

HABITAT PROTECTION WORK GROUP
MARCH 12, 1993
9:00 A.M.

Attendees

Marty Rutherford ✓
Kim Sundberg
Ken Rice ✓
Mark Kuwada ✓
Art Weiner ✓
Jess Grunblatt ✓
John Harmening
Barbara Mahoney
Carol Fries
Alex Swiderski
Craig Tillery
Chuck Gilbert
Dave Gibbons

AGENDA

- 1) Trustee Council Meeting Debrief
4 Imminent Threat Parcels/Negotiation Teams
HPWG Role Re: a) 4 Imminent Threat Parcels
b) Other Imminent Threat Parcels
 - 2) Landowner Letter/List (C. Fries)
 - 3) Negotiation Guidelines/2nd Version of "Procedures" Particular
to the EVOS Process (C. Gilbert)
 - 4) Comprehensive Analysis Process
Peer Review (A. Weiner)
Alternatives (K. Sundberg)
 - 5) April Brochure/Habitat Protection
-Text/Questions
-HPWG Component/Revisit this question
- TNC type effort for "Services" (community meetings/input)
-Set next meeting date

The following items were distributed:

Habitat Protection Work Group Meeting of 3/2/93
Motions from the Trustee Council Meeting re: Habitat Protection
Charles Totemoff memo regarding habitat protection/acquisition
March 1 letter to Trustees from Donald Emmal
March 9 letter to Trustees from John L. Sturgeon
March 9 letter to Marty Rutherford from Wendy Alt
March 2 letter to Marty Rutherford from Pat Carlson
Sample Landowner Letter
Landowner Data - Contact List
March 5 memo to Dean Brown from Marty Rutherford
Sandor Comments to Negotiation/Acquisition Guidelines
Restoration Acquisition Authorization and Process
Analysis of Habitat Protection/Acquisition Alternatives in Draft

Restoration Plan
Habitat Protection/Acquisition Process
Kodiak Area EVOS Acquisition Priorities
February 22 letter to Trustee Council from George West
March 1 letter to Trustee Council from Paul Twardock
February 24 memo to Seal Bay Timber Company from Allan Foutch
Habitat Protection: Private Lands

Marty stated Alex Swiderski and Craig Tillery were asked to join the meeting to open up more dialogue.

Marty asked for any changes or additions to the agenda. Art stated that the technical subgroup needs to meet to discuss comprehensive peer review.

TRUSTEE COUNCIL MEETING DEBRIEF

Copies of the motions from the last TC meeting were distributed and reviewed. Marty stated it is appropriate to get into the procedural elements of the guidelines. After legal review, it may be necessary to do some additional work. Kim stated that the crux of this is because this is a joint thing, the federal government rules have to apply. Marty stated that the framework supplement does lay out both state and federal processes.

It was not clear if the TC intended HPWG to contact the opportunity landowners. Marty stated there was significant disagreement among the RT, and Dave will canvas the TC to determine their positions. Kim asked if Chuck Totemoff's proposal would be discussed at this meeting. Marty distributed copies of the proposal for review.

Marty asked if Alex had a sense of what needs to be brought to the TC. Alex felt that there should be as much contact as possible. Craig stated there needs to be an indication of interest. Marty asked about dollars. Craig stated he felt federal rules state you can't do it. A lot can occur before you get into negotiations. John Harmening stated public law requires presenting fair market value which includes the following steps:

- beginning with a letter of intent of interest in selling
- obtaining a letter to allow entry on the land to see what you are actually purchasing
- making arrangements for appraisal

A fair market value offer can then be made. A lot of negotiations might be occurring prior to appraisal, such as what kind of rights that would like to retain. After the option is signed, you get into a title situation. The process is timely and requires HAZMAT inspection. Some of the processes leading up to appraisal take a lot of time. Kim stated it might be important to have a chart showing the parcel, interest, and what acreage areas they are interested in discussing for acquisition, and what types of protec-

tion instruments they are interested in negotiating. This chart might help the process get going. Kim stated value is moot at this point. John stated he tried to spell out for Chuck the major steps to get HPWG and TC approval. A chart might help to show where you are. John suggested that he could get with Chuck and several others to work on a chart. It might be critical where you do the final acreages. Marty asked that John, Jess and Chuck work together to identify elements for the chart so that it can be implemented in short order. It would be a flow chart with a critical path showing check points, who does what, and Trustee involvement. Marty stated this would be a useful tool during negotiations. Jess stated that some of the background information could be organized and tracked to provide continuity. John stated that once you get into the process, you have to know where you are in order to move along in a timely manner.

Marty stated that HPWG will have a support role in the process. Kim stated HPWG will provide some focus or framework to other agencies. HPWG is the only group set up to provide some coordination. Marty stated this role will mean an increased work load. John stated the Forest Service starts out at the forest level and it is usually a supervisor who has immediate responsibility. John further stated that the question now will be organization beneath that tier. The comprehensive plan should be done as soon as possible because timber prices are going up. John stated he has concern about being able to clear titles and also possible lien problems. There may be an advantage to using the state process because it is cleaner. Marty asked how HPWG could assist the negotiating teams in proceeding, given that the whole guideline question has not been sorted out yet. Craig stated they would like recommendations for procedures and whatever factual background information is available. Kim stated there has to be some mechanism for getting technical support. It needs to be set up because things may start happening real fast.

Marty distributed a memo from Ralph Eluska regarding the timber cutting schedule for Seal Bay. Kim stated additional analysis will be one of the biggest challenges in terms of keeping pace. Marty stated Jess will be the single point of contact to secure information. John asked if we have to define what land we want to purchase for restoration and not just imminent threat. Marty reiterated that the TC has been asked for interim protection with the flexibility of looking at permanent protection should that be the only thing the landowners are willing to discuss. If we have any hope of obtaining protection for Seal Bay, we will have to look at interim protection. Some flexibility is needed in terms of saying would you be willing to set aside the cut schedule for a time. Basically, it would be an earnest money situation. The negotiating team will have to have the flexibility of sharing that information with the TC quickly.

John stated he is wandering if you were to draw the boundaries at

Seal Bay for imminent threat, maybe the areas you want are only a part of the cutting units. If you start to negotiate for the parcels for imminent threat, should you only get the part of the land that has restoration requirements because you may not want all the units. Marty stated that is part of the problem and why interim protection was chosen. Art stated until you come back with some numbers, you can't tell what the ratio is because there are no dollar values to attach to it. Marty stated we won't be able to do hard and fast cost benefit analysis. John stated when you get into parcel interests, you are better off to get fee title. You will have to say if all this land is valuable in terms of what is required for restoration.

Kim suggested having a briefing session with the negotiating team. Marty stated the quicker the negotiation team is identified the better. John stated it would be nice for the negotiator to know what you want in the long run, even though the intent is to do imminent threat. Kim stated the whole intent of imminent threat was to let the TC know the seriousness. Ken stated that the ecological boundary needs to be defined. Marty stated she is concerned about timing with respect to Seal Bay. The negotiating team needs to start discussions immediately. The analysis subgroup could meet with the negotiating team to discuss what HPWG can do to assist them on Seal Bay and define areas of concern.

John asked what is the confidentiality level of this process. Kim stated that work groups are not open to the public. Ken stated information is not releasable under FOIA because it is pre-decisional.

Marty stated that FWS has expressed interest in participating in Seal Bay. Chuck stated that FWS wanted to participate at the HPWG level. Art stated the area to the west of Seal Bay is extremely important and is of interest to FWS because it borders the refuge. Jess stated Seal Bay has four cutting units of concern in beginning evaluation of impact on watersheds and resources. Kim stated he looked at the cutting units and what their values were. Three have real high restoration benefits, such as anadromous fish streams. Marty stated we don't want to lose track of the services side of this. Jess stated that there is a way to proceed on a technical level, incorporating how the negotiations proceed. Marty asked Jess to access the FWS information regarding this parcel. Marty asked how units can be defined. Kim suggested a meeting with the negotiating team. Mark stated we are talking about basically jump starting the comprehensive process. Art stated this will be absent the peer review process. The only way to do this is to evaluate the land in the comprehensive process. Marty stated the state will have Craig and Alex negotiate the imminent parcels. Marty asked who to talk to from the Forest Service. Ken stated for now that would be the FS representative on HPWG. A HPWG subgroup will meet on Monday to give the negotiating team a briefing on the parcels.

Marty stated the only authority given was to deal with the imminently threatened areas. Kim stated that hopefully the pool of land to work with will be 100,000 acres; it is currently 22,000 acres.

Marty stated the imminent threats were the force to look at particular areas. Craig thinks that a unit will appear when you look at the whole picture. Art stated what we are looking for is the "restoration unit". Craig would like to have information on particular value and best price. Marty asked Jess if he has any timber value data. Jess stated he does not have any, but there is information out there. Kim stated the borough provided some timber value information, which they assess because they receive a tax on it. Jess stated he has a general timber map from AJV but cannot tell the value based on their delineation. Alex stated we need to define the unit. Art stated that Alex and Craig need to sit with HPWG to understand the process for creating the unit. Marty stated the subgroup will meet with the negotiators on Monday at 9:30. Art stated a dark room is needed for the projection equipment. Marty stated the briefing will be in terms of what level of information went into the analysis and what is available to access.

Craig asked for a package to date of communications with Seal Bay. Marty stated except for the cut schedule, HPWG does not have much information for Seal Bay. Additional information will be provided on Monday regarding expert testimony. Kim suggested summarizing how HPWG got to where they are.

Marty stated Chugach may be willing to discuss Montague. Ken stated they are out there now working on the road.

Chuck, John and Jess will discuss critical path structure. Jess stated we need to determine how to track this process. The chart will be the most convenient summary. It gives a good context for organizing things below. Kim stated the negotiator should be required to file some notes each time. Marty stated that Jess and Carol need to coordinate with Ron to establish a filing system. Jess has talked with TNC regarding their filing system.

LANDOWNER LETTER

Marty stated that the landowner letter will be sent out immediately. A copy of the sample letter was distributed. Jess stated there are two different data sets; one is just pictures. Larry Sherret has the information on the parcels. Carol stated the sources for the landowner data contact list were the Kodiak Island Borough, DNR's Forestry Division (information incomplete), BIA, Tribal Entities, Koniag Regional Corp., and Chugach Regional Corp. Alaska Native Directory was used to obtain contacts for the corporations. Carol stated this information is part of her database. Kim stated it is really important to get the database going. Marty stated she is not sure it is complete and does not

contain overlap. Carol agreed to maintain the database. Marty stated the letter can go to everyone, but the telephone contact should be more specific. Kim stated that those with raw land or improvement value less than \$5,000 should be sent a letter. Marty stated that CIRI needs to get a letter also. Art stated that HPWG had also decided to do display ads. Marty will make sure that LJ does this. Ken stated display ads should go to the same papers used to advertise public meetings.

All the imminent threat parcel landowners should be called. Art stated that a script is also necessary. Marty stated the script would be along the lines of the letter. Kim suggested Barbara as the phone contact person. Art suggested that the calls be logged into the database. Marty stated Ron needs to be informed of the information coming in to Dave so that it is focused properly. Kim stated he could assist in providing phone numbers not on the list.

NEGOTIATION GUIDELINES

Marty stated Sandor wanted to ensure that as a parcel is modified during the give and take of negotiation, an analysis is done to determine if restoration objectives are met. He also does not want HPWG buying interest in lands where other more appropriate funds should be used. Marty gave the Kodiak lands, which are being marketed as a package, as an example. Brodersen will get clarification from Sandor on his comments.

