land sales. Dividends from that fund would accrue to the shareholders but the principal of the fund would be safeguarded from direct access by the corporation. In that way, the corporation and the Alaskan economy will realize long term benefits.

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• 4300 B Street, Suite 407, Auchorage, AK 99503 •

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EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

Document ID Number 920615255

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D E-MISC.

4300 B Street, Suite 407, Anchorage, AK 99503

(907) 561-2668 • FAX (907) 562-5258 •

MEMORANDUM

TO:

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Document ID Number 92061-8318

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Exxon Valdez Oil Spi Trustee Council June 15, 1992 Page 2

The Refuge supports the highest known density of brown bear in the world. The Koniag lands in the Karluk Lake and River area have the highest concentration of brown bears in the Refuge, as well as in North America. Some of these lands have been reported to have densities of up to ten bears per square mile.

The Sturgeon River, according to the CCP, provides an early run of chum salmon, "one of the earliest and most important on the refuge," a food source for up to 250 eagles and 100 brown bear. "Although public use of Sturgeon River is relatively light, it is anticipated that the high concentrations of both brown bear and bald eagles may become a major attraction for public use in the future."

Both the Karluk and Sturgeon Rivers are major feeding and nesting areas for the Refuge's tundra swan population and the Uyak Bay lands provide important sea bird and sea duck wintering habitat.

Of the ten special values identified in the CCP, five are located primarily on Koniag lands.

Absent a federal proposal to reacquire the Koniag inholdings, they are subject to uses and development which are not consistent with the management objectives of the Refuge. These include increased human use resulting in displacement of wildlife, expansion of existing facilities and construction of new structures, commercial activities, and restrictions on access. In the worst instance, the inholdings could be subdivided, multiplying development options and complicating relationships with the agency and increasing conflicts between users and loss of resources and services.

Use of the Exxon Valdez restoration monies to consummate this acquisition will enhance the management of the Kodiak Refuge, provide for equivalent resources and services within the spill zone, and allow the native corporation to invest the proceeds in the economy.

DESCRIPTION OF PROJECT

Unlike other proposed acquisition projects within the spill zone, the Koniag inholdings have been extensively evaluated and reviewed. 112,564 acres contained within the Koniag holdings were evaluated by the Department of Interior in 1986 as part of an unsuccessful land exchange proposal (See Acquisition of Inholding in Alaska National Wildlife Refuges, DEIS, July, 1988, pages 3-14 ff.) For purposes of that exchange, the Department of Interior allocated a value of the inholdings of \$77.4 million to the Koniag inholdings. Since this value is not based on an independent appraisal, a formal appraisal would be required. Furthermore, shareholder approval of such a sale will be necessary.

Koniag, of course, would prefer a one time purchase of the entire block. We recognize that the schedule of payments to the Trustees and the necessity of undertaking several projects at once may prevent the Trustees from making a single acquisition for all of the lands. In that case, Koniag is willing to negotiate a schedule of purchases resulting in the Trustees purchasing the entire 112,564 area block.

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Exxon Valdez Oil Sp Trustee Council June 15, 1992 Page 3

Koniag is extremely reluctant to consider any acquisition for less that the entire block. Moreover, Koniag will not agree to any proposal which would selectively acquire only those lands of highest value leaving undevelopable lands in private hands. We will not engage in a series of the sales which leaves us holding lands with no revenue potential and no hope of further sales.

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ESTIMATED DURATION OF PROJECT AND ESTIMATED COST PER YEAR

Based upon the appraised value of the Koniag inholdings, the acquisition E.W.S. could be staged through a series of parcels over a period of time to provide flexibility to the Trustees.

OTHER COMMENTS

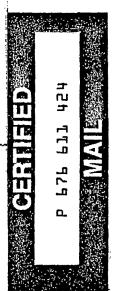
Koniag believes that land acquisition is an important use of the settlement funds. The residents of the Kodiak Archiepelago—including the shareholders of Koniag have a direct connection with the spill zone and in some instances, were disadvantaged by its consequences. We believe that land sales can help our shareholders and those of other corporations in the state. Income from the sale is preferable to the conflicts and environmental damage which might result from development of the Kodiak Refuge inholdings.

Unlike some other suggestions from the settlement money, investments and dividends flowing from our corporation should have long term economic benefits for our region and for the state. It is the objective of the Koniag Board of Directors to establish a permanent fund, funded through proceeds from land sales. Dividends from that fund would accrue to the shareholders but the principal of the fund would be safeguarded from direct access by the corporation. In that way, the corporation and the Alaskan economy will realize long term benefits.

KONIAG, INC.

• 4300 B Street, Suite 407, Anchorage, AK 99503 •

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Exxon Valdez Oil Spill Restoration Team 42 75 645 "G" Street
Anchorage, AK 99501

	COVER WORKSHEET FOR 1993 IDEA SUBMISSIONS
	Checked for Completeness .
	<pre>ID stamped/Input completed Name Affiliation Costs</pre>
	Category
	Habitat Protection Acquisition
	Lead Agency
	Cooperating Agency(ies)
у и	Passed initial screening criteria
TYPE:	Protection
RANKING	H M L Rank Within Categories .
	H M L Rank Overall
	Project Number - if assigned



· 43nn R Street, Suite 407, Anchorage, AK 99503

(907) 561-2668 • FAX (907) 562-5258 •

MEMORANDUM

TO:

Exxon Valdez Oil Spill Trustee Council

FROM:

Frank Pagano, President

Uwe Gross, Chief Executive Officer

DATE:

June 15, 1992

SUBJECT: IDEAS FOR RESTORATION PROJECTS

Document ID Number 920619.323

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TITLE OF PROJECT:

Acquisition of equivalent resources and services within the Koniag inholdings, Kodiak National Wildlife Refuge.

JUSTIFICATION:

Kodiak National Wildlife Refuge lies within the Exxon Valdez spill zone. Its shores and privately owned lands belonging to Koniag, Inc. were "oiled". Moreover, these inholdings are home to wildlife and fisheries resources "injured" by the spill and provide services, such as hunting, fishing, and other recreation impacted by the spill.

Koniag offers 112,000 acres for sale. These include all of the Karluk River within the Refuge boundaries, a majority of the Sturgeon River lands, over half of the lands surrounding Karluk Lake as well as thousands of acres of Uyak Bay.

The Fish and Wildlife Service has singled out the importance of the Karluk and Sturgeon valleys—both owned by Koniag—in the Comprehensive Conservation Plan (CCP) for Kodiak NWR and in the Submerged Lands Act . study which made priority recommendations for federal acquisition on Department of Interior lands in Alaska. The Department of Interior has stated that the Koniag inholdings "comprise some of the best habitats for salmon, bald eagles and brown bear found anywhere in the world."

According to the CCP, the Karluk River "is of special value." It is one of two drainages on Kodiak and "one of few such drainages within the boundaries of an Alaska national wildlife refuge...where both steelhead and chinook salmon populations occur in abundance." Since up to 150 eagles and 200 brown bears use the drainage, the Karluk River "provides the visiting public with almost constant opportunities for recreation from June through November."

Exxon Valdez Oil Spill Trustee Council June 15, 1992 Page 2

The Refuge supports the highest known density of brown bear in the world. The Koniag lands in the Karluk Lake and River area have the highest concentration of brown bears in the Refuge, as well as in North America. Some of these lands have been reported to have densities of up to ten bears per square mile.

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Of the ten special values identified in the CCP, five are located primarily on Koniag lands.

Absent a federal proposal to reacquire the Koniag inholdings, they are subject to uses and development which are not consistent with the management objectives of the Refuge. These include increased human use resulting in displacement of wildlife, expansion of existing facilities and construction of new structures, commercial activities, and restrictions on access. In the worst instance, the inholdings could be subdivided, multiplying development options and complicating relationships with the agency and increasing conflicts between users and loss of resources and services.

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Exxon Valdez Oil Spill Trustee Council June 15, 1992 Page 3

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OTHER COMMENTS

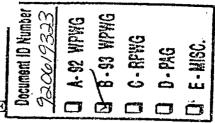
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KONIAG INHOLDINGS IN THE KODIAK NATIONAL WILDLIFE REFUGE



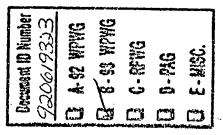
The Kodiak National Wildlife Refuge was originally created in 1941 by Executive Order 8857 issued by Franklin D. Roosevelt, in order to preserve the feeding and breeding grounds of the Kodiak brown bear. In 1980, with the passage of the Alaska National Interest Lands Conservation Act ("ANILCA"), the purposes of the Refuge were further codified (ANILCA, Section 303(5)(B)). First and foremost of the purposes for which the Refuge was established and is to be managed is the conservation of fish and wildlife populations and habitats in their natural diversity including, but not limited to, Kodiak brown bear, salmonoids, sea otters, sea lions, and other marine mammals and migratory birds. (Section 303(5)(B)(i), ANILCA).

However, pursuant to the provisions of the Alaska Native Claims Settlement Act ("ANCSA") in 1971, major and essential areas of the habitat necessary to accomplish this purpose were made available for conveyance to Native Corporations. These lands include approximately 112,000 acres which were acquired by Koniag as the result of its merger with the ANCSA village corporations for Larsen Bay and Karluk. They include all of the Karluk River within the Refuge boundaries, a majority of the Sturgeon River lands, over half of the lands surrounding Karluk Lake as well as thousands of acres on Uyak Bay. The importance of these lands to the Refuge is amply identified by a review of the Kodiak National Wildlife Refuge Final Comprehensive Conservation Plan. Wilderness Review and Environmental Impact Statement prepared April, 1987 by the Fish and Wildlife Service ("CCP"). Of the ten special values of the Refuge

identified in the CCP (pp. 12-17), five are located primarily on the Koniag lands. In most places, the habitat and wildlife values of the Koniag lands would result in their being designated as a Refuge by themselves.

