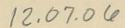
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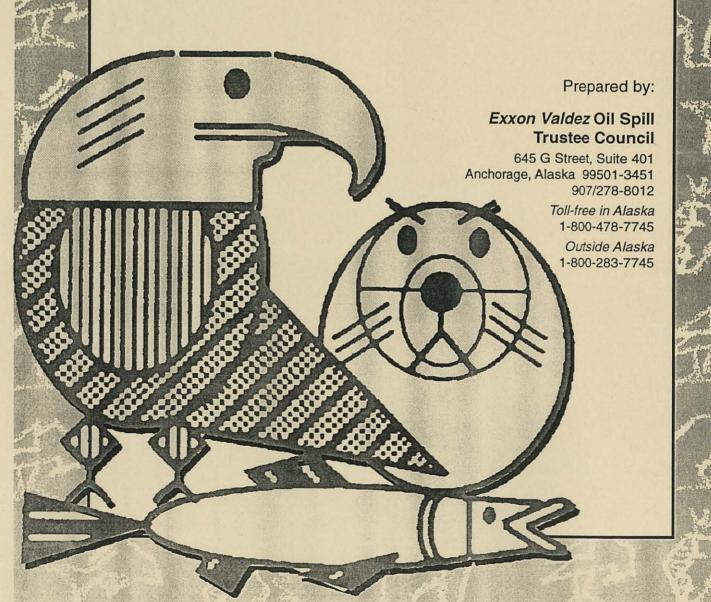


Report of the Executive Director

Concerning

Habitat Acquisition

October 1995



Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 G Street, Suite 401, Anchorage, Alaska 99501-3451 Phone: (907) 278-8012 Fax: (907) 276-7178



Report of the Executive Director concerning Habitat Protection and Acquisition

October 12, 1995

During the four years since the civil settlement, the Trustee Council evaluated all large habitat parcels in the spill area as well as nearly 300 small parcels, and prepared a policy framework for the protection and acquisition of habitat. As a result of this work, the Trustee Council:

- authorized \$98 million for the acquisition of more than 219,000 acres in fee simple or lesser title (Attachment A);
- initiated negotiations with eight additional landowners for the protection of approximately 500,000 additional acres of habitat;
- selected 29 small parcels for possible acquisition; and
- earmarked approximately an additional \$250 million dollars to accomplish this additional protection.

In total, these past and potential acquisitions are expected to help achieve restoration by providing permanent protection throughout the spill area for resources and services injured by the spill. The acquisitions will accomplish a comprehensive, ecosystem approach to habitat protection throughout the spill area.

History of large parcel program. Immediately following the civil settlement in the fall of 1991, the Trustee Council began to evaluate habitat on lands for which some threat, usually commercial timber harvest, was likely. This process was called the Imminent Threat Process. As a result of this evaluation, the Trustee Council contributed to the purchase of inholdings in Kachemak Bay State Park in December 1992, and acquired lands surrounding Seal Bay on Afognak Island in August 1993.

In 1993 and 1994, the Trustee Council further developed a comprehensive program for habitat protection and acquisition. Trustee Council staff completed the evaluation of all landowner-nominated large parcel areas in the spill area, totalling more than one million acres

of habitat in 96 parcels, for their potential benefit to the resources and services injured by the spill.

In November 1994, following completion of this comprehensive analysis and a full EIS under NEPA, the Trustee Council adopted a formal <u>Restoration Plan</u> to guide the restoration process. The plan establishes Habitat Protection and Acquisition as "one of the principal tools of restoration... important in ensuring continued recovery of the spill area." The preferred alternative of the <u>Final Environmental Impact Statement</u> assumed between \$295 and \$325 million additional funds would be spent for habitat protection and acquisition activities. This range of expenditure for habitat protection and acquisition is also reflected in the adopted <u>Restoration Plan</u>.

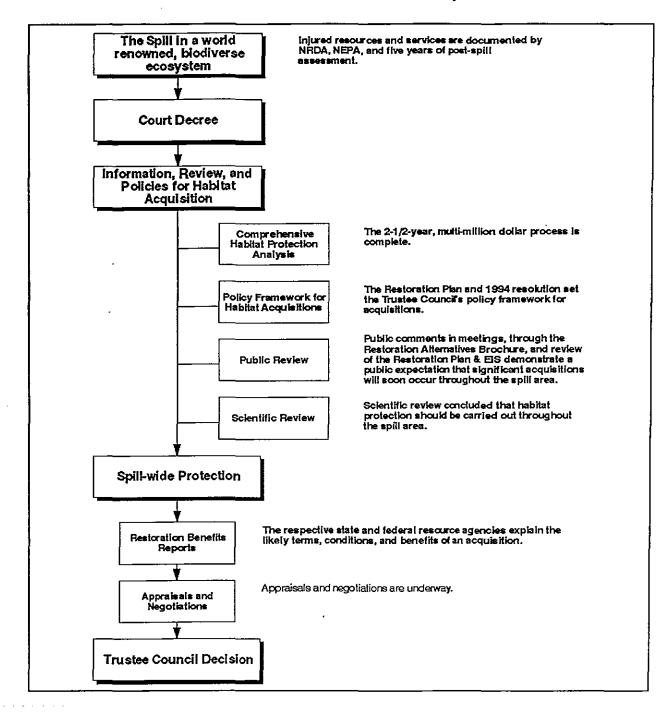
The Trustee Council afforded extensive opportunities for public comment, comment by the Public Advisory Group, and for scientific review during development of the habitat protection and acquisition program. One consistent element of the comment has been the public demand for habitat protection and acquisition throughout the spill area. This sentiment was demonstrated at public meetings, in special meetings, through public review of documents, and in individual meetings with Trustee Council members and staff.

Based on this solid policy foundation, and consistent with public comment and scientific review, in November 1994, the Trustee Council resolved "to pursue habitat protection and acquisition throughout the oil spill area so as to promote restoration of injured natural resources and services throughout the spill area and that \$295 to \$325 million is an initial, flexible placeholder for habitat protection and acquisition efforts." This funding amount is in addition to prior imminent threat expenditures. Since that time:

- In November 1994, the Trustee Council made commitments to protect 119,885 acres of habitat owned by Akhiok-Kaguyak Inc., and 32,100 acres owned by Old Harbor Inc., a preliminary offer for lands owned by Koniag, Inc.
- In December 1994, the Council made additional offers subject to fair market value determinations for lands owned by Eyak Corporation, Tatitlek Corporation, Chenega Corporation, Afognak Joint Venture, and the Kodiak Island Borough.
- In January 1995, the Trustee Council approved purchase of 2,052 acres of timber rights on lands in the Orca Narrows section of Prince William Sound to protect important habitat in the vicinity of Cordova and as the first step towards a larger, more comprehensive package for Eyak lands.