Marty stated the guidelines are being sorted out on a legal level. Chuck stated one of Cole's concerns is that appraisals should be done by one set of standards. Kim suggested writing the guidelines without citing federal regulations and stated that HPWG might have to write their own handbook which doesn't append federal regulations. Jess stated that time as well as procedures are factors.

Marty asked if HPWG should rewrite the guidelines in some fashion or do a comparison. Chuck suggested consulting Dan Beardsley, DOT, because of his experience. Kim suggested having Beardsley attend the next meeting. Marty stated she is not sure he needs to be brought into HPWG's meeting, but he should talk with Alex and Craig. HPWG decided it might be beneficial to have Beardsley come to the next meeting. Chuck asked if state attorneys are reviewing the guidelines. Marty stated "yes".

2ND VERSION OF PROCEDURES

Copies of the Restoration Acquisition Authorization and Process document were distributed. Chuck stated that the purpose was to specify the relationship of the personnel conducting acquisitions to the TC. Marty stated that an opportunity is needed to review the document. Comments will be due to John by noon on Monday.

MEETING DATE

The next HPWG meeting is scheduled for March 25th at 10:00 a.m.

HPWG members are unavailable on the following dates:

John - March 17-27

Kim - March 21-April 5

Art- March 16-21; March 29-April 4

Meeting adjourned for lunch until 1:45.

COMPREHENSIVE ANALYSIS PROCESS

Marty stated the issue of concern to the RT is timing and how quickly we can get to the comprehensive analysis. Kim suggested HPWG could flesh out a comprehensive process and have a peer review group tweak it. Mark stated the first step would be to lay out the species distribution, which is fundamental. Marty stated she liked Kim's suggestion to have HPWG go forward with a comprehensive process and have peer review to critique it. John stated one problem will be explaining why one parcel was more important than another. Art stated that you won't make everyone happy with this process, but it must be defensible. Art also stated that the big problem is the data gaps you won't be able to fill. Mark asked if the PWS Recreation Study will be integrated into this process. Ken stated that process is very different and will be looking at other kinds of restoration activities. Mark stated you will want to know in terms of your criteria what is valid and what isn't.

Marty stated in discussions with RPWG, they have indicated that people are dissatisfied with the degree recreational uses have been included in analysis. Veronica and Bob believe in terms of recreational usage, the people in the communities are the experts, and we should figure out a way to access that information, such as something similar to what was done by TNC. Kim stated the failing of the TNC with respect to the recreation component was not enough people were involved. Mark stated there are two levels 1) where the recreation occurs and 2) having people buy into the ranking. Marty stated there was some frustration with the current ranking process because it did not identify all the services. Art stated that Bob and Veronica have argued that there is a bias in favor of resources; they would like to see more weight given to services. Art stated he doesn't have a problem with this; however, there is a lack of data.

PEER REVIEW

Art did an exercise that showed all the resources support the services. He stated the peer review process could be kicked off with recreational services, and Isaacs and Richardson could be consulted. John stated the ROS (Recreational Opportunities Spectrum),

which evaluates things by recreational opportunities, should be explored. Marty stated she is hesitant to just use the local peer reviewers. Ken stated we need to define what we want. Art stated that the local peer reviewers understand the local issues and problems. HPWG will flesh out a comprehensive process and then pursue peer review through the contract. Art stated that the peer review should be concurrent and asked if there is clear direction for obtaining peer review through Spies. Marty stated "yes".

Marty stated there is an issue of staff support. Art will be 90% committed to HPWG. 45% is budgeted for Chuck and 45% for Catherine. Art stated we need to calculate using a spreadsheet how many jobs are in HPWG. Carol is not budgeted full time to HPWG but Marty agreed to utilize her as much as it takes. Jess is budgeted to RPWG and HPWG. Mark is putting in some time gratis. Marty asked if Kim can bring in someone additional. Kim suggested Dean Hughes. Kim stated we need to figure out how to contribute to the full time equivalent. Marty will distribute the FTE information to each member so that they can deal with their supervisor in understanding what is needed. DEC has funds budgeted for additional support. Art suggested HPWG stipulate to Brodersen the type of skills needed. Kim and Mark suggested Una Swain and Dean Hughes as possible choices for resource assessment. Discussion of additional support will be added as an agenda item for the next meeting. Jess stated he would like to see someone who is full time 1994 Work Plan. Mark stated this could take some of the database burden off Carol.

Marty asked if identifying watersheds in the spill affected area is difficult. Jess stated it could be. Kim stated the formula for ranking has to be refined. Kim and Art will flesh out the steps in the comprehensive process for HPWG to review.

ALTERNATIVES

Kim stated RPWG wanted an idea of what relative amounts of habitat could occur under their alternatives; we have a reasonable range of values. For Alternatives 2 and 3 you could buy all the imminent threat parcels and significant opportunity lands. For Alternative 4 you have to be more discriminate. About 1/5 of all the land out there is classified as commercial timber land. If a policy decision was made that commercial timber land was too expensive, you would give up some opportunities for actual restoration. People will want a blend of some commercial timber land and other options. This shows if you buy commercial timber land, the money gets eaten up pretty fast. This needs to be thought of in terms of a policy decision regarding how much to spend on commercial timber land.

Kim stated Seal Bay will set the precedent for what will be paid. John stated Seal Bay may have somewhat of a higher appraisal than some others in PWS and stated until you do an appraisal, all you

have is a wide range. Marty asked how Kim's analysis will be used. Mark stated it is in the pie charts, but no dollar amount is attached.

BROCHURE

Marty stated it is pretty clear in the brochure these are five alternatives but by no means the only alternatives. Art stated his impression was that these were the five alternatives the public has to choose from and there was no opportunity to create their own. Kim stated that RPWG needs to make clear to the public that these alternatives are examples and to feel free to create their own. Marty requested Mark relay to RPWG to clarify this point.

Marty stated the brochure has two purposes 1) to determine if we are close to the mark or have we missed it and 2) access the people who will be busy during the summer season. If we have missed the mark, we will attempt to make some changes to the Draft Restoration Plan. The Draft EIS reacts to the guts of the draft plan. Art stated that a real problem is insiders have a better understanding than outsiders, and it is being written for outsiders.

QUESTIONS

RPWG requested HPWG's assistance in revising the questions. Some guidance is also requested on what emphasis do you place on acquisition and protection. Kim stated that the problem is the questions are not understandable and if you don't know the answer to a question, don't ask it. Mark stated the purpose of the questions were to 1) get information from the public and 2) inform the public of some of the issues being dealt with; however, the questions may not have come across effectively. HPWG recommended pulling the whole section.

FIELD SURVEYS

Kim states that if the timing is right, you should go do it. Chuck stated an appraiser has to go out on the land. Marty asked what is meant by field surveys. Art stated he would like to see what the visual impacts are, and this should be done early on. Jess stated that some satellite imagery has been done which needs to be analyzed and have classifications finalized.

Mark raised the issue if it would be possible for HPWG to facilitate negotiations by giving some perception of interest through field surveys. Art stated that it is inconceivable to make recommendations on land purchases without actually visiting the land. John stated that visiting a site is a requirement of appraisal and you have to sign off on what you saw. Art stated HPWG needs to go to every site that is ranking really high. Ken stated that HPWG's responsibility is to verify a linkage to injury and the question is do you have to visit a site to do this. Marty

stated we need to get into a position to obtain all imagery. Once additional data needs are identified, we need to go back to the TC for additional funds. Art stated DEC has obtained industrial scanning capability. Marty requested that a data needs package be put together for HPWG to review at the next meeting. Marty can then forward it to the TC.

Marty stated that we can accommodate the field surveys but there needs to be some thought about what we want to accomplish. Art stated it is helpful to walk the perimeter of the polygon.

Marty stated that prior to the next meeting everyone needs to sort out with their supervisor staffing commitments.

Ken stated that someone needs to brief Bruce Danzy, Forest Service, who will begin negotiations on the 22nd. Kim stated he heard the TC say they wanted something done sooner. Ken stated Danzy had prior commitments which made it impossible to begin any sooner.

Marty stated everyone should be prepared to discuss additional staffing at the March 16th RT meeting.

Meeting adjourned at 4:15.

APPROVED MOTION: Approved fact finding boat trip by Public Advisory Group for a total of about \$2,000 to Prince William Sound pending legal review. Cost will cover boat fuel and travel of Public Advisory Group members.

2. Habitat

1st MOTION: Approved negotiation option A as an interim method to proceed with discussions with the imminently threatened privately held lands. Form as part of option A, a coordinating committee that reports directly to the Trustee Council, to coordinate efforts of imminently threaten land negotiations with land owners by individuals trust agencies.

2nd MOTION: Trustee Council agrees on 2 step-process: 1st top four parcels that presently rank high and in imminently threatened lands and proceed with the negotiation, 2nd during process of discussion on land-owners remaining 14, re-evaluate the possible re-ranking of these parcels with new information.

3rd MOTION: Have continuation Trustee Council meetings to complete appropriate actions concerning four of the top five remaining imminently threatened lands (exclusion of Kachemak Bay).

MOTION: Approve ADEC proposed revisions (#1, 2, 3, 4, & 13) to the Negotiation/Acquisition guidelines with the amendment that they be applicable to any proposed additions or deletions to the presently id acreage in the imminent threat parcel ranking and acreage package (Modify to make clear that the Restoration Team conduct teams # 1, 2, 3, 4, & 13).

MOTION: NO Move to remove items A, C, D from the Negotiation/Acquisition guidelines proposed for State Habitat Protection actions.

MOTION: NO Same but to be qualified by State and Federal law.

MOTION: Trustee Council recommends that legal review of the Negotiation/Acquisition guidelines be conducted by not as to delay the Habitat Protection process, by March 29th Trustee Council meeting.

MOTION: Trustee Council moves that the following agencies contact owner with respect to:

KAP 01 - State
PWS 04 - USFS
PWS 02 - USFS
CIK 05 - State

MOTION: Coordinating Committee be comprised of the Habitat Protection Work Group members.

ACTION: Continuing review of 1992 Final Reports progress - are there problem area? Work with the Chief Scientist.

3. 1993 Work Plan

APPROVED MOTION: 93016 - Chenega Coho and Chinook

NEPA Compliance for \$10,000 (ADF&G)

MOTION: 93024 - Coghill Lake

NEPA Compliance completed

\$191,900

FAILED MOTION: Yes 5:1 No (Department of Interior)

**RECONSIDERATION
VOTE:** \$191,900 Yes 6:1 No

MOTION: 93030 - Red Lake Restoration

Has now NEPA Compliance but does not have USDI review.

Adopt \$77,200

FAILED MOTION: Yes 5:1 No (Department of Interior)
Defer final decision until next Trustee Council meeting on 3/29/93.

Habitat Protection Work Group Meeting of 3/02/93

Attendees: M. Rutherford; M. Broderson; K. Rice; K. Sundberg; W. Sheridan; C. Gilbert; J. Grunblatt; C. Berg; J. Harmening; A. Weiner; B. Mahoney; M. Kuwada.
Absent: D. Gibbons

1) Negotiating Options/Recommendation - for presentation to the R.T. at their 3/03/93 Meeting:

Chuck Gilbert provided a quick overview of the Friday' teleconference with some of the agencies' Washington D.C. land managers. He informed the work group that the meeting (whose purpose had been to share information) had not provided any new or compelling arguments to the participants and had not resulted in any changes of position. Therefore the teleconference cannot assist the Habitat Protection Work Group, nor the Restoration Team, in reaching any kind of a consensus that would allow us to provide a recommendation to the Trustee Council on a preferred Negotiating Option.