The most well-known feature of the Refuge and the reason for its creation is the Kodiak brown bear -- the largest brown bear in the world. The Refuge supports the highest known density of brown bear in the world. The Koniag lands in the Karluk Lake and River area have the highest concentration of brown bears in the Refuge, as well as in North America (one per bear 1.6 km²). Some of these lands have been reported to have densities of up to ten bears per square mile. The other major drainage owned by Koniag, the Sturgeon River, also provides excellent bear habitat and hosts as many as 150-200 bears, many of which are year-round residents. Because of its inaccessibility, the Sturgeon River has received less hunting pressures and thus is less well known. However, for the five years preceding the filing of the CCP, an average of four bears per year have been taken from this drainage, including three world-class bears. Without these lands, the Refuge is very seriously impaired. In fact, some would say that without the Koniag lands, there is no Refuge. Clearly, the Koniag lands constitute the very heart of the Kodiak Refuge.

Another important habitat value identified in the special values of the Refuge is its fisheries. Not only are Refuge fisheries important in their own right but also because they are the primary source of food for the brown bear population. Once again, the CCP identifies the Karluk and Sturgeon Rivers as two of the most important fisheries in the entire Refuge.



The Karluk River hosts virtually every species of selmen on the Refuge. It supports an average in excess of 200,000 Sockeye spawners every year making it one of the four major Sockeye rivers. It is the principal system on the Refuge for Coho and only one of two rivers supporting Chinook runs. It also supports a major run of Steelhead every year. The Sturgeon River hosts both Pink and Chum runs with its Chum run being the best of all of the rivers in the Refuge. The Chum run is the earliest and most important return for brown bear food on the Refuge (CCP at p. 88). Twenty-five percent (25%) of all sports fishing on the Refuge occurs on the Karluk drainage (CCP at p. 241).

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Likewise, both the Karluk and Sturgeon Rivers are major feeding and nesting areas for the Refuge's Tundra Swan population and the Uyak Bay Lands provide important sea bird and sea duck wintering habitat.

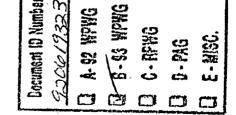
A further illustration of the importance of the Koniag lands to the management of the Refuge is reflected in the Service's proposed management plan. Under the preferred alternative, all of the Refuge lands adjacent to the Koniag lands have been designated for wilderness. The preferred alternative also proposes that both the Karluk and the Sturgeon River drainages be managed to protect their sensitive fish and wildlife resources and to provide a primitive recreational experience (CCP at p. 221). It is interesting to note that of the four rivers proposed to be so designated in the Refuge, three are on Native lands and two are on Koniag lands. The Karluk River also plays an important role in the achievement of the fishery goals of the Service in that the Service's first task under its management plan would be to determine the location, extent of habitat use, and population characteristics of Chinook salmon on the Karluk. The Service acknowledges that because of the ownership status of these lands the

success of its management proposal will depend upon its reaching an agreement with the landowner (CCP at p. 483, Response No. 2).

The importance of the Koniag lands is well recognized by others in addition to the Service. Of the 433 comments received to the CCP, 190 supported the acquisition of Native lands. Nine of the nineteen conservation groups responding joined in that position, in spite of the opposition of some conservation groups to the exchange which was proposed at that time because of its connection with development in the Arctic Refuge (CCP at p. 22).

The importance of the acquisition of the Koniag lands has long been recognized by Congress as well. In 1982, the House of Representatives passed unanimously HR 6471 which provided for the acquisition of the Koniag lands, as well as those which are owned by Akhiok-Kaguyak, Inc. and Old Harbor Native Corporation. Unfortunately, because of the lateness in the session, the Senate adjourned without considering it. The same measure (HR 1071) was introduced in the House in the next Congress. The Interior and Insular Affairs Committee reported it out favorably, finding the acquisition of these lands to be desirable to further the purposes of the Kodiak Refuge. The House, on a roll call vote, voted 366 to 18 for its passage.

Because the lands are held by Native Corporations, they are not available for acquisition through condemnation. If these lands are to be returned to the Refuge System, it is therefore essential that an agreement be reached with the owner to sell or exchange the lands.



The alternative to the acquisition of the lands is their continued ownership by Koniag and the attempted use of Section 22(g) of ANCSA to protect the Refuge values. However, Section 22(g) affords limited protection. Under the regulations promulgated by the Department in 1973, Koniag has the right to utilize its lands in any manner so long as those uses do not materially impair the values for which the Refuge was established. This standard obviously permits uses which will impair the Refuge values if that impairment is of a non-material nature. The point at which a use crosses the line between non-material and material impairment will obviously have to be resolved by the courts in the final analysis. Because of this, there is a justifiable concern by the wildlife managers that it should not be relied upon to the exclusion of pursuing other options such as acquisition.

Most importantly, Section 22(g) will probably ultimately not offer the protection from the types of pressures which will be most destructive of the unique values of the Koniag lands. The Service recognizes that brown bear populations are extremely sensitive to and adversely affected by increasing levels of human development and activity (CCP at p. 426). Not only will such activity result in higher brown bear kills in defense of life and property, but also in causing the populations to move from their favored feeding areas for less productive areas (CCP at p. 44). The impact of use and even limited development on Native lands are not compatible with the brown bear. Thus, there would exist a conflict with the Service's legal mandates and management objectives to preserve the Kodiak Refuge as one of the few places left in the world with prime habitat and a healthy bear population (CCP at p. 431).

Irrespective of the limitations that Section 22(g) may or may not impose, it fails to grant any right of public access to these lands. Likewise, it does not grant even to the Service any right to enter upon our lands to conduct the studies and management activities which will be necessary to preserve a viable wildlife population in the coming years.

The CCP recommended that the adjacent Refuge lands be recommended to Congress to be designated as wilderness. If they are designated, then there will also be increasing public pressure for the use of the Koniag lands, even in excess of that now existing because of its recreational values. It is these same values which have resulted in increased pressures from the Koniag shareholders for a per capita distribution of the lands. Under the terms of the 1980 merger, the communities of Karluk and Larsen Bay were able to designate certain lands to be conveyed to them for shareholder use. It was only after extensive negotiations and the opportunity afforded by the proposed exchange, that Koniag was able to avoid the designation of lands along the Karluk for such conveyances. If the lands are not returned to the Refuge in the near future, then Koniag will have to address the shareholder pressure to make these lands available for distribution. The creation of hundreds of ten-acre parcels along the banks of the Karluk River, and the resulting human impact from such use, would literally destroy this area for brown bear habitat.

Because Koniag is first and foremost an ANCSA Regional Corporation, it is particularly mindful of its obligation to its shareholders. Any conveyance of its inholdings in the Refuge must provide protection for the right of access to such lands by the residents of Karluk and Larsen Bay for subsistence

purposes. Such access rights were acceptable to the Department of the Interior in 1988 when the last attempted exchange was negotiated.

In 1988, Koniag retained Richard Hensel who is a wildlife biologist, former manager of the Kodiak Refuge, and is knowledgeable about the impact posed by the Native inholdings in the Refuge, to prepare a paper on the importance of the inholdings to the Refuge. This study was submitted to the House Committee on Interior and Insular Affairs as part of the hearing record on the acquisition of Native inholdings in conjunction with the proposed exchanges in the Arctic Refuge. A copy of Mr. Hensel's paper is attached for your information.

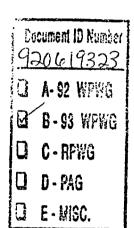
In addressing the Kodiak Refuge inholdings situation, the question is always asked of Koniag as to why, since it is a Native Corporation, is it willing to convey its lands. The answer is simple: Because Koniag has a responsibility to all of its shareholders, it believes the wisest and most prudent use of its assets is to provide a better way of life for them. Over two-thirds of the Koniag shareholders do not even live on Kodiak Island. Thus, Koniag either has to develop the inholdings to provide a cash flow to its shareholders or sell them. If it develops the land, then it will be engaged in lengthy battles with the Fish and Wildlife Service over Section 22(g). If, on the other hand, it is able to receive fair compensation for the land for its return to the Refuge and preserve the subsistence use access rights of the local residents, all of the shareholders will be benefited. It is the intent of the Board to use a significant portion of any such compensation Koniag receives to fund an irrevocable trust for the benefit of the shareholders. Such trust would be designed to provide a constant cash flow to the shareholders, and would be outside the control of future boards and not subject to

possible creditor attachment from business reversals by the Corporation. The interests in the trust would be nontransferable except through inheritance, and its annual income would be distributed to the beneficiaries. It is the goal of the Board that the trust provide an income stream to the shareholders with more certainty than corporate dividends.

Thus, as Koniag sees it, the return of its inholdings to the Refuge benefits everyone:

- the land is protected from development;
- the local shareholders' subsistence access rights are preserved;
- all shareholders are provided a guaranteed income stream;
- a truly unique piece of the world is preserved for future generations;
- the bears are happy eating all the salmon they can catch.

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CONSERVATION ASPECTS OF CORPORATE LAND INHOLDINGS AND THEIR IMPORTANCE TO THE KODIAK NATIONAL WILDLIFE REFUGE

by RICHARD J. HENSEL

APPENDIX A

TESTIMONY OF FRANK PAGANO
ON BEHALF OF KONIAG, INC.
BEFORE THE HOUSE COMMITTEE ON INTERIOR & INSULAR AFFAIRS
Subcommittee on Water and Power Resources
July 7, 1988

CONSERVATION ASPECTS OF CORPORATE LAND INHOLDINGS AND THEIR IMPORTANCE TO THE KODIAK NATIONAL WILDLIFE REFUGE

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This statement is intended to place important fish and wildlife relationships in perspective so as to engender a more comprehensive understanding of their conservation value. Like other refuge units established by executive or secretarial action, the Kodiak National Wildlife Refuge (KNWR) has undergone two major boundary adjustments and, in each instance, declassification of valuable refuge lands has profoundly hampered agency capabilities to properly manage residuary holdings.