The chart on the next page shows the process for Trustee Council action to accomplish a comprehensive, ecosystem-based approach to habitat protection and acquisition, balanced throughout the spill area.

Exxon Valdez Oil Spill Trustee Council Process for Habitat Protection and Acquisition



Current status of potential large parcel acquisitions. Negotiations are underway with eight large-parcel landowners including three in Prince William Sound; two on the Kenai Peninsula; two in the Shuyak/Afognak region; and one on Kodiak Island. These negotiations are summarized in Attachments B and C. A series of maps follow the attachments. This includes a spill-area map showing all of the large parcels evaluated by the Trustee Council, as well as regional maps and individual negotiation maps. Of these, negotiations with the Kodiak Island Borough for Shuyak Island, and with Chenega Corporation and Tatitlek Corporation are most active with the promise of reaching an agreement in the near future.

Outstanding issues concerning large parcel acquisitions. There are a number of issues that have developed in the past months concerning the large parcel habitat protection program that have made it difficult to achieve closure on the pending transactions.

Value. The process being used by the Trustee Council for making land acquisition offers is based on the use of fair market value as determined by a government approved appraisal. Fair market value is an economic evaluation. If the lands have no obviously marketable commodity such as minerals or timber, it can be challenging to develop a fair value since there is no other purchaser for such large remote parcels except for the government. If the lands are timbered, there is at least a commodity to base a value upon, although numerous assumptions are made relating to volume and grade, market conditions, and logging costs.

These assumptions are frequently challenged during the landowner reviews of the interim approved appraisals. Additional information provided by the landowners has sometimes resulted in changes to the government approved appraisal, and in other cases has resulted in additional field work to verify assumptions. In all cases, the question of value has been a contested issue about which well-qualified professionals can and do disagree. This sometimes includes substantial differences of professional opinion between and even within federal and state agencies. These legitimate professional differences in judgement have delayed the appraisal process.

Less than fee acquisition. For the most part, the three Prince William Sound landowners (Chenega, Tatitlek and Eyak) are not willing to selling their lands in fee except for small discrete areas. Property interests such as development rights and public access have very little economic value as determined by a fair market appraisal. From the landowners' perspective, why sell these interests since they generate very little additional revenue? From the governments' perspective, why purchase less than fee interests for nearly full value if the result is a lesser amount of restoration value and no guarantee the lands will be protected in perpetuity?

Public access. On less than fee acquisitions, public access continues to be an issue. Landowners have delineated some areas for which they say no access rights are for sale. These are typically areas of prime subsistence value to the nearby community. In other cases the landowner is willing to make access available for non-commercial public uses

including hunting and fishing, usually with some form of a permit system. Who would run the permit system is an issue in negotiations.

History of small parcel program. The Small Parcel Habitat Protection Program began in 1994 with a public solicitation of nominations of parcels of less than 1,000 acres. The Trustee Council later gave agencies and the public until March 31, 1995, to nominate additional small parcels for consideration. Parcels nominated in this supplementary process had to receive agency sponsorship before being evaluated.

Evaluation and Ranking. Of the 262 small parcels nominated, 133 met threshold criteria. That is, the parcel has a willing seller who acknowledges that the governments can purchase the parcel or property rights only at or below fair market value. Furthermore, each parcel is linked to the restoration of one or more injured resources and/or services, can reasonably be incorporated into land management systems of the sponsor agency, and is within the spill area.

The 133 parcels that complied with threshold criteria were further evaluated, scored, and ranked by the Habitat Work Group. The evaluation and ranking process is described in detail in Comprehensive Habitat Protection Process: Small Parcel Evaluation & Ranking, Volume III, Supplement (July 15, 1995).

Of the 133 parcels evaluated, the Trustee Council authorized the Executive Director to proceed with preliminary negotiations for acquisition of all 16 parcels ranked high and moderate as well as parcels nominated "Parcels Meriting Special Consideration (PMSC)." A PMSC is a parcel that has unique or other outstanding values that transcend the parcel's score. Agencies nominated, and the Trustee Council approved, 14 PMSCs, bringing to 29 the number of small parcels under consideration (since 1 parcel was part of a larger parcel).

The table below shows the geographic distribution and rank of the 30 small parcels under consideration. Prince William Sound (PWS) has only six small parcels under consideration, the fewest of any subregion. However, only six parcels in Prince William Sound satisfied threshold criteria and all are under consideration for acquisition. In contrast, only a fraction of those parcels that satisfied threshold criteria in the Kenai and Kodiak subregions are under consideration.

Geographic Distribution and Rank of Small Parcels

Rank	Kenai	Kodiak	PWS	Total
Ḥigh	5	0	1	6
Ḥigh Moderate	4	4	2	10
PMSC	7	4	3	14
Total	16	8	6	30

Current status of small parcel program. Appraisals and pre-purchase research, such as a title searches, are being conducted on these 30 parcels. Only a few appraisals have as yet received approval by both the state and federal review appraisers. It is anticipated that a package of recommended acquisitions will be presented to the Trustee Council on individual parcels later this year. A summary of the parcels under active consideration is included as Attachment D.

Description of Past Large Parcel Acquisitions

The Trustee Council has competed five large-parcel acquisitions:

Kachemak Bay State Park. On December 11, 1992, the Trustee Council authorized payment of \$7.5 million to Seldovia Native Association for the purchase of 7,500 acres of private inholdings within Kachemak Bay State Park on the Kenai Peninsula. Combined with funds from other sources, this action protected 23,802 acres of habitat. This acquisition protects a highly productive estuary, several miles of anadromous fish streams, and intertidal shoreline and upland habitat supporting such species as bald eagles, marbled murrelets, river otters, and harlequin ducks.

Seal Bay and Tonki Cape (Afognak Island). On August 23, 1993, the Council approved \$39.6 million to purchased 41,549 acres on Northern Afognak Island from Seal Bay Timber Company (17,166 acres on Seal Bay and 24,383 acres on Tonki Cape). The Afognak land was designated a State Park by the 1994 Alaska Legislature. This mature spruce forest habitat is adjacent to highly productive marine waters, includes anadromous fish streams, and provides excellent habitat for bald eagle and marbled murrelet nesting.