The Work Group felt strongly that we still needed to provide some guidance to the Restoration Team, and they in-turn need to provide a recommendation to the Trustee Council, so that the Trustee Council can feel comfortable with beginning negotiations with the Imminent Threat/Opportunity parcel' landowners for purposes of interim protection.

Before HPWG could proceed with making a recommendation on a Negotiating Option, we felt it was necessary to agree to and re-state our goal/philosophy as it pertains to these Imminent Threat/Opportunity parcels. There follows a statement of what was agreed upon by HPWG:

There is a need to get to the comprehensive process as quickly as possible in order to be able to rank all private parcels in spill area. The initial thrust is interim protection. There is a need to be flexible enough to consider long term protection, if necessary, on imminent threat parcels, but only on the high ranking parcels. There is a need to try to move ahead as quickly as possible on imminent threat parcels in order to determine what can be done.

After reaching consensus on this philosophy HPWG felt comfortable with identifying certain ranked parcels in order to proceed with protection. It was decided we wanted to recommend protection of the top 5 ranked Imminent Threat parcels* for purposes of providing interim protection (with the flexibility to discuss permanent protection should the landowners be willing to discuss only that potential). Additionally, HPWG will recommend proceeding with negotiations for permanent protection of the 3 opportunity parcels*. Furthermore, in order to break the gridlock on a Negotiation Option, HPWG will recommend to the Restoration Team that we proceed with Negotiating Team/Option A as an interim

approach, in order to deal with these 8 parcels, and we identified a lead agency (or agencies-on 2 parcels) for negotiation purposes. It is possible that these same leads will also end-up as the land managers of these parcels - with instruction from the Trustee Council to that agency on specific protection policy. However, this Option A will be coordinated between the State and the Feds on those two parcels identified as "Joint" for negotiating purposes. It is understood that for these two parcels it is undecided what agency will end-up as the land manager.

Since we need to focus on the short-term (interim) effort, we are putting the long-term (comprehensive) negotiating option into abeyance. As an offshoot of this approach we can analyze the success of these interim negotiating approaches (ie: Option A for 6 of the parcels; and Option B for the 2 joint-negotiated parcels).

However, HPWG's role within any of these Negotiating Options is very significant and needs to be recognized, perhaps even clarified for the Trustee Council.

Note: As part of our Comprehensive analysis process we must focus first on the 3 Opportunity parcels in order to identify the important sections of these 3 parcels - as the parcels are far to large to protect all of them. Therefore, there must be good communication between HPWG and the Negotiating Team(s) on the size of these parcels.

* The parcels HPWG recommends proceeding on are as follows:

<u>Parcel #</u>	<u>Name</u>	<u>Score</u>	<u>Lead Agency</u>
<u>Imminent Threat Parcels</u>			
CIK 01	China Poot, Kachemak Bay	45	State
KAP 01	Seal Bay, Afognak I.	30	State
PWS 04	Fish Bay, Port Fidalgo	27	USFS
PWS 02	Power Creek, Cordova	24	USFS
CIK 05	Lower Kenai Peninsula	22.5	State
<u>Opportunity Parcels</u>			
PWS 07	Chenega I./Eshamy/Jackpot	60	Joint (State & USFS)
KAP 08	Shuyak Strait, Afognak I.	48	Joint (State & USFWS)
KAP 07	Alitak Bay, Kodiak I.	30	USFWS

2) List of Kodiak Island Borough/Kenai Peninsula Borough "significant" private landowners (K. Sundberg):

M. Rutherford handed-out copies of the letters that were sent to the mayors of the boroughs requesting their assistance in identifying the "significant" landowners within their municipalities. K. Sundberg indicated that he hopes to have these lists in hand by March 12th.

3) List of Prince William Sound "significant" private landowners, & list of major timber operators functioning within KIB, KPB, PWS:

M. Rutherford noted that Carol Fries is working with DNR and the Dpt. of Law/3rd Party Litigants on the list of "significant" landowners within the PWS. Additionally, Carol is working with DNR's Forestry Division to identify the major

timber operators. We hope to have hard-copies of all this information by 3/12/93, with a digitized version within 2 weeks.

Therefore, should we receive, in a timely fashion, the above noted information as well as the legal response on the draft letter (see item # 7 below), we will be able to begin sending letters to the "significant" property owners by mid-March.

4) Review of draft Negotiating/Acquisition Guidelines (C. Gilbert):

Chuck Gilbert provided a draft Negotiation/Acquisition Guidelines for our review and information. He noted that he used the Federal guidelines as the basis for this draft since he didn't think it appropriate to develop our guidelines out of whole-cloth (from scratch). HPWG reviewed the draft and made minor changes to items A - G, which are generic standards. Once we reached item H, which was specific to this EVOS Restoration Process, we decided that we needed to flesh this out with some details of how/when the Negotiating Teams would coordinate with the HPWG and how/when HPWG coordinates with the Restoration Team and the Trustee Council. For the presentation to the Restoration Team, for the Trustee Council Meeting of 3/10/93, we will present the amended draft with a note after item H that indicates we will be fleshing these out to identify HPWG/Restoration Team/Trustee Council' roles/input points/decisional points. {This would include such items as "prior to entering into binding contracts (e.g., Offers to Sell) approval will be obtained from the Trustee Council and the intended Grantee/land manager"}.

Note: Chuck Gilbert and John Harmening to further develop the draft Negotiation/Acquisition Guidelines to include guidelines specific to this EVOS Restoration Process. This 2nd, extended draft will be available for HPWG review by the March 12th meeting.

Note: Dan Beardsley/DOT - State needs to talk to him re: the State's acquisition process and how the proposed, draft Negotiation/Acquisition Guidelines would work and affect the States' flexibility.

5) Report/discussion of HPWG meeting with RPWG (K. Sundberg' Sub-Group)
re:

- a) Habitat Protection Option modifications to address Alternative variables;
- b) Presentation of the Habitat Protection Option within the April Brochure;
- c) Expansion of April Public Hearings to include a HPWG component (for presentation to the R.T. at their 3/03/93 Meeting):

The result of the joint HPWG/RPWG meeting was that the April Public Hearings would **not** have a separate habitat protection component. However, they did decide that the brochure include a significant section (complete with questions for the public to respond to) on habitat protection. HPWG agreed with this approach.

Kim Sundberg walked us through his "Analysis of Habitat Protection/Acquisition Alternatives in Draft Restoration Plan", especially the *assumptions*. HPWG voiced some concern about the land value assumptions.

NOTE: John Harmening agreed to look at these value assumptions in light of recent valuations in SouthEast Alaska in order to determine their reasonableness.

NOTE: Kim Sundberg' Sub-Group, with assistance from John Harmening and Chuck Gilbert to build-upon Kim Sundberg's work on how the various Alternatives impacts the Habitat Protection Option by developing *ranges* of values. This information will provide RPWG with the data necessary for presenting, within the April Brochure, the impacts to Habitat Protection given the various Alternatives. Due to RPWG by 3/04/93.

NOTE: Kim Sundberg' Sub-Group to develop, for RPWG, the April Brochures' Gray Box text on the Habitat Protection process and how we are now into implementation, ahead of all other elements of the Restoration Plan. Due to RPWG by 3/04/93.

6) Review draft proposal for Peer Review of the Habitat Protection Process:

K. Sundberg clarified that this Proposal for Peer Review of the Habitat Protection Process was an element of the *steps associated with the Comprehensive Habitat Protection Process*. These draft steps are to be presented by the K. Sundberg' Sub-Group at the 3/12/93 HPWG meeting. This Peer Review step is simply being presented ahead of schedule.

A. Weiner indicated that this draft is the result of the K. Sundberg' Sub-Group, working with Jess Grunblatt for the GIS element. This proposal should be reviewed by HPWG and discussed as part of the "steps" agenda item at the 3/12/93 HPWG meeting.

NOTE: HPWG decided it would review this proposal between now and the 3/12/93 meeting for: a) content (ie: technical expectations); b) methodology (how/where HPWG would like this "Peer Review" to occur); c) what is our expectation/goal of this "review" (ie: input, direction, or collaboration?).

NOTE: In the interim Art Weiner will contact Bob Spies in order to determine if Bob would feel comfortable with a collaborative type review, instead of a true peer review, within the context of the Peer Review Contract. {Art Weiner spoke with Bob Spies during the evening of 3/02/93 and Bob stated he felt the Peer Review contract allowed for a collaborative type review of the Habitat Protection Process}.

7) Discussion of final, draft letter/attachment to "significant" property rights owners:

M. Rutherford advised HPWG that the Restoration Team took the initiative at their meeting of 2/24/93 and reviewed HPWG's 1st draft of the Letter to "significant" property rights owners, made changes to it and the associated forms, and sent it out to the federal/State attorneys for their legal review. The Restoration Team hopes to have a coordinated response from legal council by Monday, March 8, 93. Copies of this final draft letter & attachments were provided to HPWG members.

Future HPWG Meetings:

Friday, March 12th, starting at 9:00 AM in Anchorage at the Simpson Bldg.

March 12, 93 HPWG Draft Agenda:

- 1) Review draft steps associated with the Comprehensive Habitat Protection Evaluation - including Peer Review of process (K. Sundberg' Sub-Group);
- 2) Review list of Kodiak Island Borough' (KIB) & Kenai Peninsula Borough' (KPB) *significant* Property Owners (K. Sundberg);
- 3) Review list of Prince William Sound' (PWS) *significant* Property Owners & the list of major timber operators functioning within the KIB, KPB, and PWS (Carol Fries);
- 4) Review of 2nd, expanded draft Negotiation/Acquisition Guidelines (C. Gilbert & J. Harmening). This expansion to focus on the guidelines specific to the EVOS Restoration Process (ie: detailing how HPWG, R.T. & T.C. is involved in the Negotiation effort).

Future HPWG Meeting Agenda Items:

- 1) Review of Coordinated (Fed/State) Legal Opinion re: Condemnation;
- 2) Ways to deal with future press releases re: a) negotiations; & b) general habitat protection activities;
- 3) Land Trade - banks identified by the various agencies*.

* **Note:** M. Rutherford to develop a letter for HPWG/R.T. to send to the agencies requesting that they begin to identify a bank of lands that could be used as the basis for land trades, thus providing an option to just purchase of property rights.

RPWA
II

PRESENTATION

By: Charles W. Totemoff, President
Chenega Corporation

To: Restoration Team
EVOS Trustees Council

Re: Habitat Protection/Acquisition

Chenega Corporation has carefully reviewed the Habitat Protection/Acquisition presentations. The plans range from fee acquisition to conservation easements to timber moratoriums to a cooperative management agreement. Each of those approaches has been carefully analyzed. The purpose of this presentation is to discuss yet another approach, which we refer to as the Habitat Protection Foundation.

We started our analysis by considering the impacts to both the EVOS trust and to our land ownership and the fiduciary duties to our Corporation, present shareholders, and future generations. On the EVOS Trust side, we looked at the fact that you have a finite amount of money available in order to restore or replace injured resources and services. We also looked at the fact that there are tremendous needs in the present, and continuing, with regard to injuries suffered on account of the oil spill. We recognize that habitat protection and restoration of services are important public policy goals. In addition, we also recognize that those public policy goals most probably involve, as one objective, wise expenditure of funds.