The establishing executive order (EO signed by President F.D. Roosevelt August 14, 1941) designated most of the southwest portion of Kodiak Island and all of Uganik Island as a national refuge unit in order to "preserve the natural breeding and feeding ranges of the giant Kodiak brown bear". The EO specified that a one-mile strip around the refuges perimeter would be open to economic development for future expansion of fishery and agriculture industries. This specification was seriously flawed in that livestock grazing was soon destined to be in conflict with brown bear management.

Livestock depredation attributed to bears escalated during the 1950's, and as a result, numerous brown bears were sacrificed by predator

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control agents and cerate ranchers having to de human life and property. This conflict was resolved by secretarial action (PIO issued by Interior Secretary F.A. Seaton, May 9, 1958) by eliminating industry and private use from the one-mile strip in exchange for reclassifying over 100,000 acres (Kupreanof and Shearwater peninsulas) of prime fish and wildlife habitat as unreserved public domain. Management authorities considered this to be an equitable solution despite a substantial loss of refuge acreage. Lands necessary to preserve the breeding and feeding T. F.W.C. ranges of the Kodiak brown bear were considered to be sufficiently large enough to still meet a secretarial mandate.

The second major boundary adjustment was precipitated in 1971 by the Alaska Native Land Claims Settlement Act (ANCSA). Over 300,000 acres of refuge lands were conveyed to village corporations and Native groups. Because such a massive conveyance essentially comprised the heartland of brown bear feeding and breeding ranges, Congress attempted to ameliorate this loss by imposing land use restrictions on conveyed lands. Thus, in Section 22(g) of ANCSA, Congress stipulated that lands would remain subject to laws and regulations governing use and development of adjacent refuge lands. The Interior Secretary was granted authority to regulate, and thereby insure, that uses and development of Native-owned lands would be compatible with this purpose.

The scope and implications of 22(g) has never been made clear and despite noble intentions of Congress, this stipulation placed both federal resource managers and Native landowners in a mutually disadvantageous position.

Unlike the Public and Order that resolved the be cattle conflict, the problems emanating from Native-ownership of valuable conservation lands adjacent to refuge lands, all of which are part of the same ecosystem, have yet to be resolved. Wildlife management interests on one | Dougney | Number hand and the Native development interests on the other, continues to be in limbo to this day.

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In 1973, the Secretary issued regulations implementing Section 22(g). While this first attempt contemplated the need to promulgate specific regulations, it nevertheless recognized the necessity to balance these conflicting interests. The yet to be promulgated regulations are to "permit such uses that will not materially impair the values for which the refuge was established." 43 CFR S 2650.4-6(b). It is obvious that this "material impairment" standard contemplates some uses to be permitted upon Native-owned lands which otherwise would not be permitted upon federally-owned lands.

The federal government has yet to formulate additional 22(g) regulations due probably to the reluctance of Management to confront a highly complex compatibility issue and to the legal uncertainties revolving about individual property rights. An incidental legal problem is that optimal refuge management may require the imposition of restrictions contrary to ANCSA's basic tenant of economic self-sufficiency. This is particularly important to Kodiak residents because the finite resource base by its very nature constrains fish and animal consumption to recreational and subsistence uses, and commercial fishing, without other alternatives for economic development.

Page 3

Outdoor-recreatic ventures which could meet e "non-material impairment" standard could still have a deleterious effect on the wildland character of Native-owned lands, and, even more importantly, on brown bear and other mobile creatures that use refuge and Native-owned lands in combination. A lodge-type concession, built for example, at the Native-owned outlet area of Karluk Lake would pose a serious threat to brown bear activities, reduce brown bear numbers as a result of killing animals in defense of life and property, disrupt seasonal movement patterns of brown bears and generally alter the quality of habitat within and adjacent to the facility complex. Yet, what governmental body would dare deny any segment of our society the inalienable right to become economically self-sufficient by developing its own land resource if such a venture would be undertaken in a conservation-minded manner?

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While 22(g) was intended to insure a semblance of resource protection, this stipulation provides neither for public access nor use and administration by resource management agencies. Public access difficulties affect refuge resources. For example, commercial guide/outfitter operators are required to pay costly permit fees in order for their clients to recreate on Native-owned lands. To avoid fee payment, such operators transfer effort to unreserved refuge lands wherein greater pressure is exerted on refuge resources. This unsolvable problem can be dealt with best by a land exchange. To summarize its negative effects: fish, wildlife and their habitats, under Native and federal control alike, still remain vulnerable to encroachment while management ability is obfuscated to the point of inaction by the federal government and Native developmental interest.

By virtue of Ir resource-orientation, I we village will increase in population size, and more transient visitors to Native inholdings, would exert more pressure on finite resources regardless whether commercial developments occur on Native-owned lands. vitality of the Kodiak NWR is, by its very essence, a product of an 9206/9333 island ecosystem that has remained biologically intact over the years despite adversities resulting from peripheral development.

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What the refuge fauna lacks in species diversity (only six mammal were indigenous to the Kodiak Archipelago) is compensated by the uniqueness of indigenous species and delicate but simple food chain essential to their support. Whether or not this biological system is preserved for future generations to husband and enjoy will depend in large measure on management's ability to restrict exploitation and encroachment. Animals and birds roam and fly over island irrespective of township, section and boundary lines. Salmon, bears, and eagles require vast territories and unlimited access to site-specific niches for purposes of reproducing, feeding, overwintering, and other life cycle functions. The preponderance of refuge bears, salmon, eagles and other far ranging creatures are equally, if not more so, dependent upon crucial site-specific habitats situated on Native inholdings for their survival. Inevitably, exploitation and abuses will increase in response to outdoor recreational endeavors; mariculture, aquaculture and real estate ventures; and, offshore oil and gas development. Environmental damage in the long-term can only be curtailed through fee ownership entitlement to the federal government.

Native inholdings sposed to be reinstated as re a lands include the Karluk Lake and River; Sturgeon and Dog Salmon Rivers, those lands embracing Uyak, Larson, Halibut, Midway Bays and part of Three Saints bay; Grant, Brown's, and Horse Marine Lagoons; the upper Ayakulik River; 920619325 Middle and Grant Capes; areas in Olga Bay and around Upper Station Lakes; A.C. WPWG a large part of the Aliulik Peninsula, and Sitkalidak Island in its C.S. WPWG entirety.

The federal government would in aggregate acquire over 300,000 acres E.E.C. of inholdings that range from outstanding or world class to excellent in conservation value. Conservation aspects specific to inherent values of these inholdings are as follows:

Brown bears depend upon the availability of summer and late 1. fall salmon runs to restore body fat depleted during the spring period of food scarcity and stressful breeding season; and, as a major source of protein preparatory to winter denning. Brown bears range seasonally in concentrated numbers along spawning systems located adjacent to or within Native inholdings. Karluk River provides migratory salmon access to and from lake tributaries used seasonally as a major feeding niche. The river and its tributaries support silver salmon spawning and thus provide bears and other fish-eating species, including bald eagles, essential feeding niches during the pre-winter period. Similar niches are afforded by other lake/river outlet systems. These include, but are not limited to, the lower part of Dog Salmon River, the upper part of Ayakulik River, and Upper Station Lakes. The sanctity of these crucial spawning systems and roures to adequately protect the can be assured only through the acquisition of the Native inholdings which surround them.

Document ID Number

E-93 WPWG

- Carrying capacity limitations, social intolerances and 2. interspecific strife induces younger and solitary bears to avoid intensively-used pink and chum salmon spawning systems as confid mid-summer feeding niches. The Sturgeon, Ayakulik, Upper Dig 1.746 embayments are traditionally used by such refuge bears. Spawning chronology and cyclic migrations impel bears to move from one drainage to another. The majority of brown bears inhabiting the southwest sector of the refuge do by necessity range within, or routinely travel through, these vital inholding areas. Managerial control of all lands within the ecosystem would assure resource managers and the public the most optimal means to protect these nationally significant resources within and adjacent to the existing refuge boundary.
- The Aliulik Peninsula has significant conservation values 3. related to valuable denning and feeding niches. Brown bears generally occupy the lower half of the peninsula for a brief mid-summer period when they concentrate in low to moderate numbers to feed on a pink salmon and various types of vegetation. Ptarmigan occur here in abundance with post nesting aggregations numbering in the hundreds. Other birds on the lower half of the peninsula include several raptor species

and cliff—ne ng shorebirds. Falcons nest ng rocky seaside escarpments. Pink salmon spawning occurs primarily in the upper half of the peninsula. Bears disperse throughout the Document D Number peninsula after the breeding period in June but the relatively 920019323 low, rolling terrain and openness of cover accounts for fewer. A-92 WPWG bears occurring here compared to optimal valley systems in E-93 WPWG other parts of the refuge. Disjointed land status encumbers C-RFWG the ability to manage efficiently the Aliulik Peninsula.

- 4. Abundant and diverse freshwater habitats support a fishery of key importance to the island ecosystem. Salmon and other fishes are essential to a wide array of fish-eating terrestrial and marine mammals as well as birds. Many freshwater habitats occur within or adjacent to Native inholdings. Native villages and seasonally used structures typically occur near riparian systems. Water quality is a major concern to resource managers since pollution associated with inevitable refuse, sewage and toxic waste disposal pose a serious threat to the biological productivity of the Kodiak NWR. Maintenance of high quality water standards is a major management objective that can best be achieved through complete managerial control of all freshwater systems.
- 5. Estuaries adjacent to refuge and inholding lands are extremely important to shellfish, finfish as well as to waterfowl and pelagic birds. Of the nine most productive estuaries of Kodiak Island, five are located next to Native inholdings. The

continued v ity of Uyak Bay, Midway Ba Karluk and Horse Marine and Brown's Lagoons, as cited in the Kodiak Refuge Comprehensive Conservation Plan as having special conservation value, depends to a large extent on having managerial control of the surrounding landscape.