Akhiok-Kaguyak Inc. On November 2, 1994, the Trustee Council authorized \$36 million to purchase interest in 119,885 acres of land in Kodiak National Wildlife Refuge from Afognak from Akhiok-Kaguyak, Inc. The lands and the adjacent waters provide habitat for a majority of the resources and services injured by the spill. Additional funds to complete the purchase were contributed from the Federal Restitution Fund.

Old Harbor. Also on November 2, 1994, the Trustee Council authorized payment of \$11.3 million to Old Harbor Native Corporation for surface title to about 29,000 acres and conservation easements on 3,000 acres. These lands are also within the Kodiak National Wildlife Refuge. In addition, the Old Harbor Native Corporation agreed to preserve 65,000 acres of land on nearby Sitkalidak Island as a private wildlife refuge.

Orca Narrows Subparcel. On January 13, 1995 the Trustee Council approved \$3.45 million to purchased 2,052 acres of timber rights on lands in the Orca Narrows section of Prince William Sound to protect important habitat in the vicinity of Cordova. The parcel contains anadromous fish streams, active bald eagle nests and favorable habitat for marbled murrelet nesting.

LARGE PARCEL NEGOTIATION STATUS SUMMARY

Landowner	High Value Parcels	Region	Acres	LEAD/ Coop	Will Discuss	Ownership	Related Parcels **	Status	Anticipated Timeline
Afognak Joint Venture	AJV 01, Shuyak Strait AJV 03, Pauls/Laura Lake	O1, Moderate Parcels: was given to ak Strait KOD OSFWS included Surface Estate AJV AJV 04, 05, 06 arrangemen Subsurface Koniag Low Parcels: 07, 08 go forward.		In June 1995 in an effort to speed up the appraisal, this assignment was given to a new appraiser. On July 28, 1995, final arrangements were made with AJV to allow for a timber cruise to go forward. An appraisal plan is under development for implementation in 1996.	Negotiations are ongoing subject to completion of appraisal.				
Akhiok Kaguyak	AKI 04, Aliulik Peninsula AKI 06, North Olga Bay AKI 08, Upper Station Lk	KOD	34,300 16,900 15,600	USFWS/ DOL	Fee simple & conservation easements	Surface estate AKI Subsurface, USA Native Allotments	AKI 01-05	A purchase agreement was signed with AKI on May 23, 1995. Closing for this acquisition occurred May 25, 1995. This is a phased acquisition. Phase 2 was recently completed and work continues with 2 subsequent closings scheduled for 1996 and 1997.	Additional work continues on phas acquisitions for 1996 and 1997.
Chenega	CHE 01, 02 Eshamy Bay Jackpot Bay	PWS	7,900 12,100	USFS/ DOL	Fee simple for core parcels, partial interests; timber, for remainder of Chenega lands.	Surface estate CHE Subsurface CAC	Remainder of Chenega lands	The appraisal is under review by landowner and Federal and State review appraisers. Additional field work underway 10/8/95. Negotiations continue while the appraisal is being finalized.	Negotiations are ongoing.
English Bay	ENB 06	KEN	3,800	NPS/ DOL	Fee simple, surface estate	Surface Estate ENB Subsurface CAC	Other ENB holdings w/in Kenai Fjords NP	All remaining ANCSA acreage entitlement of ENB will be taken from lands within the boundary of Kenat Fjords NP. Total acreage, 33,500. An approved appraisal was completed with an offer made to and rejected by landowner. Discussions have been held several times with the corporation and will continue.	Negotiations are ongoing.
Eyak	EYA 01, Port Gravina EYA 02, Sheep Bay EYA 03, Windy/Deep Bay	PWS	3,400 9,100 7,100	USFS/ DOL	Eyak has submitted a detailed proposal which has raised issues surrounding public access and development restrictions.	Surface estate EYA Subsurface CAC	EYA 04-12	The Trustee Council purchased timber rights to 2,052 acres on the Orca Narrows subparcel on 1/13/95. Discussions on remaining Eyak lands are on hold pending completion of Eyak's Land Management Plan. Timber cruise information is under review in anticipation of completing appraisal this winter.	Negotiations are ongoing.
Kodiak Island Borough	KIB 01, Shuyak I sland	KOD	27,900	DOL/NPS	Fee simple	Surface Estate KIB Subsurface AK	лопе	The borough planning and zoning commission and the borough assembly have authorized the mayor to proceed with the transaction. The appraisal is complete and has been reviewed by the landowner. Landowners comments are being addressed by review appraisers. Additional field work completed summer 1995. Results are currently under review.	Negotiations are ongoing.
Koniag	KON 01, Brown's Lagoon KON 02, Uyak Bay KON 04, Karluk River	KOD	9,900 7,000 28,200	USFWS/ DOL	Fee simple, but must include a mix of high, mod, low parcels	Surface estate KON Subsurface USA Native Allotments	KON 03,05,06 Note: Some coastal areas, primarily in Uyak Bay have been removed	An offer was made by the Trustee Council at the Nov. 2nd, 1994 Trustee Council meeting and was conditionally accepted by the Koniag Board of Directors. Details of a final purchase agreement are being negotiated.	Negotiations are ongoing.
Old Harbor		KOD	32,100	USFWS/ DOL	Fee simple & conservation easements	Surface estate OLD Subsurface, USA Native Allotments	OLD 01, 02, 03, 04, 05 Cons. Easements on OLD 03, 04.	A purchase agreement was signed with Old Harbor on May 23, 1995. Initial closing occurred May 25, 1995. A second closing with Old Harbor recently occurred thus completing this acquisition.	Acquisition Complete
Port Graham	PTG 05, Delight/ Desire Creeks	KEN	11,500	NPS/ DOL	Fee & unspecified partial interest, possibility of conservation easements.	Surface Estate PTG Subsurface CAC	Other PTG holdings w/in Kenai Fjords NP	All remaining ANCSA acreage entitlement of PTG will be taken from lands within the boundary of Kenai Fjords NP. Total acreage, 46,500. An approved appraisal was completed with an offer made to and rejected by landowner. Discussions have been held several times with the corporation and will continue.	Negotiations are ongoing.
Tatitlek	TAT 01, Bligh Island	PWS	8,800	USFS/ DOL	Fee simple, Emerald Bay, Sawmill Bay, Whalen Bay, Hell's Hole, and other areas. Primary interest in less than fee for remainder.	Surface estate TAT Subsurface CAC	Undefined at this time.	Appraisal of Tatitlek lands is being conducted with field work complete. The completed appraisal will follow normal review procedures. Discussions with landowner continue.	Negotiations are ongoing.
NOTE:	Chugach Alaska	Chugac PWS ar	h has aske nd Kenai Fj	d that its la ords preser	nds on Montague be evaluated. It hantly being considered. Negotiators h	s several holdings in P ave met with Chugach	rince William Sound rank attorneys and have asked	ed moderate and low that it would like to sell. Chugach is the subsurface I that Chugach consider selling its subsurface estate for these parcels.	e estate holder for all lands in