From our side of the fence, we have duties under the Alaska Native Claims Settlement Act in order to protect and preserve the assets of our Corporation as well as the cultural values of our shareholders. We are not just any landowner. The land represents part of the "fair and just settlement of all aboriginal land and hunting and fishing claims." We also have, in conjunction with the federal government, a continuing responsibility to ensure the continued success of the settlement. The government has a continuing guarantee to allow us continued participation in decisions affecting our rights and property. As a Native Village Corporation, we have a continuing interest in protecting the cultural heritage of our people. We also have a continued interest in advancing the real economic and social needs of our shareholders now, and into the future generations.

The public comments appear to run in two divergent directions. One group of public comments appears to be most interested in purchasing private lands (including our lands). Another, a smaller group, appears to take the position that private property interests should not be acquired, and development should not be limited.

Weighing the different interests, on your side, is the interest in using the Fund wisely. You also have an interest in the continued

protection and restoration of injured resources and services. We have an interest as well as the right to the maximum participation in decisions affecting our rights and property. We also have an interest in continued private use and enjoyment of resources, economic development, and protection of cultural values.

There appear to be few conflicts between the interests of the EVOS Trustees and Chenega Corporation. The most immediate conflict appears to be one of ownership and management of natural resources. If you acquire title to our property, or interests, then it is likely the Trust will expend a good deal of money, substituting one scarce resource, funds, for habitat. On the other hand, if we sell resources or fee title, then we will certainly part with interests to our rights and property.

We therefore propose to the Restoration Team and the EVOS Trustees Council an intermediary plan between acquisition and conservation easement donations. That intermediary is the Habitat Protection Foundation. The Foundation would be an entity set up through a grant from the Trustees Council, and potentially, through criminal fine money. A private landowner, such as Chenega Corporation, would enter into a standard agreement with the Foundation, whereby Chenega Corporation would deposit lands and the Foundation would deposit an annuity into the account. The lands deposited could be withdrawn. In the event of a withdrawal of lands, an agreed upon reduction in the annuity would result, with the reduction being freed up for other purposes of the Foundation.

The annuity would pay on an annual basis a fixed percentage equal to the economic rent stated in the deposit agreement. In the event a landowner elected to sell property, interests, or rights, the Foundation would pay for such interests or rights. Obviously, such a deposit agreement would also require an index to adjust to changes in economic conditions.

Management of land deposited would be cooperative. For instance, certain lands of Chenega Corporation constitute important subsistence resource areas, and management of such lands would have to be cooperative. Other lands constitute areas of high amenability for recreational and wilderness opportunities. Co-management would be necessary in order to protect cultural resources and to restrict public use as may be necessary. However, exploitative uses not designated in the agreement would be prohibited so long as the land remains deposited into the Foundation.

Certain programs unique to a Village Corporation could be permitted by withdrawal. For instance, in the event Chenega Corporation desired to implement an ANILCA Homesite Program, making lands available for its 69 shareholders (up to one and a half acres per shareholder), parcels selected by individual shareholders would be

withdrawn from the Trust only in the event uses occurred which were incompatible with subsistence uses or other customary traditional uses of the land.

With regard to co-management, we would anticipate such co-management would involve the applicable government land manager, the Foundation and the private landowner, requirements of local employment of shareholders of the cooperating landowner and approved budgets to cover costs and administration of protection and/or restoration.

The benefits of such a Foundation are that it could continue into perpetuity, interests of both the public and the landowner, particularly an ANCSA corporation, are recognized, and benefits would accrue to the public, while preserving the obligations of the government to ensure maximum participation by Natives in decisions affecting their rights and property.

We would be most interested in further discussing this concept with the Restoration Team and the Trustees Council and assisting you in implementing such a Foundation.

Thank you.

CHENEGA CORPORATION

By: Charles W. Totemoff
Charles W. Totemoff
President

j:\chenega\present

RPWG
II

ENGLISH BAY CORPORATION

1637 Stanton Avenue
Anchorage, Alaska 99508
(907) 562-4703

March 1, 1993

Exxon Valdez Oil Spill Trustees
645 G Street
Anchorage, Alaska 99501

Gentlemen:

The English Bay Corporation will receive title to approximately 30,000 acres within the boundaries of Kenai Fjords National Park, well within the zone of lands and waters affected by the Exxon Valdez oil spill. Our lands include shorelines, forest and uplands.

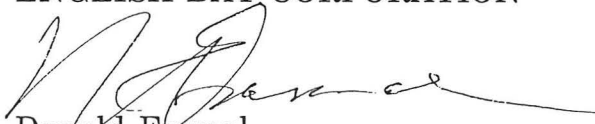
We have reviewed your document Opportunities for Habitat Protection/Acquisition dated February 16, 1993 which was discussed at the Trustees meeting on the same date. We were surprised that no lands within Kenai Fjords National Park were considered as "opportunity parcels."

Please be assured that English Bay is a willing seller of its rights to the national park inholdings and is interested in discussing the matter with your staff. We are available to provide you information regarding the parcels.

We understand that the Trustee Council voted to contact landowners within the spill zone. Please accept this letter as an initial response and let us proceed in the evaluation of the lands.

Yours truly,

ENGLISH BAY CORPORATION


Donald Emmal
President

cc: John M. Morehead,
Regional Director, NPS

RPWG
II

March 9, 1993

KFP
Koncor Forest Products Company

Exxon Valdez Oil Spill Trustee Council
645 G Street
Anchorage, Alaska 99501

3501 Denali, Suite 202
Anchorage, Alaska 99503
(907) 562-3335 FAX (907) 562-0599

Dear Sirs:

The maps showing the "eminently threatened" habitats are not a true reflection of the logging history or timber owners' plans for the upcoming year as the titles would have you believe. Your staff has depended on state and federal agencies for the information rather than consulting the timber and landowners themselves. After reviewing the areas we are familiar with, it is clear that the maps are extremely inaccurate! We find it incredible that such maps could be prepared without contacting the private landowners and timber owners being impacted!

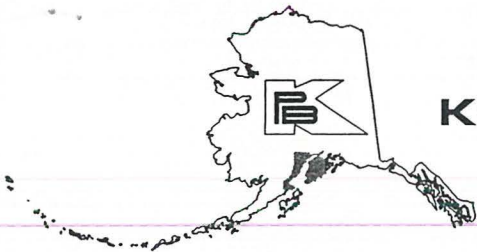
Koncor Forest Products Company and Timber Trading Company would once again like to inform you that the timber that we own on Montague and Afognak Islands is **NOT for sale!** It is not a productive use of the Habitat Protection Working Group's time to continue to suggest these areas for acquisition. We would also strongly suggest that Trustee Council Member Charlie Cole's idea regarding condemnation be dropped. It is obvious that the condemnation criteria of "overwhelming public interest" can not be met for these areas. Putting forward these areas and ideas may be fine for garnering media and special interest group pacification, but you are wasting both your and our time while also misinforming the public.

Your cooperation in this matter of public credibility would be appreciated.

Sincerely,



John L. Sturgeon
President



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599
BUSINESS (907) 262-4441 FAX (907) 262-1892

RPWG
FI

DON GILMAN
MAYOR

March 9, 1993

Marty Rutherford
Exxon Valdez Oil Spill Trustee Council
Restoration Office
645 G Street
Anchorage, Alaska 99501

Re: Your request dated February 25, 1993

Dear Mr. Rutherford:

Enclosed is a list prepared by our G.I.S. Department showing privately owned parcels greater than 160 acres in size. The values shown on this list are the 1992 certified values.

There was a minimal amount of time required to produce this list, so there will be no cost associated with your request. Should you need any further information, please feel free to contact me.

Sincerely,

Wendy A. Alt
Assessing Office Manager

Encl.

KENAI PENINSULA BOROUGH
ASSESSING DEPARTMENT
144 N. BINKLEY
SOLDOTNA, AK 99669

<u>PARCEL #</u>	<u>OWNER</u>	<u>ACRES</u>	<u>LANDVAL</u>	<u>IMPVAL</u>	<u>TOTAL</u>
01403001	Chevron USA Land Dept. PO Box 7611 San Francisco, CA 94120	437	5848500	1579900	7428400
01725015	Alvin K & Mary E Wright PO Box 430 Soldtona, AK 99669	164.67	110000	0	110000
02514310	Salamatof Native Assoc PO Box 2682 Kenai, AK 99611	191	77000	0	77000
03510003	Arthur & Lois Melickian 1660 Garden Street Anchorage, AK 99504 C/O Marcy M Butler 1640 Dimond Dr Anchorage, AK 99507	162.56	168200	2300	170500
05803225	Mary E Miller PO Box 101654 Anchorage, AK 99510	320	223400	38600	262000
06507006	Sam E & A Joyce McDowell 336 E 23rd Avenue Anchorage, AK 99503	160.4	125200	5200	130400
13910012	Sophia M Grabowski 6235 Lake Washington Blvd SE Renton, WA 98056	169	124500	9100	133600

15901037	T W Anderson & Jean Boyer Trustees of Anderson Trust 1007 Corsia Drive Pacific Palisades, CA 90272	200.47	216600	0	216600
15914032	C B S Liquidating Trust 629 L Street Anchorage, AK 99501	480	96000	0	96000
15920013	Joseph & Magdalena Wayer 4151 Kingston Drive Anchorage, AK 99504	480	74400	0	74400
15920015	Michael Adams PO Box 8 Anchorage, AK 99510	240	43800	0	43800
15920028	C B S Real Estate O T Rosson C Hope Vig 629 L Street Anchorage, AK 99501	280	67200	0	67200
16502102	Joan Terry Comerford PO Box 90 Haines, AK 99827	200	98000	0	98000
16502108	Von R & Ruth E Baxter 1054 Beech Lane Anchorage, AK 99501	400	134400	0	134400
16502204	Haath Co. C/O Carl Hille PO Box 158 Yakutat, AK 99689	280	88200	0	88200
16502206	Olympic Liquidating Trust 629 L Street Anchorage, AK 99501	320	95200	0	95200

16503005	E Rita Silberman 504 W 37th Street Wilmington, DE 19802	520	78000	0	78000
16503008	Delbert Alsop PO Box 2317 Sequim, WA 98382	526.28	182000	0	182000
16503053	Federal Deposit Ins. Corp. REO Dept. 2766/000651921 PO Box 196639 Anchorage, AK 99519	360.91	126300	0	126300
16503054	Rex Allen Poindexter PO Box 13 Anchor Point, AK 99556	200	70000	0	70000
16508309	Lee Roy Glover HC 67 Box 34 Anchor Point, AK 99556	480	153600	0	153600
16508317	Grand York Inv. LTD Sam E & A Joyce McDowell PO Box 884 733 W 4th Avenue Anchorage, AK 99501	160.7	89800	0	89800
16510002	Thomas E Kelly The Highlands Seattle, WA 98177	553.12	174200	0	174200
16510003	Ann V Farr North Trust Ann V Farr Trustee 3241 Legacy Drive Anchorage, AK 99516	620	195300	0	195300