6.

Decument ID Number

An area in the southwest sector of Kodiak Island referred to as the <u>Kodiak Refugium</u> has special scientific, education C.RFNG The area's distinctive conservation and recreational value. flora and rolling landscape contrasts with the rugged glaciated terrain predominating Kodiak Island. area remained ice-free during the Pleistocene Era of glaciation. Brown bear populations reach the highest density level in the world in this locality. A large portion of the Kodiak Refugium lies within, or adjacent to, Native inholdings. Native lands in the Karluk Lake and River area of the Refugium have concentrations of brown bear on the average of one bear per 1.6 square kilometers. Some of these lands have reported densities up to ten bears per square mile. add these inholdings to the Kodiak NWR, would greatly enhance the ability to manage all resource as an intact unit.

7. Lands on Sitkalidak Island have been made part of the land exchange offering because they contain significant habitat features including five embayments; an elongated lagoon and rocky escarpments. A grass-shrub association is the

predominant of vegatation. This islar rovides a haven for terrestrial birds and marine-oriented birds and mammals. While brown bear do not reside upon this island, they occassionally visit the island to forage upon vegetation and food items cast upon the shoreline. The protected embayments serve as nursery habitat for shellfish and wintering habitat for scoter, eider, and old squaw ducks as well as other constal of the coastal of the coa

Establishment of the original Kodiak NWR by Executive Order clearly demonstrates the value of inholding parcels to resource management in the Kodiak Archipelago. They were part of the original refuge and each parcel has a specific role in maintaining viability of fish and wildlife habitats over the long-term.

The continued vitality of the Kodiak and Maritime NWR's depends to a large extent on the protection of crucial site-specific habitats which would contribute to the specific management need of these refuges. To maintain the status quo - and place administrative reliance on ANCSA's Section 22(g) resource protection provision - greatly impairs management's ability to husband important and abundant resources that have international and national significance and recognition. If managerial encumbrances prevail, resource managers will be compelled to

modify refuge objective reduce fish and wildlife population objectives, and drastically reduce consumptive and non-consumptive uses on refuge lands unless corrective action is undertaken.

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1 D- PAG

1 E- MISC.

EXXON VALDEZ OTT SPILL TRUSTEE COUNCIL

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Critical Factors

Potential projects must meet all of the following to be considered further. Check the blank for "yes", "no", or "unknown".

YES NO UNKNOWN 1. Linkage to resources and/or services injured by the Exxon Valdez oil spill. 2. Technical feasibility.* 3. Consistency with applicable Federal and State laws and policies.*

Comments:

^{*} Restoration Framework, 1992, pp 43-44.

EXXON VALDEZ Oil Spill Trustee Council

Format for Ideas for Restoration Projects

Title of Project: Acquisition of inholdings in Shuyak Island State Park.

Justification: Portions of the Shuyak Island coastline were some of the hardest hit by oil following the Exxon Valdez spill. Changes in the patterns of recreational use in the park resulted from the spill. Some areas have been avoided by park visitors, some areas have been "discovered" by oilspill cleanup crews, and some areas which previously had little use are now used more extensively. Acquisition of inholdings from willing sellers in the park would restore and replace resources injured by the spill and would provide additional areas to absorb displaced recreational use.

Description of Project:

Objective: Acquire, on a willing seller basis, inholdings within Shuyak Island State Park. This project would meet the objectives of option 24 of the restoration framework document.

<u>Procedure:</u> Identify willing sellers of inholdings within Shuyak Island State Park and acquire land or conservation easements by purchasing.

Estimated duration of project: 1 year. Estimated cost: \$200,000.

Other Comments: See attached map for location of park.

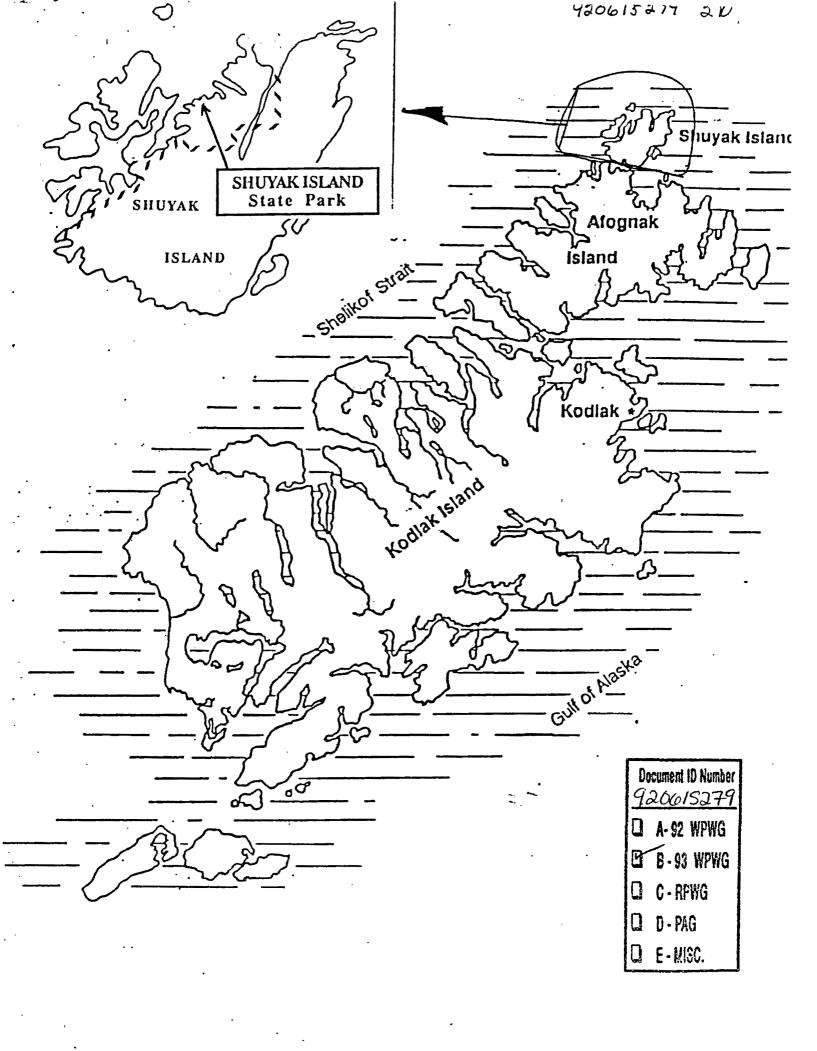
Contact: Alaska State Parks, Kodiak District

SR Box 3800

Kodiak, Alaska 99615

(907)486-6339, FAX: 486-3320 Claire Holland, District Ranger > Submitted By

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EXXON VALDEZ Oil Spill Trustee Council

Format for Ideas for Restoration Projects

Title of Project: Acquisition of Recreational Sites on the Kodiak Road System.

Justification: Recreational activities were negatively effected by the Exxon Valdez oilspill. Many recreational sites were physically damaged by oil, some of these sites are on the Kodiak road system and are therefore in high demand by both locals and visitors. This proposal would insure public access to areas that could absorb the displacement of recreational activities from oil-damaged areas.

Description of Project:

<u>Objective:</u> To acquire recreational sites for public access on the Kodiak road system. This project would meet the objectives of option 12 of the restoration framework document.

<u>Procedure:</u> Identify willing sellers of lands identified as potential public access sites, acquire land by purchasing, and turn management over to local or state government agency. See attached for list of identified areas.

Estimated duration of Project: 10 years. Estimated cost per year: \$500,000.

Other Comments: Project would not include any overhead for management of lands or for facilities and development. Settlement monies would only be used for acquisition of the sites.

Contact: Alaska State Parks, Kodiak District

SR Box 3800

Kodiak, Alaska 99615

(907)486-6339, FAX: 486-3320 Claire Holland, District Ranger

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Potential Land Acquisition Sites for Recreational Access
Along the Kodiak Road System

- 1. Termination Point Trail System A popular trail system used by local hikers and hunters begins at the end of Monashka Bay Road, and leads to an abandoned cabin once used as a retreat for soldiers during WWII and to Termination Point, a grassy knob extending out into Narrow Strait. The trials wind through old growth Sitka spruce and along steep rock cliffs. Bald eagles, deer, otter, and many shorebirds are commonly seen from along the trails. Present land status: The parking area at the end of the road is Kodiak Island Borough (KIB) land; most of the trail system is on land owned by Leisnoi, Inc. Approximate acreage: 1100 acres.
- 2. Long Island A very popular destination for local boaters, Long Island is only a 20-30 minute skiff ride from downtown Kodiak. Many Kodiak residents enjoy hiking, picnicking, beachcombing, and hunting on the island. The lakes on the island area stocked with rainbow trout. Evidence from three eras of Kodiak's history are present on Long Island with Koniag sites, remnants of Russian occupancy, and WWII gun emplacements and observation posts. The rocky shorelines and small bays of Long Island serve as rookeries for a large number of seabirds, and include the only breeding site in the Kodiak area for the rhinoceros auklet. Present land status: Privately owned, Leisnoi, Inc. Approximate acreage: 1462 acres. Special note: A number of hazardous materials have been detected on the island, including PCBs.
- 3. <u>Sandy Beach</u> Located just southwest of Gibson Cove, this quiet and scenic cove is only a mile from downtown Kodiak. The area is used for picnicking, fishing, and beachcombing. <u>Present land status:</u> State select. <u>Approximage acreage:</u> 28 acres.
- 4. <u>Bruhn Point, Women's Bay</u> A high-use area because of its roadside accessibility, Bruhn Point offers opportunities for camping, fishing, clamming and beachcombing. An unmaintained road leads from the Chiniak highway out to a small cove just south of Bruhn Point. <u>Present land status:</u> Privately owned, Koniag, Inc. <u>Approximate acreage:</u> 50 acres.
- 5. Cliff Point This area has a long history of recreational use mainly because of easy access offered via a number of dirt roads. An old softball field is located at the end of one of the roads, and adjacent to a wide gravel beach. A number of small lakes in this area are stocked and hunting for smallgame and waterfowl is good. Many local residents consider Cliff Point to be a prime spot for watching birds and marine mammals. Present land status: Recently acquired by Trillium, Inc. and Leisnoi, Inc. Approximate acreage: 1677 acres.