^{**} Related parcels are included in discussions at the request of landowners in order to avoid unacceptable high grading of parcels.

napitat Protection Process; Large Parcel Element - Trustee Council Resolutions Summary

Landowner/Parcel			Estate	Purchase		YR	Other	Managing						n Required	
(* High Value Parcels)	Region	Acreage	Purchased	Price (M)	Joint Trust \$	Due*	Sources	Agency	TC Reso.	Closing	Notes	Exec. Dir.	T.C.	Nego. Agency	LO.
Seldovia Native Association	KEN	T		T T		**************************************	T		Yes	Yes	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	T T	l e	T	l
Inholdings w/in Kachemak Bay St. Pk.		23,800	Fee	\$22,000.0	\$7,500.0	93	\$14,500.0	DNR	12/11/92		Transaction Complete	 	 	 	
Imminent Threat				7-2,550.5	4.,000.0		+21,000.0	2.41	/ 1-/ /-	0,2,,,0	Transaction compete	 			
Total		23,800		\$22,000.0	\$7,500.0		\$14,500.0							 	
	KOD/Afog			\$38,700.1	\$29,950.0	94	none	DNR	Yes	Yes	Payment schedule does not reflect				
Seal Bay KAP 01		17,166	Fee		\$2,916.7				6/25/93	11/23/93	accrued interest due at time of	T			<u> </u>
Tonki Cape		24,383	· Fee		\$2,916.7						payment.				
Imminent Threat				<u> </u>	\$2,916.7	97	ļ				_		L	<u> </u>	
_ Total		41,549		\$38,700.1	\$38,700.1		<u> </u>				· · · · · · · · · · · · · · · · · · ·	ļ		<u> </u>	
		· · · · · · · · · · · · · · · · · · ·					,							,	
Eyak	PWS				40.653		 		Yes				<u> </u>		
Orca Narrows Subparcel		2,052	Commercial	\$3,650.0	\$3,650.0	95_		USFS	5/31/93	1/13/95		<u> </u>		<u> </u>	
Imminent Threat Total		2,052	timber rights	\$3,650.0	\$3,650.0		 				Trustee Council authorized addit funds	/5/95.	ļ	 	<u> </u>
10fal	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	2,052		J \$3,630.0 J	\$3,050.0	 					Transaction Complete			1	
Total Imminent Threat		67,401		\$64,350.1											
Total minutent tireat															
	**********					000000000000000000000000000000000000000						····	····		· · · · · · · · · · · · · · · · · · ·
	KOD/Afog			FMV + 20%	20% closing	95	none	State	Yes		No commercial use of the land		Authorization	Hazmat	
AJV 01a, Shuyak Strait*		19,500	Fee	≤\$70M	5%				12/2/94		(including timber harvest) except that		for funding	NEPA	
AJV 03 Laura/Paul's Lake*		13,400	Fee	Offer is open	15%						which may be consistent with the goals of restoration. Public uses to		may be withdrawn by	Develop language	
AJV 07 East Tonki Bay		2,500	Fee	for 60 days	15%	98					include sport and subsistence hunting,		giving 30 day	satisfactory to DOJ & DOL to	
AJV 08, West Tonki Bay		13,328	Fee	completion of	15%		ļ				fishing, trapping and recreation. Nego		notice to AJV.	implement	
 - 				final approved	15%						continue on AJV 01b, 02, 04 and			enforcement	
				appraisai.	15%	2001	 				subsurface.			provisions.	
Total		48,728		≤\$70,000.0			 				<u>.</u>		 	 	
10(4)		70,740		1 2410,000.0		******						l	l	[]	
Akhiok Kaguyak	KOD			\$46,000.0	\$13.000.0	Closino	\$10,000.0	USFWS	Yes	Yes	Exchange of lands will be on a value				
AKI 01 Kajugnak Bay, 02 Kiavak Bay, 04a &											Lexchange of lands will be on a value for value basis w/ such lands subject	 	 		
04b Aliulik Peninsula*, 05 Sulua/Portage					į į		(Ţ	1		to the conservation easement.)		
Bays, 06a & 06b & 06c North Olga Bay*		76,646	Fee		\$8,000.0	95	 		11/2/94	5/25/95			ļ	 _	
AKI 03 Kaguyak Bay,07a & 07b Olga Bay		40.000	Conservation	[63 E00 0	06	}	}			Purchase agreement signed May 23, 1995. Closing May 25, 1995	1			
Narrows, 08 Upper Station Lakes*		43,239	Easement		\$7,500.0 \$7,500.0	96 97							ļ	 	
AKI 03 Kaguyak Bay, 07b/to be identified		n/a 119.885	Exchange	\$46,000.0	\$36,000.0	9/	\$10,000.0					 	 	 	_ - .
Total	<u></u>	119,000		\$40,000.0	\$30,000.0		\$10,000.0				-	 	 	 	
 		}					 		[
 							 						 	 	
							 -						}	 	

^{*} Payments due after September 15 of the year indicated; either 9/30 or 10/1
≤ indicates less than or equal to - not to exceed.

10/13/95

Habitat Protection Process; Large Parcel Element - Trustee Council Resolutions Summary