16510020	Nelson Family Trust Merlin & Jean Nelson Trustees 1805 Bradley Drive Anacortes, WA 98221	240	84000	0	84000
16510023	Beach Comber Traders Inc 405 W 27th Avenue Anchorage, AK 99503	320.5	100900	0	100900
16511137	Elizabeth S Dempsey Belvidere National Bank & Trust Trustee of Van A Dempsey Ins. Trust 600 S State Belvidere, IL 61008	640	224000	0	224000
16515007	James Broile Philip E Morrow 3100 Raspberry Rpad # 1 Anchorage, AK 99502	319.22	35800	0	35800
17101004	James A Carrol Lewis F Vondra PO Box 1775 Fairbanks, AK 99701	281	98400	0	98400
17101008	Edmond J McMahon 6450 E Northern Lights Blvd 10-H Anchorage, AK 99504	600	210000	0	210000
17104001	Thomas D. Blazy 44539 Sterling Hwy # 301 Soldotna, AK 99669	482.4	247500	0	247500

17104019	Cook Inlet Region Inc. Attn Land & Resources Dept. PO Box 93330 Anchorage, AK 99509 C/O Randell Anderson PO Box 441 Homer, AK 99603	520	26000	0	26000
17105074	Cook Inlet Region Inc. Attn Land & Resources Dept. PO Box 93330 Anchorage, AK 99509 C/O Randell Anderson PO Box 441 Homer, AK 99603	280	15000	3800	18800
17105083	James E & Deborah Anderson 4525 Eagle Canyon Road Placerville, CA 95667	210	40100	51400	91500
17105084	Dennis J Abrahamson HC 67 Box 979 Anchor Point, AK 99556	210	40100	10600	50700
17106006	Jack L & Lucy E Easterday PO Box 1504 Everett, WA 98206	480	192000	0	192000
17202004	Cook Inlet Region Inc. Attn Land & Resources Dept. PO Box 93330 Anchorage, AK 99509 C/O David A Bennett PO Box 136 Fairbanks, AK 99701	640	33000	21700	54700
17204032	William Alfred PO Box 15262 Fritz Creek, AK 99603	160.27	23800	0	23800

17206014	Yule F Kilcher C/O Fay Smith PO Box 15224 Fritz Creek, AK 99603	246.46	324000	0	324000
17302126	Helen L Tulin 1422 K Street Anchorage, AK 99501	204.39	246000	0	246000
18515022	Anne L Crane 4101 University Drive Anchorage, AK 99508	320	64000	0	64000
18521036	John M Crosbie PO Box 1987 Homer, AK 99603	176.86	41700	15000	56700
18521037	James R Van Oss Candy Rohrer 48570 East End Road Homer, AK 99603	160.65	54100	92200	146300
18525801	F Bruce & Linda L Willard 40520 Waterman Road Homer, AK 99603	328.04	44200	0	44200
19103019	Seldovia Native Assoc Inc PO Box L Seldovia, AK 99663	640	288000	0	288000
19103021	Seldovia Native Assoc Inc PO Box L Seldovia, AK 99663	492.52	53000	0	53000
19112351	J & V Hopkins H & S Smith Evelyn W Hopkins PO Box 155 Seldovia, AK 99633	163.09	87300	0	87300

20115005	Cook Inlet Region Inc Attn Land & Resources Dept PO Box 93330 Anchorage, AK 99509 C/O Albert L & R K Scephurek 6610 E 8th Avenue Anchorage, AK 99504	920	51500	0	51500
20120002	Beluga Coal Company 1 California Street Suite 2500 San Francisco, CA 94111	5040	282200	0	104300
20120003	Beluga Coal Company 1 Californai Street Suite 2500 San Francisco, CA 94111	3200	179200	0	179200
21115301	Tyonek Native Corporation 1689 C Street # 219 Anchorage, AK 99501	165.61	116200	326500	442700
21125006	Marathon Oil Company PO Box 190168 Anchorage, AK 99519	319.99	272000	0	272000
22111001	Cook Inlet Pipe Line Co Property Tax Division PO Box 290 Dallas, TX 75221	898	969300	0	969300



Kodiak Island Borough

710 MILL BAY ROAD
KODIAK, ALASKA 99615-6340
PHONE (907) 486-5736

March 2, 1993

Mary Rutherford
Exxon Valdez Oil Spill Trustee Council
Restoration Office
645 "G" Street
Anchorage, Ak. 99501

Dear Marty:

The following listing is of the fee simple parcels in excess of 160 acres on Kodiak Island. I'm sure you realize that there are many large holdings owned by the native and village corporations around the island, along with large municipal tracts. This list is of just those parcels held in common ownership that exceed 160 acres in size.

U.S. Survey 2539, Portion of Lot 21:

This parcel is 445 acres in size located at Cliff Point near the City of Kodiak on Womens Bay. The 1992 assessed value is \$2,225,000, the land is vacant and the owners are Leisnoi-Trillium Joint Venture, 1313 Commercial, Bellingham, WA 98225.

U. S. Survey 626:

This parcel is 563 acres in size and is located on Woody Island which is near the City of Kodiak in Chiniak Bay. The 1992 assessed value is \$675,000 for the land and \$193,000 for the improvements. The parcel is the site of a summer camp and the owners are the Women's Baptist Mission Society, c/o Peter Ryker, P.O. Box 851, Valley Forge, PA 19482.

Tax Lot 2302, Township 35 South, Range 30 West, Seward Meridian:

This parcel is an unsurveyed tract estimated at 176 acres in size located at the head of Olga Bay at Dog Salmon Flats on the south end of Kodiak Island. The parcel is currently assessed for \$352,000 and the land is vacant. The owners are Jack Wichers and Duane Stueckle, 7170 S. Poplar Court, Englewood, CO 80112.

Tax Lot 3101, Tax Lot 3101, Township 34 South, Range 27 West, Seward Meridian:

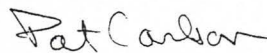
This parcel is at the head of Uyak Bay on the west side of Kodiak Island and is a combined holding that is within the township to the south with a total of 318 acres. The current assessed value is \$238,800, the land is vacant and is owned by a group of individuals with an address of Dodge, Ecklund, Povelite and Truitt, S.R. Box 8800, Kodiak, Ak. 99615.

Tax Lots 1701 & 1702, Township 25 South, Range 22 West, Seward Meridian:

This parcel is a combination of two native allotments located on the southeast end of Afognak Island on Narrow Straits between Raspberry and Afognak Straits. It is the site of a small community of Russian Old Believers and the current assessed value for the 274 acres is \$547,300 for the land and \$741,300 for the improvements. The owners are Aleneva Joint Venture, P.O. Box 4093, Kodiak, Ak. 99603.

I hope this letter finds you well and I'm sure you know we miss you over here in the municipal world. If you have any questions, or need anything, give me a call at 486-9350.

Sincerely yours,



Pat Carlson, Borough Assessor

cc: Jerome Selby, Borough Mayor
PSC/lm File.ASDIR486.word.doc.

Exxon Valdez Oil Spill Trustee Council

Restoration Office

645 "G" Street, Anchorage, AK 99501

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



February 25, 1993

Jerome Selby
Mayor
Kodiak Island Borough
710 Mill Bay Road
Kodiak, AK 99615-6340

MAR 0 1 93

Dear Mayor Selby:

On February 16, the Trustee Council approved sending letters to all major property owners in the Exxon Valdez oil spill-affected area soliciting their interest in participating in discussions which may lead to the protection/acquisition of habitats for restoration of injured resources and services. The Habitat Protection Working Group of the Restoration Team is requesting the assistance of the Kodiak Island Borough in providing a list of names and addresses of private property owners with parcels **greater** than one-quarter section (160 acres) within your borough. Valuations (land and improvements) for these parcels would also benefit our use of this list. Owners of smaller parcels will be notified of the opportunity to participate in this process through display advertisements in newspapers.

Kim Sundberg, who is the Department of Fish and Game representative on the Habitat Protection Working Group has previously discussed this with Pat Carlson and he did not indicate any problems with accommodating our request. If possible, we would like to receive the list by March 5 so that we can proceed expeditiously with mailing the letters. We are willing to reimburse you for your costs in preparing this list. If there are any problems or questions associated with our request, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Marty Rutherford". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Marty Rutherford

RPW6
II

SAMPLE LETTER (on letterhead)

_____, 1993

Dear CEO (this will be a specific name):

The settlement of federal and state lawsuits related to the Exxon Valdez Oil Spill resulted in funds being made available for restoration of resources and services injured by the spill. The Exxon Valdez Oil Spill Trustee Council is responsible for managing these funds and deciding on what projects to fund to accomplish restoration.

Protection of habitat is expected to be an important element of restoration. Acquisition of title to land or acquisition of other property rights are important protection tools. Lands may be acquired or otherwise protected if it can be demonstrated that such actions contribute to the restoration of resources or services injured by the spill.

The Trustee Council is identifying lands that are important to accomplish restoration objectives. It is neither necessary nor possible to protect all habitats that would contribute to restoration of injured resources and services. We are sending this letter to a large number of owners of property rights that are potentially valuable to our restoration efforts. You have been identified as a possible owner of such property. We would like to know if you are interested in participating in our identification and analysis process. This process locates, characterizes and evaluates privately owned habitat (land) linked to the recovery or replacement of resources and services (human uses) injured by the Exxon Valdez Oil Spill.

Your response is sought for informational purposes only and is in no way binding upon you or the Trustee Council. If you indicate that you would be interested in discussions, we will contact you regarding analysis of your property and/or property rights.

Please respond on the enclosed form and return it to us. Until we receive your response we are not able to consider you a willing participant. We appreciate your consideration.

Sincerely,

Dave Gibbons
Interim Administrative Director

Enclosures

Note: This letter will be 1) Sent via certified/return-receipt requested mail.

Owner
Affiliation
Street
City, State Zip

}This information will be filled-out prior to mailing

Please check the appropriate line below.

I am interested in my property and/or property rights being considered in the identification and analysis process.

YES _____

NO _____

If yes, a legal description and/or map would be appreciated.

Comments:

Person to contact for arranging discussions:

Name: _____

Address: _____

Phone: _____

Signature: _____ **Date:** _____

Printed Name, Title:

The following paragraph will be attached to the particular maps and analysis information of the various owners of the 22 parcels that were analyzed as part of the Imminent Threat and Opportunity Parcels. This will then be included as an attachment to that parties "Owner" Letter

Attached is our preliminary analysis of a portion of your lands. We would appreciate your review and comments on this material and any additional information you are able to supply us that is relevant to this analysis.

Landowner Data - Contact List

KIPWG
II

Corporation	Name	Title
Jack Wichers Duane Stueckle 7170 S. Poplar Court, Englewood, CO 80112		
Phone	Fax	Regional Co.
Corporation	Name	Title
Richard Sanders P.O. Box 007, Hope, AK 99605		
Phone	Fax	Regional Co.
Corporation	Name	Title
Afognak Native Corporation P.O. Box 1277, Kodiak, AK 99615	Ruth Dawson	President
Phone 907-486-6014	Fax 907-486-2514	Regional Co. Koniag
Corporation	Name	Title
Afognak Native Corporation P.O. Box 1277, Kodiak, AK 99615	James Carmichael	General Manager
Phone 907-486-6014	Fax 907-486-2514	Regional Co.
Corporation	Name	Title
Akhiok-Kaguyak Corporation 5028 Mills Dr., Anchorage, AK 99508	Andy Kahutak	Chairman
Phone 907-338-2322	Fax	Regional Co. Koniag
Corporation	Name	Title
Ayakulik Incorporated General Delivery, Akhiok, AK 99516	Nick Peterson Sr.	Chairman/President
Phone	Fax	Regional Co. Koniag
Corporation	Name	Title
Bells Flats Natives Incorporated Box 3473, Kenai, AK 99611	Ted Velanis	Chairman/President
Phone	Fax	Regional Co. Koniag
Corporation	Name	Title
Browning Timber Co. P.O. Box 1560, Cordova, AK 99574	Wayne Browning	
Phone	Fax	Regional Co.