Page two - draft list of recreational access sites on Kodiak road

system

- 6. <u>Middle Bay Waysides</u> Both these areas have been, and continue to be used by the public for a variety of recreational purposes. Middle Bay is one of the best clamming areas on the Kodiak road system and also offers good duckhunting and sportfishing opportunities. <u>Present land status:</u> Unknown. An access road located one mile east of the American river/Saltery Cove road has recently been closed off by a private landowner. <u>Approximate acreage:</u> 105 acres.
- 7. <u>Mayflower Beach</u> This small beach is situated right off the Chiniak highway. A series of seastacks and small islands just offshore of the beach are home to many seabirds. A lake on the west side of the highway is stocked by ADF&G. <u>Present land status</u>: Private, but may have recreation easement on it. <u>Approximage acreage</u>: 50 acres.
- 8. Myrtle and Frank Creeks, Kalsin Bay These small areas are heavily used by campers and RVers. Sportfishing is excellent, birdlife and scenic values are also high. Present land status: Unknown. Approximate acreage: Ten acres each.
- 9. Thumbs Up Cove This sheltered bay close to the chiniak highway, is used as an anchorage by many local residents. An old dock is situated at the head of the bay. Present land status: A now relinquished private lease to the tidelands has never been conveyed back to public use. Uplands may already be owned by the state. Approximate acreage: 10 acres.
- 10. Roslyn Beach Roslyn Creek is considered an excellent silver salmon stream and also supports a run of pink salmon. Local residents fish for hooligans along the beach near roslyn Creek. The area may also be suitable for a small boat launch. The combination of sandy beaches so close to mature sitka spruce forests is unique to the Kodiak area. Present land status: May already be state land. Approximate acreage: 50 acres.
- 11. <u>Cape Chiniak</u> This end-of-the-road area has long been used by the public because of its recreational values and accessibility. Hunting, fishing, beachcombing, hiking, and birding are all popular activities here. This was the site of a WWII coastal defense installation. <u>Present land status:</u> Private, Koniag, Inc. <u>Approximate acreage:</u> 3500 acres.
- 12. <u>Sacramento River Valley</u> This scenic valley is accessed by foot or four-wheel drive vehicle from the Narrow Cape area, or by foot from over a pass from the Pasagshak highway. The area offers great sportfishing, hiking, and beachcombing. <u>Present land status:</u> Grazing lease, possibly already state land. <u>Approximate acreage:</u> 400 acres.

21

page three-draft list of recreational access sites on the Kodiak road system

- 13. Trail to Cascade Lake This scenic lake is a 3 1/2 hike from Anton Larsen road. the lake is stocked by ADF&G. hikers can glimpse views of Whale and Raspberry Islands, and Kizhuyak Bay. Present land status: Private, Ouzinkie Natives, Inc. and one individual land owner. Approximate acreage: 5 acre camping/recreation site on Cascade Lake and public easement for trail from Anton Larsen road to the lake.
- 14. End of Anton Larsen Road This is where the boundaries of the one deer and four deer areas abut, and so is a popular takeoff point for landbased deer hunters. A maze of trails winds through young Sitka spruce forests and grassy meadows. Present land status: Private, some owned by individuals, and the remainder owned by Ouzinkie Natives, Inc. Approximate acreage: 2-5 acres for a parking area and reststop.

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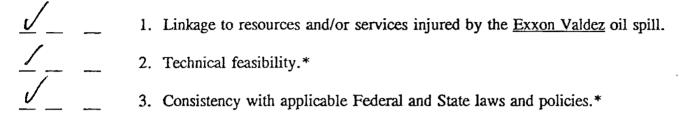
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3 PROJECT SCORING SHEET

Critical Factors

Potential projects must meet all of the following to be considered further. Check the blank for "yes", "no", or "unknown".

YES NO UNKNOWN



Comments:

^{*} Restoration Framework, 1992, pp 43-44.

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EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

FORMAT FOR IDEAS FOR RESTORATION PROJECTS

Title of Project: Archaeological Restoration - Site Acquisition

Justification (Linkage to injured resource): Numerous sites throughout the spill area were damaged by direct oiling, beach treatment, visits associated with cleanup, and site vandalism.

Description of Project: Although damaged, archaeological sites within the spill area reflect the cultural complexes that existed in the spill area from the prehistoric to historic period. While sites are individually important, the broad cultural chronology is discernable by examining representative sites of the several cultural complexes that existed through time. Unfortunately, archaeological sites in portions of the spill area are poorly known and some have been differentially destroyed by tectonic elevation changes. Hence, it is unlikely that the relatively small number of sites that can be acquired under this program can fully cover the complete human past in the spill zone. As an alternative, priority would be given to acquiring sites which are stratified or representative of poorly known periods of prehistory; such sites have the greatest potential to yield new information on a broad span of prehistory. The goal is to move sites from private to public ownership so that the sites will thereby be preserved for future archaeological investigation. An acquisition policy would be written by an interagency archaeological task force under direction of the State Archaeologist and State Historic Preservation Officer.

Estimated Duration of Project: 2 years.

Estimated Costs per Year: \$200,000. The value of lands scheduled for acquisition will be determined by an appraisal of fair market value. \$35,000 is estimated for administrative costs.

Other Comments: This project would be coordinated with other agency acquisition proposals.

Judith E. Bittner
Office of History and Archaeology
Alaska Division of Parks and Outdoor Recreation
Department of Natural Resources
P.O. Box 107001
Anchorage, AK 99510-7001
[907] 762-2622

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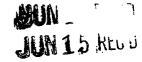
Potential projects must meet all of the following to be considered further. Check the blank for "yes", "no", or "unknown".

YES NO UNKNOWN

 	1. Linkage to resources and/or services injured by the Exxon Valdez oil spill.
 	2. Technical feasibility.*
 	3. Consistency with applicable Federal and State laws and policies.*

Comments:

^{*} Restoration Framework, 1992, pp 43-44.



PROPOSAL FOR OIL SPILL RESTORATION PROJECT

Title of Project: Acquisition of Important Recreation Lands

Justification: Many of the most important outdoor recreation lands in the spill affected area are privately owned. Boaters and other visitors to the Sound and outlying areas often use these lands as if they were public, not realizing their private status and without the knowledge or permission of the owners. This widespread practice is known as "recreational trespass". Not only does this violate the owners' property rights, but over time, recreational opportunities in these areas will be lost as the lands are developed for other purposes, including settlement and timber harvest.

Before the spill, private ownership of these recreation sites was desirable because it offered an alternative mix of facilities and services, compared to the sites in public ownership. But the spill damaged many public sites, making the private sites valuable as a source for restoration through provision of equivalent resources.

Purchase of fee simple or other interests in important recreation lands will secure the land base for recreation many years in the future. Land acquisition should be considered restoration because it compensates for the loss or degradation of spill affected lands. Land acquisition can also respond to new use patterns that have developed as a result of the spill. Some traditional areas are no longer as popular, while other areas have seen dramatic increases in visitation. These changing use patterns are forcing a re-examination of recreation management and development priorities, including land acquisition.

Description of Project: Alaska State Parks/DNR proposes a program of small, targeted purchases of important recreation access and development sites, ranging in size from one acre to several hundred acres. DNR would work with user groups, property owners, resource managers and others to identify acquisition possibilities on a willing-seller basis for the purchase of fee or partial interests in important sites. Criteria for site selection and evaluation would be developed in conjunction with the <u>Marine Recreation Plan for the Spill Area</u>, a separate proposal submitted to the Trustee Council.

After criteria and priorities are identified, an active program of site nominations, inventories, field investigations, negotiations, appraisals, and sales contracts would be initiated.

Three areas would be targeted for acquisitions: Prince William Sound, the Outer Kenai Peninsula coast, and the Kodiak area. DNR has detailed lists and maps which depict potential nominations in each of these areas. Some general comments and ideas follow.

Prince William Sound. Most of the most important sites for consideration are owned by regional Native corporation Chugach Alaska and village corporations Eyak, Tatitlek, and Chenega. Acquisition of Native lands is discussed and supported by the state's Prince William Sound Area Plan, which was developed in cooperation with these corporations. These acquisitions could be managed as state marine parks, refuges, critical habitat areas, or special management areas. Many also have important fish and wildlife habitat values, so state and federal wildlife agencies would be consulted for information and guidance.

Outer Kenai Peninsula Coast. In Resurrection Bay, there are private lands within or nearby several state marine parks, including Thumb Cove, Sunny Cove, and Driftwood Bay. These could be purchased on a willing seller basis. Recreational access points in the Port Graham and English Bay areas should also be investigated as potential acquisitions. Aside from the 20,000+ acres of Seldovia Native Association lands in Kachemak Bay State Park, there are more than 100 separate inholdings that are potential acquisitions. Many have cabins that could be added to the public use cabin system.