	Landowner/Parcel (* High Value Parcels)	Region	A	Estate Purchased	Purchase Price (M)	Joint Trust \$	YR Due*	Other Sources	Managing	TC D	Closing	N	Exec. Dir.	Action Req		
	(rugh Value Parceis)	negon	Acreage	rurchaseq	Frice (M)	Source Least 2	Due.) Sources	Agency	TC Reso.	Ciosng	Notes	Exec. Dir.	T.C.	Nego. Agency	, L.O.
Cher	nega	PWS			FMV + 20% ≤ \$48M	20% dosing		≤\$10M		Yes	_	Development of language satisfactory to DOJ & DOL to implement	for fun	orization Connding	gressional fication to	Shareholder approval
	CHE 01 Eshamy Bay* CHE 02 Jackpot Bay*		7,900 12,100	Fee Fee	Offer is open for 60 days	5% 15% 15%	_97			12/2/94		enforceable conservation easement required.			nt necessary.	No developmen
	CHE 03 Granite/Ewan/Paddy Bays, CHE 04 NW Chenega Island, CHE 07 NE Whale Bay, CHE 08 Flemming Island, CHE 10 Sleepy Bay, CHE 11 Pleiades Islands, CHE 06 S Knight Island	-	54,554	Conservation Easement including Timber Rights and public		15%			US				notice Chene	e to Prega. c	reparation of conservation easements relop language	
	CHE 05 SE Chenega Island(southern portion) CHE 09 Evans Island		clarify	Conservation Easement including Timber Rights, limited public access		15% 15%			US					& D imp enfo	sfactory to DOJ DOL to Ilement orcement visions.	1
anne.	Total		74,554		≤ \$48,000.0	≤ \$38M	00000000	≤\$10M							NEPA	
Engl	ish Bay	KEN			l	I	<i>*************************************</i>	8 <i>88//////88/8///</i>	l NPS			l l				
	ENB 06 James Lagoon*, ENB 02 Harris Peninsula, ENB 03 North Arm Nuka Bay, ENB 04 Paguna/Taroka/Thunder Bays, ENB 05 McArthur Pass, ENB 07 Beauty Bay (All ENB parcels w/in Kenai Fjords NP)		33,500	Fee			_					T.C. authorized continued negotiations with English Bay Corporation for lands within Kenai Fjords National Park and other additional parcels at 12/2/94 meeting.				
	ENB 08 Port Chatham		15,800						State							
200000	Total		49,300)			***************************************							********************
						I	<u> </u>							E-	al Approved	Shareholder
Eyak	Alternative 1:	PWS							USFS	Yes		Easement in perpetuity, on Orca Revised, is subject to terms and			Appraisal itle Search	Approval
	Orca Revised: EYA 12 Rude River, EYA 13 Orca Narrows, EYA 07 East Simpson Bay		14,800	Timber Rights, public access		20%	Closing			12/2/94		conditions as negotiated and determined by parties involved and Trustee Council. Easement will		Cong	gressional ication to	
	EYA 11 Core Parcels; EYA 08 Power Creek, 09 Eyak Lake, 10 Eyak River		13,700	Fee	FMV + 20% ≤\$50 M	5%	96					address development on Orca Revised only to the extent compatible with restoration of		Deve	nt necessary. lop language	
	Remaining Eyak Lands, EYA 02 Sheep Bay*, EYA 03 Windy Bay*, EYA 01 Port Gravina*, EYA 04 Canoe Passage, EYA 05 Outer Sheep Bay, EYA 06 West Simpson Bay			5 Year timber moratorium	No additional cost to Trustee Council	15% 15% 15% 15% 15%	98 99 2000					injured resources and services and shall include the right to public access.		& DC imple enfor		
	Total		28,500												Hazmat	
	Alternative 2: Core Parcels Only as described	above	13,700	Fee	FMV + 20% ≤ \$21M										NEPA	
h	Total	www.xxx	13,700		≤\$21,000.0											

^{*} Payments due after September 15 of the year indicated; either 9/30 or 10.1 ≤ indicates !ess than or equal to - not to exceed.

Habitat Protection Process; Large Parcel Element - Trustee Council Resolutions Summary

	Landowner/Parcel (* High Value Parcels)	Region	Acreage	Estate Purchased	Purchase Price (M)	Joint Trust \$	YR Due*	Other Sources	Managing Agency	TC Reso.	Closing	Notes	Exec. Dir.	Action T.C.	n Required Nego. Agency	, Lo.
		KOD/Afog			1	20% dosing	95		DNR	Yes		No commercial use of the land			1	Title Search
hoo	liak Island Borough	KOD/A109			 	2070 dosang	95	 	DIVK	165	 	(including timber harvest) except that			Develop language satisfactory to DOJ	Title Search
1	KIB 01, Shuyak Island*]	25,665	Fee	FMV + 20%	5%	96	Ţ	ļ	12/2/94		which may be consistent with the		}	satisfactory to DOJ	Provision for Fish Tech Ctr.
\vdash	Tab 01, Ortogan Manu		25,000		≤42M	15%		 	 -	12/4/54	 -	goals of restoration. Public uses to			& DOL to implement	Natural Use
\vdash	<u> </u>					15%		ţ	 			include sport and subsistence hunting, fishing, trapping and recreation.	 -		enforcement	Zoning enacted.
\vdash	 					15%		1			 	Funds must be provided w/in 8			provisions.	Interim mamt
						15%					 	months of execution of purchase			1	as in Shuvak
						15%						agreement or KIB has the option to				St. Pk
											I	withdraw from the deal.			Hazmat	T 1
	∠ Total		25,665		≤ \$42,000.0							·			NEPA	Ţ]
Кол		KOD			\$28,500.0	\$3,000.0	Closing	\$7,000.0		Yes		Unamortized amounts for the			Dev. process for -	
<u>L</u> _	Alternative 1:							<u> </u> -		12/2/94	<u> </u>	easement will be applied to any			_ making weir sites _	Shareholder
	Kon 01*, 02*, 03, 05, 06a		59,691	Fee	\$26,500.0	\$5,000.0	95		ļi		<u> </u>	_ subsequent purchase.			etc. avail to State	approval
1	Sturgeon and Karluk Rivers.	· •		7 Yr. Non]			ļ .			•	ļ		@ no cost.	ļ [
	KON 02 W-2, KON 04°, KON 06b, K Parcel		56,048	development	\$2,000.0	i i		Į	Į l		,		Approve			ì
	amortized over 7 years.	1		Conservation Easement	Ì	\$4,500.0	96	[1 :				conservation easement.			i i
-				No public access		\$4,500.0		 -	 		 		Maintain un-		Develop language satisfactory to DOJ	
-	 			140 public access	<u> </u>	\$4,500.0		 -	 		 		obligated		& DOL to	 [
	Total		115,739		\$28,500.0			\$7,000.0	 		 -		funds \$16.5M		implement	├── -
-	Set Aside for Future Purchase of		115,739		320,300.0	321,300.0	- 36	37,000.0			ļ		-		enforcement	ļ <u>-</u>
1	Set Aside for Future Purchase of Easement Lands				\$16,500.0	\$16,500.0		ľ	1					1	provisions.	[
} —	Total Compensation w/ Set Aside				\$45,000.0			\$7,000.0	 		 				†	 -
!	Total Compassition w/ Oct riside					300,000.0		31,000.0							 	
	,															
Oid	Harbor	KOD			\$14,500.0			\$3,250,0	USFWS	Yes	Yes					
									 -		 	Old Harbor will relinquish their				
1	OLD 1 Kiljuda Bay, OLD 02 Sitkalidak Strait,	}	1	'		İ			ĺ			remaining entitlement within the Kodiak Refuge up to 4,433 acres.			[
	OLD 1 Kiliuda Bay, OLD 02 Sitkalidak Strait, OLD 03 Michaey Bay (partial), OLD 04 Barling			_							[Notiak Refuge up to 4,455 acres.				}
L_	Bay (partial), OLD 05 Three Saints Bay		29,000	Fee		\$7,250.0	95	<u> </u>	 -	11/2/94	5/25/95	- Purchase agreement signed May 23, -			<u> </u>	L
]	OLD 03 Barling Bay and OLD 04 Midway Bay		9 600	Conservation	0]					1995. Closing May 25, 1995			ļ	\ <u> </u>
1-	(partial)		3,000	Easement	Donation				}		<u> </u>		<u> </u>		<u> </u>	<u> </u>
-	OLD Selections in Refuge		see notes	Fee				 -	 		 				ļ	<u> </u>
} —	Additional small islands		100					 -	 		 	_			 	
1	1	}	i	Exchange/ Conservation	İ				i [:			İ			ļ Į
1	Sitkalidak Island		Unspecified	Easement			[ļ ļ		[)			ľ
 	Total		32,100		\$14,500.0	\$11,250.0		\$3,250.0	i		 					
E	1000		32,200			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,										