3/11/93

Sources: BIA, Tribal Entities, 1993; Kodiak Is. Borough; Koniag Regional Corp; Chugach Regional Corp.; Alaska Native Directory, 4th Ed., 1993; ADNRC Forestry Div.

Landowner Data - Contact List

Corporation	Name	Title
Chenega Corporation	Charles W. Totemoff	Chairman/President
P.O. Box 60, Chenega Bay, AK 99574-9999		
Phone 907-573-5118	Fax 907-573-5135	Regional Co. Chugach

Corporation	Name	Title
Chugach Alaska Corporation	Michael E. Brown	President/CEO
560 East 34th Street #200, Anchorage, AK 99503		
Phone 907-563-8866	Fax 907-563-8402	Regional Co.

Corporation	Name	Title
Chugach Alaska Corporation	James W. LaBelle	Chairman
560 East 34th Street #200, Anchorage, AK 99503		
Phone 907-563-8866	Fax 907-563-8402	Regional Co.

Corporation	Name	Title
CITIFOR	Bob Rice	
701 5th Ave., 7272 Columbia, Seattle, WA 98104-7090		
Phone	Fax	Regional Co.

Corporation	Name	Title
Dodge, Ecklund, Povelite & Truitt		
S.R. Box 8800, Kodiak, AK 99615		
Phone	Fax	Regional Co.

Corporation	Name	Title
English Bay Corporation	Don Emmal	President
1637 Stanton Avenue, Anchorage, AK 99508		
Phone 907-562-4703	Fax 562-4571 (Call First)	Regional Co. Chugach

Corporation	Name	Title
Foresters Management Inc.	Clare Doig	
805 West Bay Drive, NW, Olympia, WA 98502		
Phone 206-956-0900	Fax 206-956-0998	Regional Co.

Corporation	Name	Title
Grouse Creek Corporation	Esther Ronne	Chairman/President
P.O. Box 723, Seward, AK 99664		
Phone 907-224-5902	Fax	Regional Co. Chugach

Landowner Data - Contact List

Corporation	Name	Title
Kodiak Area Native Association 402 Center Avenue, Kodiak, AK 99615	Allen Panamaroff	Chairman
Phone 907-486-5725	Fax	Regional Co. Koniag
Corporation	Name	Title
Koniag Incorporated 4300 "B" Street, #407, Anchorage, AK 99503	Frank Pagano	President
Phone 907-561-2668	Fax 907-562-5258	Regional Co. Koniag
Corporation	Name	Title
Koniag Incorporated 4300 "B" Street, #407, Anchorage, AK 99503	John W. Merrick	Manager of Lands & Res.
Phone 907-561-2668	Fax 907-562-5258	Regional Co. Koniag
Corporation	Name	Title
Leisnoi, Incorporated P.O. Box 242071, Anchorage, AK 99524-2071	Michael Pagano	Chairman/President
Phone 907-279-6034	Fax	Regional Co. Koniag
Corporation	Name	Title
Leisnoi-Trillium Joint Venture 1313 Commercial, Bellingham, WA 98225		
Phone	Fax	Regional Co.
Corporation	Name	Title
Litnik, Incorporated P.O. Box 1962, Kodiak, AK 99615	Marla Niblock	Chairman/President
Phone	Fax	Regional Co. Koniag
Corporation	Name	Title
Mt. Marathon Native Association P.O. Box 1467, Seward, AK 99664	Arne Hatch	Chairman/President
Phone 907-224-3118	Fax	Regional Co. Chugach
Corporation	Name	Title
Natives of Kodiak Incorporated 227 W. Rezanof, Suite 3, Kodiak, AK 99615	Anthony Drabek	President/CEO
Phone 907-486-3606	Fax	Regional Co. Koniag

Landowner Data - Contact List

Corporation	Name	Title
Old Harbor Native Corporation P.O. Box 71, Old Harbor, AK 99643	Emil Christiansen	Chairman/President
Phone 907-486-6024	Fax 907-486-6112	Regional Co. Koniag
Corporation	Name	Title
Ouzinkie Corporation P.O. Box 89, Ouzinkie, AK 99644	William Anderson	Chairman/President
Phone 907-680-2208	Fax	Regional Co. Koniag
Corporation	Name	Title
Port Graham Corporation P.O. Box PGM, Port Graham, AK 99603-8998	Patrick Norman	President/CEO
Phone 907-284-2212	Fax	Regional Co. Chugach
Corporation	Name	Title
Sherstone Inc. Box 1350, Cordova, AK 99574	Edward "Bud" Stewart	
Phone 424-5860	Fax 424-5861	Regional Co.
Corporation	Name	Title
Shuyak Incorporated P.O. Box 727, Kodiak, AK 99615	Mary Kreber	Chairman/President
Phone 907-486-3842	Fax	Regional Co. Koniag
Corporation	Name	Title
Sound Development Box 1630, Cordova, AK 99574	Perry Beecher	
Phone	Fax	Regional Co.
Corporation	Name	Title
Tatitlek Corporation P.O. Box 650, Cordova, AK 99574	Mary A. Gordaoff	President
Phone 907-424-3777	Fax 907-424-3773	Regional Co. Chugach
Corporation	Name	Title
The Eyak Corporation P.O. Box 340, Cordova, AK 99574	Donna Nadell	President
Phone 907-424-7161	Fax 907-424-5161	Regional Co. Chugach

Landowner Data - Contact List

Corporation	Name	Title
Uganik Natives, Incorporated	Richard Simeonoff	Chairman/President
P.O. Box 2095, Kodiak, AK 99615		

Phone	Fax	Regional Co. Koniag
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Corporation	Name	Title
Uyak Incorporated	Gabriel McKilly Jr.	Chairman/President
P.O. Box 1938, Kodiak, AK 99615		

Phone	Fax	Regional Co. Koniag
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Corporation	Name	Title
Valdez Native Association	Ed Churchill	Chairman/President
P.O. Box 1108, Valdez, AK 99686		

Phone 907-835-4951	Fax	Regional Co. Chugach
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Corporation	Name	Title
Women's Baptist Mission Society	Peter Ryker	Mr.
P.O. Box 851, Valley Forge, PA 19482		

Phone	Fax	Regional Co.
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RPWG
II

MEMORANDUM
Department of Natural Resources


STATE OF ALASKA
Forestry / Central Office

TO: Marty Rutherford
Exxon Valdez Project

DATE: March 5, 1993

FILE NO: 9-

TELEPHONE NO: 762-2508

FROM: Dean Brown 
Acting Director

SUBJECT: Forest landowners &
Operators

Attached is the first installment to your request for a listing of timber landowners and operators in Prince William Sound, Kodiak, and Katchemak Bay areas. Since Forestry does not have a listing, we have attempted to compile the information you need from Forest Practices Act notifications and inspection information. We have differentiated between landowners and operators.

Enclosed is the list affecting the Valdez-Copper River Area Office, primarily Prince William Sound. We anticipate having the additional information from other areas soon.

MAILING LIST
FOREST PRACTICES ACT
NOTIFICATIONS & INSPECTIONS

SEND ALL TO:

JANE TONKIN (FII)
DEC-PWSDO
P O BOX 1455
CORDOVA AK 99574
PHONE #424-4385
FAX #

GARY SAUPE (FII)
(OR TIM RUMFELT)
ADEC-SCR
3601 C ST STE 12
ANCHORAGE AK 995
PHONE #563-6529
FAX #562-4026

JEFF BERNATOWICZ
USF&WS
P O BOX 768
CORDOVA AK 99574
PHONE #424-5802

SEND CORDOVA (SHERIDAN/CABIN LAKE) TO:

✓ STEVE REHNBERG (FILENAME:EYK)
THE EYAK CORPORATION
P O BOX 340
CORDOVA AK 99574
PHONE #424-7161

✓ EDWARD "BUD" STEWART (FILENAME:WHT)
SHERSTONE INC
BOX 1350
CORDOVA AK 99574
PHONE #424-5860 OR 945-3424(3626)
FAX #424-5861

✓ PERRY BEECHER
SOUND DEVELOPMENT
BOX 1630
CORDOVA AK 99574

HELLO, DAVE!

(MR. WALLINGFORD)
FAX #562-3587

I HOPE I CHECKED THE
RIGHT PEOPLE. I'LL ASK
MARTIN WHEN HE GETS
BACK. TNX.

HAVE A NICE DAY!!

L ☺

MR WALT WREDE**
CITY OF CORDOVA-CZM
P O BOX 1210
CORDOVA AK 99574

MR HOWARD FERREN**
PWS AQUACULTURE CORP
BOX 2603
CORDOVA AK 99574

✓ LANDOWNERS
TIMBER OWNERS
OPERATORS
&/OR THEIR REPS.

PAGE TWO--FPA MAIL LIST

SEND FISH BAY TO:

✓ CLARE DOIG
FORESTERS MANAGEMENT INC
805 WEST BAY DRIVE N.W.
OLYMPIA WA 98502
PHONE #(206)956-0900
FAX #(206)956-0998

DAN BOWDEN
CHUGACH FOREST PRODUCTS INC
3000 "A" ST STE 401
ANCHORAGE AK 99503-4086

SEND TWO MOON BAY TO:

✓ RICHARD SANDERS (FILENAME RSN)
P O BOX 007
HOPE AK 99605
PHONE #

✓ CLARE E DOIG (FILENAME:FMI)
FOREST MANAGEMENT INC.
805 WEST BAY DRIVE N.W.
OLYMPIA WA 98502
PHONE #(206)956-0900
FAX #(206)956-0998

✓ MARY GORDAOFF (FILENAME: TAT)
THE TATITLEK CORPORATION
P O BOX 650
CORDOVA AK 99574
PHONE # 424-3777
FAX # 424-3773

MR DAVE DENGEL
CITY OF VALDEZ-CZM
P O BOX 307
VALDEZ AK 99686

OTHER CONTACTS FOR TWO MOON BAY:

✓ WAYNE BROWNING (BTC)
BROWNING TIMBER CO
P O BOX 1560
CORDOVA AK 99574
(RON KELLER)

✓ BOB RICE
CITIFOR
701 5TH AVENUE
7272 COLUMBIA CENTER
SEATTLE WA 98104-7090

SEND PRINCE WILLIAM SOUND (NOTIFICATIONS & INSPECTIONS ONLY) TO:

ALAN L. PHIPPS
AK CENTER FOR THE ENVIRONMENT
519 W 8TH AVE #201
ANCHORAGE AK 99501
PHONE #274-3621

MARY MCBURNEY
CORDOVA DIST FISHERMEN UNITED
P O BOX 939
CORDOVA AK 99574
PHONE #424-3447

DUNE LANKARD
P O BOX 460
CORDOVA AK 99574
PHONE #424-5790

KARL BECKER
BOX 1185
CORDOVA AK 99574
PHONE #424-7466

✓ LANDOWNERS/TIMBEROWNERS
OPERATORS &/OR THEIR

1. CLEARLY IDENTIFY THE RESTORATION OBJECTIVES THAT WILL BE ACHIEVED WITH THE ACQUISITION OF THE TRACT. 3. REFINE TRACT SIZE AND CONFIGURATION TO ASSURE RESTORATION OBJECTIVES WILL BE ACHIEVED
2. ~~DETERMINE ALTERNATIVE~~ ^{AND EVALUATE} ~~DEFINING ACQUISITION~~ ^{PROTECTION AND} ~~MECHANISMS (EASEMENTS, FREE TITLE, MORATORIUMS, ETC) WHICH COULD BE USED TO ACHIEVE RESTORATION OBJECTIVES.~~ ^{3/2/93}

In order that acquisitions are conducted in a consistent and fair manner with all landowners in the spill affected area, the following guidelines for conducting acquisitions are proposed.