Kodiak area. Potential acquisitions in Shuyak Island State Park include four Native allotments with high recreational values. Partial acquisitions should be considered, like conservation or scenic easements, life estates, purchase of development rights, etc. There a number of sites along the Kodiak Island road system, many owned by Leisnoi, Inc., with high recreation values suitable for acquisition.

Estimated Duration of Project: Indefinite, but at least five years, starting in 1993.

Estimated Cost Per Year: \$500,000 annually proposed.

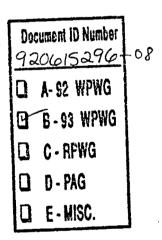
Name, Address, Telephone: Neil Johannsen

Alaska State Parks

Box 107001

Anchorage, AK 99510

907-762-2602



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EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

FORMAT FOR IDEAS FOR RESTORATION PROJECTS

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Title of Project:
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Justification: (Link to Injured Resource or Service)
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430/W. 7th Rock Suite 216 and suggestions will not be proprietary, and you
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Title of Project: Acquire Land or Development Rights to Protect Fish & Wildlife Habitats and Recreational Values.

Justification: (Link to Injured Resource or Service)

Injured Resources and Services. Species injured by the Exxon Valdez oil spill use habitats that are threatened by clearcut logging or other large-scale developments. The ecosystems of Prince William Sound and Gulf of Alaska were injured, so, therefore, protection of these ecosystems from further damage will provide restoration of natural resource damage. Injured services include wilderness recreation, the aesthetic value of wilderness, subsistence, sport and commercial fisheries of wild stocks.

Specific links: Including bald eagles, marbled murrelets, harlequin ducks, river otters, cutthroat trout, Dolly Varden, wild salmon stocks, marine birds, sea ducks, harbor seals, coastal habitat, recreation, wilderness, aesthetic and intrinsic uses.

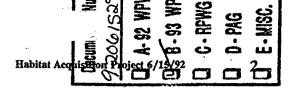
Mature forests support feeding and reproductive habitats for many species including bald eagles, marbled murrelets, and river otters. Even if bald eagle populations are considered by the Trustees to have been "restored" (and we believe that the evidence does not yet support such a finding), these "restored" populations depend on the existence of abundant nesting habitats. The murrelet is proposed for listing as threatened under the Endangered Species Act in the Lower 48. Wild salmon stocks, Dolly varden, and cutthroat trout spawn in coastal streams and rivers while harlequin ducks nest in adjacent riparian areas. Undisturbed uplands and riparian areas protect the quality of streams, rivers, watersheds, estuaries and near-shore waters.

Recreation and aesthetic and intrinsic wilderness values were harmed by the spill. These resource services should be replaced by acquisition that protects fish and wildlife habitats, scenic viewsheds, aesthetic and intrinsic wilderness qualities. Recreation and wilderness services depend on the long-term pristine nature of the ecosystem.

Description of Project: (e.g. goals(s), objectives, location, rationale, and technical approach).

Goal:

- A) Immediately begin negotiations for acquisition of areas with high habitat and/or wilderness recreation values from willing sellers through purchase of timber or development rights, conservation easements, or fee-simple title. Providing interim protection through a moratorium on timber harvest and other developments via some acquisition, lease options, or other mechanisms to secure all possible future options should be sought so that the full range of restoration options are not foreclosed.
- B) Acquire, on a willing-seller basis, private lands or development rights within existing National and State parks, refuges, and forests. This would include upland forests and watersheds, marine bird and waterfowl habitats, and tidelands to restore and enhance



resources and services injured by the oil spill to permanently protect them. Acquisition may be through purchase of timber or development rights, conservation easements, or fee-simple title. Priority should include important fish and wildlife habitats and/or important service value for wilderness recreation, contribution to maintaining contiguously intact ecosystem, and geographic distribution.

Objective:

To restore, enhance, and safeguard the injured ecosystem, species, habitats and services during recovery and in perpetuity. Restoration of the ecosystem must include protection from future harm.

Locations:

To include, but not be limited to, acquisition from willing sellers in the following areas (listed in alphabetical order). Prices are only listed for parcels where there has already been some negotiation. Willingness to sell must be confirmed by the landowners listed. We apologize in advance if we have overlooked some willing sellers in this list, or, if the list includes owners who may not be interested in selling. Approximate acreage of areas to be considered for land or other rights are listed.

Afognak Island. (Afognak Joint Venture, Akhiok-Kaguyak, Kodiak Native Corporation, Ouzinkie Native Corporation (Koncor timber)). Logging is occurring now on this island that ironically was set aside in 1892 by President Harrison as the initial forest reserve in what became the Chugach National Forest. This island was removed from the Forest by provisions in ANILCA. About 150,000 acres.

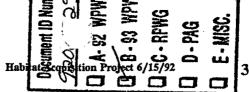
Cape Suckling (Timber owner, University of Alaska). If timber is acquired for this area on the southeast end of the Prince William Sound ecosystem, it would automatically become part of the Cape Yakataga State Game Refuge. Logging threatened. About 30,000 acres.

Kachemak Bay State Park (Seldovia Native Association (Timber Trading Co.); subsurface Cook Inlet Region, Inc.). Imminent threat of logging. About 23,000 acres. \$22 million.

Kenai Fjords National Park (Port Graham & English Bay Village Corporations; University; Native allotments; Chugach Alaska Corporation owns subsurface). Wilderness coastlines threatened by future development. About 77,000 acres.

Kodiak National Wildlife Refuge (Old Harbor, Akhiok-Kaguyak, Koniag, Native allotments). Lands threatened with subdivision. About 312,000 acres.

Prince William Sound. Including but not limited to Eyak Lake and River and Power Creek, Nelson Bay, Simpson Bay, Sheep Bay, Hawkins Island, Port Fidalgo, Bligh Island, Eshamy Bay, Paddy Bay, Ewan Bay, Jackpot Bay, Chenega Bay, Chenega Island, Evans



Island, Knight Island, Fish Bay, Landlocked Bay, Two Moon Bay, Montague Island. Eyak Village Corp (Sherstone timber); Tatitlek (Citifor timber); Chugach Alaska Corp (Koncor timber); Chenega Village Corp (Koncor timber). Imminent threat of logging throughout the region. About 260,000 acres.

Others. Including Valdez Duck Flats; Mud Bay at Homer; Gull Island and other potential areas for additions to Alaska Maritime National Wildlife Refuge.

Rationale and Technical Approach:

The technical approach for habitat acquisition has been well outlined in detail by The Nature Conservancy in their Manual prepared for the Trustees. The two-pronged approach follows the rationale that 1) negotiations should commence immediately with willing sellers for threatened parcels of land which, for the most part, are well known to have high fish and wildlife, subsistence values, and/or recreation values and aesthetic or intrinsic wilderness values and 2) synthesis of existing data may be needed to identify other priority acquisition areas in order to protect the most important habitats first. As additional data about fish, wildlife, and other values becomes available, the system must be able to accommodate it, as well. The approach of this project acknowledges that immediate negotiations must proceed in order for future opportunities for acquisition to remain open.

Successful completion of this project will entail meshing of ideas from the public and landowners on potential locations for acquisition; technical support such as map overlays with land ownerships, fish, bird, mammal, habitat, and other survey data and expert scientific judgements on habitat qualities (including preparation of such maps requested by the public and access by the public to the land/habitat work group); and on-going public participation in the process.

Estimated Duration of Project: Begin 1992. May last at least ten years.

Estimated cost per year: Unknown.

Name, Address, Telephone:

Alan Phipps, Alaska Center for the Environment, 519 W. 8th Ave. #201, Anchorage AK, 99501 (907) 274-3621

Pam Brodie, Sierra Club- Alaska Field Office, 241 E. 5th #205, Anchorage, AK 99501, (907) 276-4048

Pam Miller, The Wilderness Society, 430 W. 7th Ave. Suite 210, Anchorage, AK 99501, (907) 272-9453



ALASKA REGION

THE WILDERNESS SOCIETY

430 WEST 7TH AVENUE, ANCHORAGE, ALASKA 99501 (907) 272-9453

Trustee Council
645 6. St
Ancherge AK 99501

POSTMASTER: Return postage guaranteed. This parcel may be opened for postal inspection.



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EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL

FORMAT FOR IDEAS FOR RESTORATION PROJECTS

Title of Project: 12	
Habitat Acquisitio	n - Afognak Island
Justification: (Link to Injured Resource o	
Justine Comments in Injured Resource of	
Description of Projects (e.g. goal(s) phis	ectives, location, rationale, and technical approach)
PUTCHAIT 125,000	acces of land in 2 parcels
recent appraisal	of adjacent land is \$ 800 facts
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,	
	·
7	
Estimated Duration of Project:	wears aluc
Estimated Cost per Year: gear 1:	\$ 100,000 year 2 to end: \$112.5 million
•	
Other Comments:	
Name, Address, Telephone:	
James E. Carmichael	
Afognak Native Corp	- Oil spill restoration is a public process. Your ideas
P. C. Box 217	and suggestions will not be proprietary, and you
kediest, Ak 99615	will not be given any exclusive right or privilege to
907 486 6014	them.

AFOGNAK NATIVE CORPORATION 214 W. REZANOF, P.O. Box 1277 KODIAK, ALASKA 99615

Telephone (907) 486-6014 Facsimile (907) 486-2514

Date: June 15, 1992

Time:

Exxon Valdez Trustee Council

FAX NUMBER: (907) 276-7178

ATTN: Dave R. Gibbons, Ph.D.

Interim Administrative Director

FROM: Afognak

Afognak Native Corp.

James E. Carmichael

CORDIE WITH POOR

SUBJECT: Response to be submitted by June 15th to solicitation for

proposals for restoration projects.