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^{*} Payments due after September 15 of the year indicated; either 9/30 or 10/1 Sindicates less than or equal to - not to exceed.

Habitat Protection Process; Large Parcel Element - Trustee Council Resolutions Summary

	Landowner/Parcel (* High Value Parcels)	Region	Acreage	Estate Purchased	Purchase Price (M)	Joint Trust \$	YR Doc.	Other Sources	Managing Agency	TC Reso.	Closing	Notes	Exec. Dir.	Action T.C.	n Required Nego, Agency	L.O.
Port	Graham	KEN							NPS			T.C. authorized continued				
ŀ				Fee and				Į.	ļ			negotiations with Port Graham Corporation for lands within Kenai	Ì		1	
ļ	PTG 05, Delight Desire Creeks, PTG 01, 02 and other holdings w/in Kenai Fjords NP		46.170	Unspecified partial Interest								Fjords National Park and other			[
<u> </u>	and other ricitangs w/ in regian portes for		40,170	parau unici car				ļ — — —	 			additional parcels at 12/2/94				
								 	 			meeting.				
	Total		46,170													
Tati		PWS							<u> </u>	Yes		No commercial use of the land		- Offer may be -	Develop language	Shareholder
<u> </u>	TAT 02 Sawmill Bay	·	1,521	Fee	FMV + 20%	20% closing	95	≤\$10M	State	12/2/94		(including timber harvest) except that which may be consistent with the	<u> </u>	-w/drawn by -	satisfactory to DOJ	Approval
	TAT 03 Columbia Bay (Emerald Bay)		477	Fee	≤\$22M	5%	96_	<u> </u>	State	<u> </u>		goals of restoration. Public uses to		_ T.C. by _	&DOL to	_ No further
L.	TAT 03 Columbia Bay (Heather Bay)		1,719	Easement	Offer open	15%			US			include sport and subsistence hunting,	<u></u>	giving 30 days notice	implement enforcement	timber
L	TAT 04 Galena Bay (subparcel)		1,685	Fee	for 30 days	15%	98	ļ	State			fishing, trapping and recreation.		to TAT	provisions.	harvesting or road
<u> </u>				Cons. Easement	after final	15%	99		US			<u></u>			p.ovisions:	- development
<u> </u>	TAT 01 Bligh Island* (Bligh, Busby, &Reef Is.)			Cons. Easement	approved	15%			US (Busby Is	and State)		1	<u> </u>			except that
<u> </u>	TAT 07 Two Moon Bay (Hells Hole)		6,325	Fee	appraisal.	15%	2001		US			1				provided for
L	TAT 07 Two Moon Bay (Port Fidalgo)		844	Cons. Easement	· 				State						Hazmat	under existing contract.
	TAT 07 (Snug Comer Cove, Two Moon Bay, Goose Island)		23,177	Conservation Easement					US						NEPA	
	TAT 06 Pt. Fidalgo Subparcel (Sunny Bay)	-]	2,445	Cons. Easement					US						Title Search	
	TAT 06 Pt. Fidalgo Subparcel (Whalen Bay)		1,981	Fee, subj. to existing rights incl. timber contract	44,796 ac con. easement 11,989 ac fee				US						Congressional notification to extent necessary.	
	Total		56,785		≤ \$22,000.0	≤\$12M		≤\$10M								
	Total Large Parcel		597,426													

^{*} Payments due after September 15 of the year indicated; either 930 or 101 ≤ indicates less than or equal to - not to exceed.

Parcel ID	Name	Owner	Location	Acres	Rank	Agency Sponsor	Description
KEN 19	Coal Creek Moorage	Linda McLane	Coal Creek Moorage Subdivision, Part 1, Block 1, Lots 1,2,3,4, & 5; Block 2, Lot 2, Tract A. This parcel is located at the confluence of Coal Creek and the Kasilof River, part of the Kasilof River Flats.	53	High	ADF&G/ ADNR	The parcel contains an extensive tidal marsh surrounded by uplands of mixed spruce and birch. This parcel benefits pink and sockeye salmon, Dolly Varden, bald eagles, commercial and sport fishing, recreation and archaeological resources.
KEN 34	Cone Parcel	Chester Cone	South of Beaver Loop Road, Kenal AK. T5N, R11W, Sec 11, SM. This parcel is located near the mouth of the Kenal River in an area known as the Kenal River Flats.	100	High	ADF&G/ ADNR	This parcel contains an extensive tidal marsh and is surrounded by uplands containing bog meadow, grass, sedge, rose shrubs and spruce. Wetlands found on this property provide habitat for salmon smolt, Dolly Varden, waterfowl, shorebirds and raptors.
KEN 149	Perl Island	Perl Island Ranch Partners	Island in Chugach Island group south of the Kenal Peninsula, T12S, R14W, Sec. 19 SM, Kenal, AK. This parcel occupies the NW corner of Perl Island, the central of the three Islands in the Chugach Islands group.	156	Hìgh	ADNR	An anadromous stream on the property provides habitat for salmon and Dolly Varden. In addition, there is a documented concentration of sea otters in the area. Acquisition would eliminate the impact of cattle grazing on injured resources.
PWS 05	Valdez Duck Flats	University of Alaska	0.5 miles north of the city of Valdez, Richardson Highway, Valdez Alaska. U.S. Survey No. 448, T8S, R6W, S29/32.	33	High	USFS	The Valdez Duck Flats are a large and unique complex of intertidal mud flats and salt marsh covering approximately 1000 acres. Millions of salmon fry from these streams and the nearby Solomon Gulch hatchery feed and rear throughout the Duck Flats.
KEN 1001	Deep Creek	Ninilchik Native Association	Parcel is located at MM 137.3 on the Sterling Highway 2.2 miles south of Niniichik. T255, R14W, SM, Lot 5, Sec. 4, Lot 6, Sec. 4, Lot 6 Deep Creek Subdiv., Tracts A&B & Lot 1, Bl 1, Leisure Time Estates.	91	High	ADNR	This parcel has approx. 0.5 miles of shoreline on Cook Inlet and provides restoration benefit for intertidal/subtidal biota, recreation and subsistence.
KEN 1004	Stephanka Tract	Kenal Native Assoc. Inc.	This parcel is located within the Kenai National Wildlife Refuge. T4N, R8W, S.M., Section 1 and E 1/2 of Section 2.	803	High	USFWS	This parcel contains one and one half sections of intermediate and mature forest with small pockets of wetlands. It provides habitat for sockeye and pink salmon, Dolly Varden and river otters and has recreation and cultural resource values.