4. ^{CONSIDER THE APPROPRIATENESS OF ALTERNATIVE FUNDING AND PROTECTION MECHANISMS (LAND & WATER CONSERV. FUND; RESOURCE REGS}
5. Appraisals will be prepared in accordance with U.S. Dept. of Justice "Uniform Appraisal Standards for Federal Acquisitions," and will be reviewed by a qualified government review appraiser. An approved appraisal shall be the determination of Fair Market Value.

6B) If the purchase price of any acquisition is estimated to be in excess of \$1,000,000, at least two appraisals may be obtained. If more than one appraisal is prepared and approved for any acquisition, the review appraiser will select the appraisal that best supports its conclusion of value, and that appraisal shall be the determination of Fair Market Value.

7) The provisions of 49 CFR Part 24, the general acquisition procedures for the federal government, will be adhered to in acquisitions conducted by the State or federal government. Relocation expenses of landowners and tenants, if applicable, will be determined and paid according to these regulations.

8) The U.S. Department of Justice publication "A Procedural Guide for the Acquisition of Real Property by Government Agencies," will be adhered to in acquisitions conducted by the State or federal government.

9) Hazardous substances surveys will be conducted prior title passing to the state or federal government.

10) Title evidence will be obtained and utilized in accordance with the U.S. Dept. of Justice "Standards for Preparation of Title Evidence."

11) An opinion of sufficiency of title will be obtained from the respective federal or state legal counsel prior to title passing.

12) When negotiating/acquiring lands from corporations, personnel will deal with designated corporate officials only, not individual board members or shareholders.

In addition to the above described general guidelines and procedures for acquisition, procedures will be developed that explain the operational relationship of the personnel conducting acquisitions to the Trustee Council, Restoration Team and Habitat Protection Work Group. These procedures will address such topics as the role of the Habitat Protection Work Group in refining tract size and configuration to assure that restoration objectives would be achieved with acquisition of any subject tract. The procedures will also clarify reporting requirements to the Trustee Council and approval authority of the Trustee Council prior to entering into any binding contract.

13. Provide FOR A PROCESS OF EVALUATING THE VALIDITY OF RESTORATION ASSUMPTIONS & OBJECTIVES AS A GUIDE FOR ^{CONSIDERING} FUTURE HABITAT PROTECTION STRATEGIES. Adjust BEST PROFESSIONAL JUDGEMENT CRITERIA.

Restoration Acquisition Authorization And Process

<u>Action</u>	<u>Approval</u>
1. Identify Parcel for acquisition	Habitat Protection Work Group Identifies parcels through restoration plan analysis
2. Approve Parcel for Acquisition	Trustee Council Approves recommended parcels for acquisition
3. Obtain permission from owner to enter property for survey and appraisal work	
4. Physically check property, develop sufficient description based on previous analysis for appraisal and title evidence (check Haz Mat on site) (accurately define size)	Habitat protection work group field verification of analysis in restoration plan and final determination as to parcel boundry for acquisition
5. Obtain preliminary evidence	
6. Obtain Mineral Determination	
7. Request preliminary opinion and send Title file to assigned attorney for review	
8. Define interests to be acquired Identify title defects to be removed	
9. Prepare appraisal contract Contract awarded, completed	
10. Submit appraisal to review appraiser	
11. Negotiate purchase at approved estimated just compensation; provide brief written statement on how value was determined.	

12. Obtain signed option-have accepted by
Trustee and designated agency official

Trustee Council
After seller signs option
trustees will sign-this
will constitute an
obligation of funds
acquiring agency may also
have to sign

13. Review case material and option, send title/info
package to agency accepting title

14. Agency review and send for oversight (30-60 days)
if required to washington office

15. Send notice of approval to landowner

16. Send accepted option and copy of PL 91-646
certificate of compliance to attorney
attorney prepares deed (approves)

17. Order final Title policy

18. Prepare supplemental certificate 5400-38
(Certificate of possession)

19. Return title to regional attorney

20. Prepare voucher for payment

Trustee Council
Approval by Trustee council to
issue check

21. Microfilm Title tile-send record center

22. Post status

23. Send certification of case closing

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

HABITAT AND RESTORATION DIVISION

WALTER J. HICKEL, GOVERNOR

FAX # 349-1723

333 RASPBERRY ROAD
ANCHORAGE, ALASKA 99518-1599
PHONE: (907) 344-0541

RAPIFAX TRANSMITTAL SHEET

TO:

Marty Rutherford

362-4872

DATE:

3-9-93

FROM:

Kim Sundberg

267-2374

No. Pages:

5

(including this one)

MESSAGE:

Incorporates changes by
John Harmening, Chuck Gilbert
and other HPWG members

ANALYSIS OF HABITAT PROTECTION/ACQUISITION ALTERNATIVES IN DRAFT RESTORATION PLAN¹

ASSUMPTIONS

- \$611 million available for restoration.
- 1.8 million acres of private land in spill area².
- Range of fee title value for commercial timberland = \$1,500 - \$12,000/acre³.
- Average fee title value for non-timberland = \$500/acre⁴.
- 370,000 acres of private commercial timberland in spill area⁵.
- 32,400 acres of imminently threatened (IT) lands with moderate to high restoration benefits⁶ of which the major portion is commercial timberland.
- All acquisitions at fair market value.

¹ 2/19/93 Draft: "Table 1. Variation of Habitat Acquisition Criteria Across Alternatives"

² From: "Acreage Report for the Exxon Valdez Oil Spill Regions", DNR-LRIS, August 17, 1992 adjusted to include estimated 200,000 acres in expanded RPWG spill affected area.

³ From: "Habitat Protection and Acquisition, Land Value Overview" by John Harmening adjusted to reflect current timber prices; and variability in volume, grade, logging costs, species mix, size, and parcel configurations in the spill area. For the purposes of this analysis, it is assumed that parcel sizes exceed 1,000 acres. A wide range of values must be considered; unusual characteristics may extend values beyond either end of the range.

⁴ Ibid.

⁵ Van Hees 1989, Van Hees and Larson 1991

⁶ Based on imminent threat parcels scoring 10 or higher in 2/16/93 Trustee Council presentation, excluding Kachemak Bay.

ANALYSIS

Alternative 1 (0% of remaining settlement funds for habitat protection)

- No habitat protection/acquisition

Alternative 2 (91% of remaining settlement funds for habitat protection)

- \$556 million available for habitat protection/acquisition
- Expend \$7.5 million for Kachemak Bay
- Expend \$49 - \$389 million to acquire fee title to 32,400 acres of IT commercial timberland with moderate to high restoration benefits.
- Expend \$2 million on acquisition costs (negotiations, appraisals, title insurance, legal).
- Expend remaining \$158 - \$498 million to acquire fee title to 158,000 - 498,000 acres of a mix of commercial timberland and other lands with moderate to high restoration benefit (includes all or portions of Chenega, Shuyak Strait, Alitak Bay).

Alternative 3 (75% of remaining settlement funds for habitat protection)

- \$458 million available for habitat protection/acquisition
- Expend \$7.5 million for Kachemak Bay
- Expend \$1.5 million on acquisition costs
- Expend \$44 - \$349 million to acquire fee title to 29,100 acres of IT commercial timber land with high to moderate restoration benefits (includes all parcels scoring 10 or higher on IT list, excluding Patton Bay and Kachemak Bay).
- Expend remaining \$100 - \$405 million to acquire fee title to 100,000 - 405,000 acres of a mix of commercial timberland and other lands with moderate to high restoration benefit (includes all or portions of Chenega, Shuyak Strait, and Alitak Bay).

Alternative 4 (50% of remaining settlement funds for habitat protection)

- \$305.5 million available for habitat protection/acquisition
- Expend \$7.5 million for Kachemak Bay
- Expend \$1.0 million for acquisition costs
- Expend \$37 - \$294 million to acquire fee title to 24,500 acres of IT commercial timberland with moderate to high restoration benefits (includes all parcels scoring 12 or higher on IT list, excluding Patton Bay, Kachemak Bay, and Two Moon Bay).
- Expend remaining \$3 - \$260 million to acquire fee title to 3,000 - 260,000 acres of a mix of commercial timberland and other lands with moderate to high restoration benefit (includes portions of Chenega, Shuyak Strait, and Alitak Bay, but not all).

Alternative 5 (35% of remaining settlement funds for habitat protection)

- \$214 million available for habitat protection/acquisition
- Expend \$7.5 million for Kachemak Bay
- Expend \$1.0 million for acquisition costs
- Expend \$31 - \$206 million to acquire fee title to 17,000 - 21,000 acres of IT commercial timberland with high restoration benefits (e.g., Seal Bay, Fish Bay, Power Creek, Lower Kenai Peninsula)
- Expend up to remaining \$174 million to acquire fee title and less than fee title to up to 174,000 acres of a mix of commercial timberland and other lands with high restoration benefit. (Note: under the high range of commercial timberland values, no funds would remain for acquisition in this category).

PARCEL RANKING AND ACREAGE SUMMARY

RANK	PARCEL #	NAME	ACREAGE	SCORE
<i>Imminent Threat Parcels</i>				
1	CIK 01	China Poot, Kachemak Bay	7,500	45
2	KAP 01	Seal Bay, Afognak I.	15,000	30
3	PWS 04	Fish Bay, Port Fidalgo	1,700	27
4	PWS 02	Power Creek, Cordova	1,300	24
5	CIK 05	Lower Kenai Peninsula	3,000	22.5
6	PWS 06	Patten Bay, Montague I.	3,300	18
7	PWS 03	Two Moon Bay, Port Fidalgo	2,100	14
8	PWS 01	Orca Narrows / Nelson Bay	3,500	12
9	KAP 03	Izhu Bay, Afognak I.	1,000	10
9	KAP 04	Kazakof Bay, Afognak I.	1,500	10
10	CIK 04	Port Graham Allotments	200	8
11	CIK 02	Sadie Cove, Kachemak Bay	400	7.5
12	CIK 03	Jakalof Bay, Kachemak Bay	600	6
12	KAP 02	Pauls Lake, Afognak I.	500	6
13	PWS 05	Eyak River, Cordova	100	5
14	CIK 07	Rocky Bay	100	3
15	KAP 05	Danger Creek, Afognak I.	120	1
15	KAP 06	Farmanof Cr., Afognak I.	500	1
16	CIK 06	Windy Bay	400	0
TOTAL IMMINENT THREAT ACRES			42,320	
<i>Opportunity Parcels</i>				
1	PWS 07	Chetega I./Eshamy/Jackpot	57,000	60
2	KAP 08	Shuyak Strait, Afognak I.	51,000	48
3	KAP 07	Aditak Bay, Kodiak I.	230,000	30
TOTAL OPPORTUNITY ACRES			338,000	
TOTAL ACRES ANALYZED			380,320	

State
State
FS
FS
State

39.90

State/Fed
State/Fed
FWS

HABITAT PROTECTION/ACQUISITION PROCESS

PROPOSAL FOR PEER REVIEW

Introduction

The proposed Habitat Protection/Acquisition option will undoubtedly be an important part of the Restoration Plan that is finally adopted by the Trustee Council. It appears in both the hierarchical and concurrent restoration strategies presented in the Framework Document and is a major element in all but the natural recovery alternative, of the draft Restoration Plan. The public has spoken in support of this option in their review of the Restoration Framework Supplement and in numerous public meetings including the February 16, 1993 Trustee Council meeting wherein the Interim Habitat Protection Process was presented.