MESSAGE:

Letter and proposed habitat acquisition project is attached.

NUMBER OF PAGES (INCLUDING COVER LETTER): 6

ORIGINAL DOCUMENT TO BE MAILED: YES

IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CONTACT US AT THE TELEPHONE NUMBER ABOVE AS SOON AS POSSIBLE.
This facsimile is being transmitted from AT&T 4525D fax machine

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Afognak Joint Venture

214 Rezanof West Kodiak, Alaska 99615 (907) 486-6014 FAX (907) 486-2514 Document 10 Number 920615295 Q A-92 WPWG Q B-93 WPWG

C-RPWG

D-PAG

E-MISC.

June 15, 1992

FACSIMILE TO (907) 276-7178

Exxon Valdez Trustee Council c/o Exxon Valdez Oil Spill Restoration Team 645 G. Street

Anchorage, AK 99501

Attn: Dave R. Gibbons, Ph.D.

Interim Administrative Director

Dear Dr. Gibbons:

Pursuant to your solicitation made in May on behalf of the Exxon Valdez Trustee Council soliciting ideas by June 15th for restoration projects we are proposing the habitat acquisition project, an outline of which is enclosed, for lands on Afognak Island. We look forward to working with Oil Spill Restoration Team and the Trustee Council.

Sincerely yours

Howard W. Walley

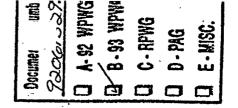
Chairman.

James E. Carmichael

anager

enclosure

cc: Koniag, Inc.



TITLE OF PROJECT:

Acquisition of equivalent resources and services on Afognak Island.

JUSTIFICATION:

Since there are limits to restoring the damaged habitat, the best use of the funds is to acquire similar habitat in the spill zone which would otherwise be developed and prevent additional environmental degradation from occurring. These environmental effects might have nothing to do with oil development or transportation. While most of the spill damage occurred to marine and shoreline habitat, adjacent forested uplands are often extremely important to the wildlife species "injured" by the spill and more likely to be altered by future timber development. Moreover, the best habitat to protect is likely that which was LEAST damaged by the spill or LEAST in danger from a future spill. That is the richest, healthiest habitat which can provide a secure environment for the species "injured" in the spill.

Afognak Island, while little known, could be the choicest habitat available to the Trustees. Afognak Island, formerly national forest land, is within the spill zone but was not damaged as severely as Prince William Sound sites. It is richly forested and provides productive habitat for many of the wildlife species "injured" by the spill. Much of the island is likely to be logged in the next few years unless acquired. Significant, ecologically important tracts of land are available for sale from a willing, cooperative seller contiguous to or nearby existing federal and state managed areas. Few, if any, areas in the spill zone combine such natural and pragmatic assets.

DESCRIPTION OF PROJECT:

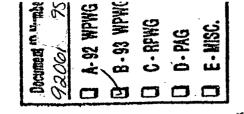
Afognak Joint Venture owns approximately 180,000 acres on Afognak Island, about one-third of the land on the island.

AJV would consider sale of any lands of interest to the Trustees. But, in particular, 125,000 acres of AJV holdings is offered for sale in two parcels; both contiguous to the federally managed Red Peaks Unit of Kodiak National Wildlife Refuge--

--41,850 acres along the northern portion of the island, immediately east of the Kodiak National Wildlife Refuge parcel.

--83,150 acres extending southwest of Kodiak NWR. The US Fish and Wildlife Service is currently studying the AJV lands for wildlife resources related to the priorities that the Trustees might consider in determining land acquisition.

Afognak Joint Venture Project June 15, 1992 Page 2



Moreover, the Alaska State Legislature has approved legislation authorizing and directing the Department of Natural Resources to spend \$7 million of the \$50 million state criminal settlement on acquisition of lands in the vicinity of Pauls and Malina Lakes on Afognak Island. Using Kachemak appraisals as a tentative guideline, about 7,200 acres would be acquired. The two discrete parcels authorized by the legislature could stand on their own as desirable and manageable state lands. Preferably, they would anchor a larger state acquisition package following consideration by the Trustees.

Because the land mass is so large, we suggest an approach to acquisition coordinated between state and federal agencies. For example, building on the recommendation of the legislature, the state might consider the Laura Lake (11,455 acres) area in the northeast and the Malina Lakes area (27,400 acres) in the southwest. Each is near other state lands managed for wildlife and recreation.

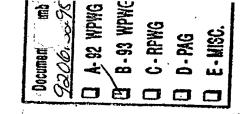
At the same time, the federal government might concentrate on those areas immediately adjacent to the existing Red Peaks Unit of the Kodiak NWR and those AJV owned islands within the boundaries of the Alaska Maritime NWR. Such an approach would incorporate Delphin and Discover Islands (AMNWR units where AJV owns timber rights), Murphy, Hogg, Teck, and Bear Islands within the AMNWR and the Paramanof Peninsula and Bluefox Bay, Redfox Bay, Waterfall Lakes and Delphin Peninsula units within the Kodiak NWR.

There has not been an appraisal of all of these lands. AJV is willing to work within an appraisal framework similar to that developed for the Kachemak Bay parcel. AJV is also willing to discuss deferring development on specific parcels for specific time periods if acquisition proceeds in stages.

AJV would consider a project where an appraisal proceeds as the federal state and trustees continue the resource studies of the island. Following an agreement on an appraisal, AJV and the Trustee staff would negotiate a staged acquisition schedule for federal and state parcels. With an agreement on acquisition in place, AJV could agree to withhold development on those lands while proceeding with logging and other development on those lands not contained in the agreement.

AJV proposes simple sale of lands, not development rights. If we are unable to sell most of the lands, we want to see sales of relatively compact parcels so we are not left with discontiguous tracts, lands encumbered by easements or holdings otherwise made difficult to develop.

Afognak Joint Venture Project June 15, 1992 Page 3



Second, we are interested in selling a mix of timbered and non-timbered lands. To give up ownership of land, we must demonstrate to our partners that we are receiving a fair price and that the sale of the lands is an attractive alternative to timber development. We will not engage in a series of sales which leaves us holding lands with no revenue potential and no hope of further sales.

Acquisition of the AJV lands has been endorsed by fishing interests, conservationists, and the Kodiak city and borough governments. AJV believes that the lands on Afognak Island offer a unique opportunity to the Trustees to return an area originally protected by the federal government in 1892 to public ownership while protecting resources and services which fully qualify under the terms of the Exxon Valdez agreement in an orderly, manageable way.

DURATION OF PROJECT:

AJV would expect an acquisition agreement to extend for a decade, the life of receipt of civil penalties by the Trustees. We would anticipate the agreement to provide for a schedule of acquisitions of approximately equal value throughout the decade.

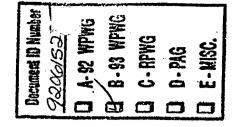
ESTIMATED COST PER YEAR:

It is impossible to specify cost prior to an appraisal. Moreover, the cost of the appraisal process would have to be included in the overall cost to the Trustees.

We would estimate appraisal, administrative and overhead costs at \$100,000 for the first year.

The ratio of timbered to non-timbered land on the AJV holdings is similar to that held by Seldovia Native Corporation in Kachemak Bay State Park. That was appraised at over \$900 per acre. If one assumes that the appraisal process produces a similar figure on Afognak, the 125,000 facres of contiguous AJV holdings would be appraised at a present value over \$112.5 million. (This does not include acquisition undertaken by the state and federal governments from criminal settlement monies.) An acquisition agreement could schedule purchases in stages over the decade. The acquisitions can be structured so that the amount paid in each year is the same, should the Trustees wish. Of course, a smaller acquisition plan would result in lower costs.

Afognak Joint Venture Project June 15, 1992 Page 4



OTHER COMMENTS:

Lands belonging to the Afognak Joint Venture are legally unusual. They do not constitute original village or regional selections under ANCSA. Instead, they are a result of land exchanges with the federal government for surface and subsurface holdings on the Alaska Peninsula. As such, they were selected solely for development.

Section 1427 of ANILCA, the provision of the act which ratified the original exchange also created the unique joint venture. some of the lands exchanged from the Peninsula were subsurface lands granted to Koniag, Inc. and Koniag remains a partner in the joint venture, approximately 14% of any receipts from sale of AJV timberlands would be considered subject to Section 7(i) of ANCSA and would thus be shared with all other Alaska Native corporations.

It is the intention of both major partners in AJV--Koniag and Afognak Native Corporation -- to establish special permanent fund accounts with net revenues from sale of AJV lands. enable both partners to use the proceeds from the sale to diversify investments and provide long term income to In that way, the shareholders without raiding the principal. permanence of land will be replaced with permanent capital. also means that investments will recirculate in the economy and provide long term dividends to Alaskans.

HOWARD

Kodiak, AK

CHAIRMAN

JAMES E. CARMICHAEL, MANAGER

99615

AFOGNAK JOINT VENTURE P.O. Box 1277 214 West Rezanof

Telephone:

907-486-6014 Facsimile: 907-486-2514 MIDDLETON, TIMME & LUKE 550 WEST SEVENTH AVENUE, SUITE 1600 ANCHORAGE, ALASKA 99501

To

EXCECN VALUEZ OIL SPILL RESTORATION TEAM 645 G STREET ANCHORAGE ALASKA 99501

FROM AFOCRAK NATIVE CORPORATION

COVER WORKSHEET FOR 1993 IDEA SUBMISSIONS Checked for Completeness ID stamped/Input completed Name Affiliation Costs Category Lead Agency Cooperating Agency (ies) Passed initial screening criteria Rank Within Categories RANKING Ĥ M L Rank Overall Project Number - if assigned _____

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EXXON VALDEZ OIL SPILL TRUSTEE COLLICIL

FORMAT FOR IDEAS FOR RESTORATION PROJECTS

itle of Project: 12 - Habitat Acquisition						
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Description of Project: (e.g. goal(s), objectives, location, rationale, and technical approach)						
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Estimated Duration of Project:						
Other Comments:						
Name, Address, Telephone: Donald J. Barry World Wildlife Flund 1250 Tuenty fourth St. NW Wishington DC	Oil spill restoration is a public process. Your ideas and suggestions will not be proprietary, and you will not be given any exclusive right or privilege to them.					