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Parcel ID	Name	Owner	Location	Acres	Rank	Agency Sponsor	Description
PWS 52	Valdez, Hayward	Philip L. Hayward	Lots 1-4, Block 3 and 4, Zook Subdivision, Mineral Loop Road, Valdez, Alaska. T8S, R6W, S33/34.	9.5	Moderate	ADF&G	This parcel is adjacent to the Valdez Duck Flats and acquisition would provide protection from developement adjacent to these unique complex intertidal mud flats and salt marsh.
KEN 10	Kobylarz Subdivision	Elizabeth Kobylarz	Kobylarz Subdivision Tract D, Sec 19, T5N, R10W, SM, Kenai, AK. This parcel is located on Mile 14 of the Kenai River and encompasses approximately 1100 feet of riverbank frontage on Big Eddy.	20	Moderate	ADF&G/ ADNR	This parcel provides access to one of the most popular fishing areas on the Kenai river. Acquisition would provide protection of key salmonid habitat and also benefit Dolly Varden.
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KEN 148	River Ranch		Government Lot 4, 9, 10 and the NE 1/4 of the SW 1/4, T5N, R9W, Sec 22, SM Kenal AK. This parcel is located near River Mile 32 on the Kenal River.	146	Moderate	ADF&G/ ADNR	This parcel is one of the larger privately owned properties on the river, developed as a horse and cattle ranch. It has high potential for recreational use and habitat protection as acquisition will facilitate management of fisheries and injured resources
KAP 150	Karluk	Karluk IRA Council	Karluk River, Kodlak Ak. T30S, R32W, Section 23, SM. This parcel is located on the west side of Kodlak Island.	5	Moderate	ADF&G/ ADNR	The Karluk River drainage is the single largest salmon system in the Kodiak Island Group. Subsistence fishermen are dependant on Karluk resources including pink and sockeye salmon. Dolly Varden and recreation/tourism will also benefit from protection.
KAP 226	Karluk River Lagoon	Reed Stoops, Ayakulik Associates	USS 362 - Tracts A-D, Karluk River Lagoon, T30N, R32W, Sec. 22. SM,	21.5	Moderate	ADF&G/ ADNR	This parcel provides important public access and recreational service values. The Karluk River is world renown for its highly productive fishery resources including chinook, sockeye, pink, chum and coho salmon. Cultural resources will also benefit.
KEN 54	Salamatof Parcel	Salamatof Native Assoc., Inc.	T4N, R9W, Sec. 6 & 7, SM, Kenal, AK. T4N, R10W, portions of Sec. 1 & 12, SM, Kenal AK. This parcel encompasses approximately two miles of river bank between River Miles 26 & 28 upstream of the Soldotna Airport.	1260	Moderate	ADNR/ USFWS	This parcel is one of the largest undeveloped privately owned parcels on the Kenai River. Protection will be provided injured resources such as salmon, Dolly Varden, river otters and bald eagles from future development.

Parcel ID	Name	Owner	Location	Acres	Rank	Agency Sponsor	Description
PWS 17	Ellamar Subdivision	Ellamar Properties, Inc.	Ellamar Sbudivision in Virgin Bay, Tatitlek Narrows, Prince William Sound. T11S, R9W, S20/29. This parcel is located on Virgin Bay, Approx. 2 miles north of the village of Tatitlek in PWS.	172	Moderate		The area is mostly flat, well forested protected by Bligh and Busby Islands to the west and surrounded by mountains to the east. 42 lots have been sold. Benefits exist for salmon, herring, intertidal/subtidal habitats, sea otters and recreation/tourism.
KEN 55	Overlook Park	Cronland, Geisler, Lloyd, McNiven, Whytal	3/4 miles north of Bluff Point from Sterling Highway, Homer, AK. T6S, R14W, Sections 15 & 22, SM, Kenai, AK. This parcel is locally known as Overlook Park. It is situated below and is visible from the Sterling Hwy. scenic overlook.	97	Moderate	ADNR	The parcel lies upland of 3/4 mile of Kachemak Bay shoreline and an extensive tidal pool area unique to the area and accessible from the road system. This intertidal habitat contains especially diverse flora and fauna.
KAP 145	Termination Point	Leisnol inc. (Surface Estate)	Monashka Bay, NE coast of Kodiak Island. T27S, R20W, Sec. 6, 7, 8 & 18. SM. This parcel is approx. 12 miles from the town of Kodiak.	1028	Moderate	ADNR	This relatively flat coastal tract with 4 miles of convoluted shoreline and is forested. The parcel also contains productive intertidal habitat and benefits marbled murrelets, pigeon guillemots, recreation, subsistence and archaeological resources.
KAP 130	Uyak Bay	Dedge, Ekhnel, Povalita, Trultt	Head of Uyak Bay, west side of Kodiak Island. T33S, R27W, Sec. 31, & T34S, R27W, Sec.6. SM.	318	Moderate	USFWS	This parcel has approx. 0.5 miles of shoreline on Uyak Bay and Uyak River runs through a portion of the parcel. The Uyak River provides habitat for pink, coho, and chum salmon, Dolly Varden, bald eagles. There is also a productive intertidal area.
KEN 12	Baycrest	Michael Bullock (Agent), Baycrest Investment Corp.	T6S, R14W, Sec. 23., below Baycrest Hill west of Homer. This parcel is adjacent to the "Overlook Parcel" on the west and contains 3/4 mile of Kachemak Bay frontage.	90	PMSC*		This parcel contains an extensive tidal pool area and is accessible from the road system. Outstanding attributes of this parcel contribute to recreation, public access and management of the Overlook Parcel.
KEN 29	Tulin Parcel	Charles E. & Helen Tulin	Located between the Sterling Highway and Cook Inlet with 3/4 mile of ocean frontage. T6S, R14W, Sec. 8 & 9, SM Kenal, AK	220	PMSC*	ADNR	This parcels contains and runs parallel to Diamond Creek from the Sterling Highway to Cook Inlet. The parcel is dominated by a mixed spruce and birch forest. Outstanding attributes of this parcel are its potential for recreation and public access.

Parcel ID	Name!	Owner	Location	Acres	Rank	Agency Sponsor	Description
KAP 22	The Triplets	Ouzinkie Native Corporation	Marmot Bay, 4 miles north of Kodiak Island, T25S, R25W, Sec. 23 & 26, SM.	6()	PMSC*	USFWS	These three islands comprise the largest seabird colony in the Kodlak Archipelago. They contain important breeding habitat for several seabird populations impacted by the oil spill (colonial nesting seabirds, common murres).
KAP 220	Mouth of Ayakulik River	Ayakulik Associates, c/o Reed Stoops	Mouth of the Ayakulik River, USMS 247, lots 1-6, Tract A. This parcel is composed of 6 lots and an adjacent tract at the mouth of the Ayakulik River in western Kodiak.	56	PMSC*	ADF&G	This river is second only to the Karluk for sockeye and chinook salmon production potential. Acquisition would provide outstanding benefits to recreation and fisheries management.
KAP 105/142	Three Saints Bay	Pestrikoff & Boskofsky	Three Saints Bay, Kodiak ISland T35S, R27W, Sec. 10 & 11, SM. These parcels adjoin each other and are located within the entrance to the bay.	48 & 40	PMSC*	USFWS	Accessible shorelines and nearshore waters are used for subsistence purposes. Outstanding attributes include the wilderness qualities of the area, subsistence benefits to residents, and cultural resources.
KEN 1015	Lowell Point	James E. McCracken	McCracken Tract A, located in Lot 3, USS 3365, SW 1/4 Sec 22, NW 1/4 Sec 27 SM	19.38	PMSC*	ADNR	Located on Lowell Point, one mile south of Alaska SeaLlfe Center. Parcel is forested in old growth hemlock and spruce with 700' of sand and gravel beach. The parcel provides recreational opportunities and access to Resurrection Bay.
KEN 1014	Grouse Lake	Mr. Dean Anderson	Portion of the S 1/2, SW 1/4, Section 1, T1N, R1W, SM lying west of Grouse Lake	64	PMSC'	USFS [*]	This parcel is the only level access area to Grouse Lake and Grouse Creek, an area used by campers and anglers for years. Purchase will benefit the restoration of sockeye salmon, Dolly Varden, pink salmon and recreation/tourism.
PWS 1010	Jack Bay	University of Alaska	T10S R8W Copper River Meridian, Alaska, Sec. 2, lot 7, Sec. 3, lot 2, containing 198.64 acres, more or less. T10S, R8W, of the Copper River Meridian, Alaska, Sec. 4: tract A, Sec. 9: tract A, Sec. 10: N1/2, Sec. 11: tract A, containing 743 acres.	942	PMSC*	ADNR/ USFS	This parcel provides restoration benefit for pink salmon, herring, bald eagles, harbor seals, harlequin ducks and intertidal and subtidal biota. In addition, this parcel has received much public support and is accessible by boat from Valdez.

Parcel ID	Name	Owner	Location	Acres	Rank	Agency Sponsor	Description
KEN 1009	Cooper Parcel	David & Wanda Cooper	T2S R14W S02 Portions of Govt lots 1 & 2	30	PMSC*	ADF&G	This parcel is located on the Ninilchik River 2 miles upstream from the mouth. The river flows through the middle of the parcel and most of the property is classified as riarian habitat benefitting pink salmon, Dolly Varden and recreational use.
KEN 1006	Girves Parcel	Irene H. Girves	060-470-0100 M/L T05NR10WS31 Govt lot 2, containing 39.65 acres; 060-011-1300 T05NR10WS31 Govt lot 11 containing 46.73 acres; M/L 060-470-1200 T05NR10WS31 Govt lot 3 excluding lot 5 blk 1 HALCYON Sub (KN73009) and Resub Lot 1 Blk 1 HALCYON Sub KN760075	110	PMSC*	ADNR/ ADFG	Parcel is located near Mile 19 of the Kenai River Just outside the city of Soldotna. The parcel provides key habitat for pink salmon and Dolly Varden and receives high levels of trespass recreational use from sportfishermen accessing property by boat.
KEN 1005	Ninlichik		Parcel #1, Section 35, T15, R14W, SM W 1/2, SW 1/4 Homer Recording District, Parcel #2, Section 35, T15, R14W, SM (Chinook Park Homer Recording Dist.	5.76 10.38	PMSC*	ADNR	This parcel is located immediately adjacent to Ninilchik State Recreation Area and provides significant benefit to recreation/tourism. Acquisition will enhance access to public lands and eliminate existing trespass problems.
PWS 11	Horseshoe Bay		Horseshoe Bay Subdivision and Tracts 1,2,3,4, and 5 of Horseshoe Bay Subdivision according to the official Plat thereof recorded as Plat 83-7, Valdez Recording District. T2S, R9E, S9.	315	PMSC*	ADNR	This parcel is surrounded by Horseshoe Bay State Marine Park and contains 1600° of waterfront in the heart of Horseshoe Bay, including the creek mouth and the waterfall. Acquisition would benefit pink salmon and recreation/tourism in PWS.
PWS 1027	Flemming Spit	Sealaska Corp.	US Survey 252, Orca Inlet, Cordova AK T15S, R3W, CRM	5.39	PMSC*	ADNR	This parcel is the site of a strong terminal coho sport fishery and a fledgling king salmon fishery. These terminal fisheries provide replacement sport fish opportunities lost because of the spill.

Report of the Executive Director concerning Habitat Protection and Acquisition October 12, 1995

Map Index

Spill Area Map

Kodiak Island (Regional Map) Koniag Lands

Shuyak/Afognak Islands (Regional Map) Kodiak Island Borough Lands Afognak Joint Venture Lands

Prince William Sound (Regional Map)
Chenega Lands
Tatitlek Lands
Eyak Lands

Kenai Peninsula (Regional Map incluing English Bay & Port Graham)

Map Index 10/12/95