June 8, 1992

Document ID Number 920609221

Dave R. Gibbons, Ph.D. Interim Administrative Director Exxon Valdez Oil Spill Restoration 645 G Street

ion	Team	

Anchorage, AK 99501

Dear Dr. Gibbons:

On behalf of the one million members of our organization, World Wildlife Fund (WWF) appreciates the opportunity to provide input into the selection of restoration projects to be undertaken by the Exxon Valdez Trustee Council.

WWF strongly recommends that the vast majority of the Council's restoration work involve the acquisition of prime fish and wildlife habitat in Prince William Sound and the Gulf of Alaska, particularly on Kodiak Island. Kodiak National Wildlife Refuge contains some of the most valuable fish and wildlife habitat in the Gulf of Alaska region and did receive some of the oil spilled by the Exxon Valdez. A portion of this habitat now in Native ownership is increasingly being subjected to development pressures, threatening the area's unique natural resources.

The restoration process affords an opportunity to acquire critical parcels of that habitat and ensure that they have longterm protection. There may be no better way to ensure that Alaska's fish and wildlife heritage is preserved for coming generations. Thus, land acquisition by the Trustee Council is a much more appropriate use of the settlement funds than any other possible form of expenditure.

WWF appreciates the opportunity to provide input into the restoration process. Please call Paul DeLong, a member of my staff, at (202) 778-9529 if you would like additional information.

Sincerely,

Donald J. Barry Vice President

Land & Wildlife Program

World Wildlife Fund

1250 Twenty-Fourth St., NW Washington, DC 20037-1175 USA Tel: (202) 293-4800 Telex: 64505 PANDA FAX: (202) 293-9211

Incorporating The Conservation Foundation. Affiliated with World Wide Fund for Nature.



EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL RESTORATION PROJECTS

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	D - PAG
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Title: Kodiak National Wildlife Refuge Habitat Acquisition E.WISC.

<u>Justification:</u> The <u>Exxon Valdez</u> oil spill impacted the Kodiak archipelago in spite of its distance from the spill site. In 1989, the Kodiak Island salmon fishery was closed because of the spill, at a significant economic cost.

A portion of prime fish and wildlife habitat on Kodiak is under severe development pressures. Land selected by Native Corporations within Kodiak National Wildlife Refuge contains some of the most valuable and productive wildlife habitat in the archipelago. The potential for development of refuge inholdings owned by Native Corporations is constantly growing as they seek to gain financial security for their shareholders. The large loss of fish and wildlife caused by the Exxon Valdez spill can in part be mitigated by protecting some of Kodiak's vital wildlife and fish habitat through the purchase of Native inholdings.

Description of Project:

Goal: Long-term protection of regionally and nationally important fish and wildlife habitat.

Objectives: Acquire Native inholdings within Kodiak National Wildlife Refuge to ensure their long-term protection and thereby protect the Kodiak bear, bald eagle, salmon, and a variety of other fish and wildlife species. Identify and acquire those parcels with high habitat value and high development pressures or other threats to their integrity.

Location: Kodiak National Wildlife Refuge

Rationale: The Exxon Valdez oil spill caused significant damage to fish and wildlife populations in the region surrounding Prince William Sound. As part of the restoration process, the acquisition of valuable fish and wildlife habitat would provide some assurance that these fish and wildlife populations are preserved. Unless some of these areas are protected, the biological integrity of the entire region may slowly be compromised by random development until the total effects rival that of the oil spill. Acquiring key parcels of land will reduce the extent and impact of further degradation.

Kodiak National Wildlife Refuge Habitat Acquisition Page 2

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	D - PAG
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Rationale (cont.):

The extensive fish and wildlife resources of in the Gulf of Alaska region are probably no where better exhibited than on Kodiak Island within the national wildlife refuge. The island is home to the Kodiak brown bear, which can weigh up to 1,300 pounds, in part due to the presence of an outstanding salmon fishery in the Kodiak archipelago. In addition to the bears, Kodiak and the surrounding islands contain red foxes, river otters, deer, elk, bald eagles, abundant waterfowl, and millions of winter sea birds.

Technical Approach: The Council should acquire, through fee purchase or conservation easement, important and threatened parcels of land within the Kodiak National Wildlife Refuge. Once acquired, the Council should donate the lands and easements to the U.S. Fish & Wildlife Service to be managed as part of the Kodiak National Wildlife Refuge.

Estimated Duration of Project: The acquisition of Kodiak habitat should continue throughout the restoration process.

<u>Estimated Cost Per Year:</u> Variable; the amount of funding will dictate the amount of habitat that can be acquired.

Contact: Paul DeLong

World Wildlife Fund 1250 24th Street, N.W.

Washington, D.C. 20036-1157

202/778-9529

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111 IVVE DO HEREBY AUTHORIZE DHIL TO EXECUTE ANY ADDITIONAL DOCUMENTS NECESSARY FOR THE EXPORT OF MERCHANOISE DESCRIBED HEREIN ON MY/OUR BEHALF, DHIL DOES MOT CARRY CASH.

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1993 PROJECT SCORING SHEET

Critical Factors

Potential projects must meet all of the following to be considered further. Check the blank for "yes", "no", or "unknown".

YES NO UNKNOWN

-	_	1.	Linkage to resources and/or services injured by the Exxon Valdez oil spill.
<u>/_</u>		2.	Technical feasibility.*
	******	3.	Consistency with applicable Federal and State laws and policies.*

Comments:

^{*} Restoration Framework, 1992, pp 43-44.

ID # 217

COVER WORKSHEET FOR 1993 IDEA SUBMISSIONS

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	Lead Agency Halatat WG
	Cooperating Agency(ies)
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TYPE:	Protection
RANKING	H M L Rank Within Categories .
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	Project Number - if assigned

EXXON DEZ OIL SPILL TRUSTEE CO DIL

FORMAT FOR IDEAS FOR RESTORATION PROJECTS

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Estimated Duration of Project:				
Estimated Cost per Year:				
Other Comments:				
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Name, Address, Telephone:				
	Oil spill restoration is a public process. Your ideas and suggestions will not be proprietary, and you will not be given any exclusive right or privilege to them.			

SELDOVIA NATIVE ASSOCIATION, INC.

P.O. DRAWER L

SELDOVIA, ALASKA 99663 (907) 234-7625 • 234-7890

FACSIMILE COVER

Date: 4.une 9, 92
Time: 11:35 A.M.
Figure Collowing transmission as soon as possible:
TO: EXXAN Valdez Oil Spill team
At FAX: (907) 276 - 7178
From: Fred CIVSAAS
Number of pages, INCLUDING this page: 2
We are transmitting from a SanFAX,515H machine, Group 2 and 3.
Please notify us at once if not received properly.
Telephone: (907)234-7625 or 234-7890 Ask for telecopier operator.
Telecopier: (907)234-7637
SPECIAL INSTRUCTIONS

Document ID Number
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EY A-92 WPWG

EY B-93 WPWG

CO-RPWG

CO-PAG

CO-

EXXON VALDEZ OIL SPILL TRUSTEE COUNCIL.

FORMAT FOR IDEAS FOR RESTORATION PROJECTS

Title of Project:
Rachemak Bay State Park - Buy back
Justification: (Link to Injured Resource or Service)
Kachemak Bay State Park has been oiled by the Exxon Spill.
Description of Project: (e.g. goal(s), objectives, location, rationale, and technical approach)
The State of Alaska proposed and offered to purchase the inholding of the Seldovia Native Association, the. Timber Trading Co. and Cook Inlet Region, Inc. for twenty two million dollars (22,000,0)
The State House of representatives and State Senate have approved this purchase. Governor Rickel has stated he approves of this purchase. The State Capital budget and.
approximatley 11.3 million dollars is needed to complete the
huyback-purchase.
The three owners, Seldovia Native Association, Inc., Timber Trading Co., and Cook Inlet Region, are willin to sell thier respective holdings.
Use Exxon civil funds to complete and finalize the Kachemak State
Park buyback.
The state of the s
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Anna y 2017 - M. Charachanna (1977) - Anna Anna (1977) - Anna Anna Anna Anna Anna Anna Anna An
Estimated Duration of Project: 2 years
Fred marked Chart man, 12
Estimated Cost per Year:
Other Comments: The State of Alaska can use the Exxon criminal
settlement funds for the first year. The Exxon civil settlement funds can be used for the second year.
The second secon
Name, Address, Telephone:
Aldovia Native Association, Inc.
D Box Drawer L Oil spill restoration is a public process. Your ideas
eldovia AK. 99663 and suggestions will not be proprietary, and you will not be given any exclusive right or privilege to them.

Document ID Number
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1993 PROJECT SCORING SHEET

Critical Factors

Potential projects must meet all of the following to be considered further. Check the blank for "yes", "no", or "unknown".

YES NO UNKNOWN 1. Linkage to resources and/or services injured by the Exxon Valdez oil spill. 2. Technical feasibility.* 3. Consistency with applicable Federal and State laws and policies.*

Comments:

^{*} Restoration Framework, 1992, pp 43-44.

COVER WORKSHEET FOR 1993 IDEA SUBMISSIONS

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	Lead Agency ADAA
<u> </u>	Cooperating Agency(ies)
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Type:	Delapola Services Monitoring
RANKING	H M L Rank Within Categories .
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