The Habitat Protection/Acquisition Process, which will henceforth be known as the *Habitat Protection Process*, provides a set of guidelines for the habitat protection/acquisition option. This process, which was developed by staff, was published, in part, in the Restoration Framework Supplement. The detailed evaluation and ranking element, that includes a suite of criteria was developed subsequent to the publication of the Supplement. If the Habitat Protection Process is adopted by the Trustee Council, it will be a significant determinant in the future implementation of the Habitat Protection/Acquisition option and, consequently, the expenditure of a substantial proportion of the joint settlement fund.

Objective

The objective of this proposal is to obtain peer review of the Habitat Protection Process as well as its technical and scientific support elements. Peer review of field studies would involve conceptual rather than specific project review which is covered under another process. Once peer review of the process is complete, appropriate recommendations of the peer reviewers will be incorporated into the process.

Justification

The constituents of the Habitat Protection Process that require peer review include:

- The process paradigm
- GIS support
- Remote sensing support
- Habitat modeling
- Field studies

HABITAT PROTECTION/ACQUISITION PROCESS

PROPOSAL FOR PEER REVIEW

The Process Paradigm

The Habitat Protection Process was developed to provide procedural guidance to the Trustee Council for habitat protection/acquisition decisions. Its main elements are:

- Threshold criteria
- Detailed evaluation and ranking
 - a) Evaluation/ranking criteria
 - b) Parcel area analysis
- Acquisition process
 - a) Protection tools
 - b) Negotiation strategy
 - c) Post-acquisition management

Several of these constituents as well as the manner in which they are integrated into the process require peer review. Peer review would, hopefully, reveal any internal flaws in the logic of the process and provide insight into the efficacy of the evaluation and ranking methods. It would be most helpful to receive critical review from ecologists and resource managers/stewards who are familiar with new theory and practice of habitat protection.

GIS/Remote Sensing Support

GIS and remote sensing are important technical support elements for the habitat protection/acquisition option. Peer review is necessary to assess the current use of these technologies as part of the Habitat Protection Process. Reviewers would be asked to:

- Evaluate interagency data/analysis resources and their effective integration,
- Identify data/analysis required in the Protection Process and the appropriate use for GIS/RS technology,
- Evaluate the current mix of hardware and software,
- Evaluate the manner in which GIS is being used to integrate vector and raster-based data for the process,
- Help determine the most efficient way in which to distribute integrated graphics files on to a variety of PC-based platforms, i.e., MSDOS, Macintosh and Unix.
- Evaluate our processing and interpretation of SPOT and LANDSAT imagery.
- Identify data gaps,
- Discuss role of modeling in decision support and appropriate GIS/RS support.

HABITAT PROTECTION/ACQUISITION PROCESS

PROPOSAL FOR PEER REVIEW

Habitat Modeling

An important step in the Habitat Protection Process is the depiction, on maps, of the upland habitats of spill-affected resources and linked services areas. The most reliable, but also the most expensive way to do this, is to locate and map all of these areas using the results of extensive field work conducted throughout the affected area. A method currently under consideration is to create a computer-based model of the habitats of spill-affected resources and services. This would be accomplished using habitat data derived from a minimal number of field studies. Habitat characteristics would be extrapolated to appropriate areas using interpreted satellite images and GIS. Confidence in the model would be based on a number of variables including the validity of the habitat characteristics, the quality of the interpreted imagery and the nature of the habitat types across a wide geographic area. It would be most helpful to have outside technical assistance during the design stage of model development.

Field Studies

A significant but hopefully limited amount of field work will be necessary in order to make the process viable. Field work will be necessary to refine the habitat characteristics of the linked resources, ground truth remotely sensed imagery, and to verify the existence of resources in areas predicted by the computer model [habitat evaluation]. Peer reviewers would be requested to meet with staff and help them to identify the kinds of field work that would address these needs and integrate them into the entire restoration program.

Method

Staff would meet with the Chief Scientist to discuss these needs for outside technical assistance. They would make recommendations regarding individuals or institutions they feel would be most helpful. The Chief Scientist would, under the existing peer review contract, contract for this technical assistance and arrange the necessary meetings.

HABITAT PROTECTION/ACQUISITION PROCESS

PROPOSAL FOR PEER REVIEW

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HABITAT PROTECTION/ACQUISITION PROCESS

PROPOSAL FOR PEER REVIEW

Habitat Modeling

An important step in the Habitat Protection Process is the depiction, on maps, of the upland habitats of spill-affected resources and linked services areas. The most reliable, but also the most expensive way to do this, is to locate and map all of these areas using the results of extensive field work conducted throughout the affected area. A method currently under consideration is to create a computer-based model of the habitats of spill-affected resources and services. This would be accomplished using habitat data derived from a minimal number of field studies. Habitat characteristics would be extrapolated to appropriate areas using interpreted satellite images and GIS. Confidence in the model would be based on a number of variables including the validity of the habitat characteristics, the quality of the interpreted imagery and the nature of the habitat types across a wide geographic area. It would be most helpful to have outside technical assistance during the design stage of model development.

Field Studies

A significant but hopefully limited amount of field work will be necessary in order to make the process viable. Field work will be necessary to refine the habitat characteristics of the linked resources, ground truth remotely sensed imagery, and to verify the existence of resources in areas predicted by the computer model [habitat evaluation]. Peer reviewers would be requested to meet with staff and help them to identify the kinds of field work that would address these needs and integrate them into the entire restoration program.

Method

Staff would meet with the Chief Scientist to discuss these needs for outside technical assistance. They would make recommendations regarding individuals or institutions they feel would be most helpful. The Chief Scientist would, under the existing peer review contract, contract for this technical assistance and arrange the necessary meetings.

MAR- 8-93 MON 19:43

LEG. AFFAIRS-KODIAK

FAX NO. 4865264

RPA
II

P. 01

FAX 276-7178

Attn: Dave Gibbens

RECEIVED
MAR 09 1993

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

Dave Gibbens
Exxon Valdez Oil Spill Trustee Council
Restoration Office
645 "G" Street
Anchorage, AK

Attachment - Kodiak Area EVOS acquisition priorities

- This material is being distributed
throughout the spill affected area.

Thank you for your attention to this
issue.

* - Please copy to the Restoration Team

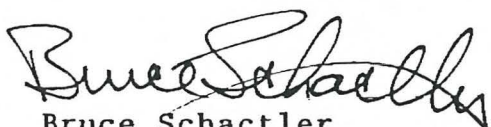
8 pages to follow

cc Trustee Council

Kodiak Area
Habitat Acquisition Priorities
for EVOS settlement monies

Compiled by Greg Petrich
Conservation Chairman
Kodiak Audubon Society

Reviewed and approved:

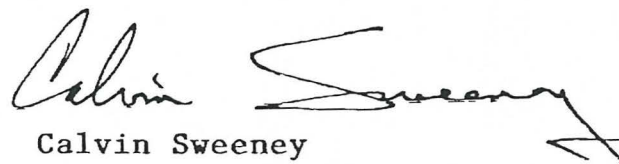


Bruce Schactler

Director,

Area K Seiners Association

(ASKA emphasizes Pauls/Laura Lakes value)



Calvin Sweeney

President,

Kodiak Audubon Society



Roger Blackett

President,

Kodiak State Parks Citizens Advisory Board

Habitat Acquisition Priorities
for EVOS settlement monies

March 4, 1993

Notes to reviewer:

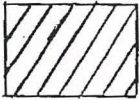
- 1) Afognak Joint Venture (AJV) is a willing seller.
 - 2) Akhiok/Old Harbor is a willing seller.
 - 3) Commercial timber land and or timber resource purchase should be the primary consideration in any acquisition. Depletion of forested fish and wildlife habitat is occurring at an alarming rate on Afognak island.
 - 4) Through a cooperative effort an extensive timber cruise was conducted (1989-90, a former state forestry official participated) on all native corporation lands on Afognak. The corporations know where their timber is and what it is worth.
 - 5) Ozinike Native Corporation, Natives of Kodiak, and Koncor Forest Products are major land holders on Afognak island; they have been unreceptive to date on the subject of conservation land acquisitions. They have on 3 occasions denied access to Alaska Department of Fish and Game Restoration Team biologists who were undertaking a comprehensive, free, no obligation anadromous stream survey. This action hardly concurs with the public relations image Koncor Corporation has tried to promote as a progressive, scientifically oriented corporation. Is Koncor hostile to the restoration process?
- ** The habitat acquisition/restoration objective has no shortage of supporters both in and out of Alaska. This process has been stalled out for numerous reasons - it desperately needs help from our friends in the Clinton Administration.

Priority Listing For Lands
Acquisitions in the Kodiak Area

Pg 1. Total Afognak Joint Venture (AJV) lands which are up for consideration.

Note: Akhiok/Old Harbor lands (not AJV) are for sale in the NE corner of island.

Pg 2. Afognak Joint Venture lands laid out on small USGS map.



Akhiok/Old Harbor sale area "Seal Bay"

Pg 3. Blow-up of small USGS map. These lands are listed in order of purchase priority - these lands should be the first areas considered for acquisition in the Kodiak area.

- #1 Seal Bay (T21S-R19W, Seward Meridian. Emphasis should be on Sections: 16,17,20,22,28,29,31,32,33,35,36. Sect.: 11,12,14,27,34 are also of concern and should be acquired.)

Seal Bay area is the highest priority. This area received an excellent review by the Exxon Restoration Team. There is intense interest in the Kodiak area; without intervention it will be heavily logged this spring.

Note: Seal Bay was included in House Bill 411, passed by both houses of the state legislature in 1992 - vetoed by Gov. Walter Hickel.

Pg 3. Map

- #2 Pauls & Laura Lake Chain (T21S-R18W,R19W Seward Meridian;
Emphasis should be on Sections:
1,2,6,7,11,12,13,14,18,19,23,24,
25,26,30)

Pauls & Laura Lakes are valued by many in the environmental and fishing community, the area has good potential for a recreational canoe route. Buyer should evaluate commercial timber potential very carefully; AJV has always been a willing seller but has never been cooperative in providing commercial timber information.

Note: This area is not currently threatened. If Seal Bay is logged. the neighboring Pauls & Laura Lake area will have lost much of its conservation appeal. The buyer should strive to protect both areas.

- #3 Syuyak Strait Conservation Unit (T20S-R20W, R21W Seward
Meridian; All Sections)

Much seabird activity in Shuyak Strait, currents provide good feeding areas. Inland areas have high scenic qualities. Area is forested - commercial value? Hard questions should be asked about commercial viability of timber land. Will this area ever see development? Regardless of development threat status, the area appears to have high wildlife value and many consider it to be a good addition for the National Wildlife Refuge or the Shuyak State Park (just north of unit) to form a contiguous management unit.

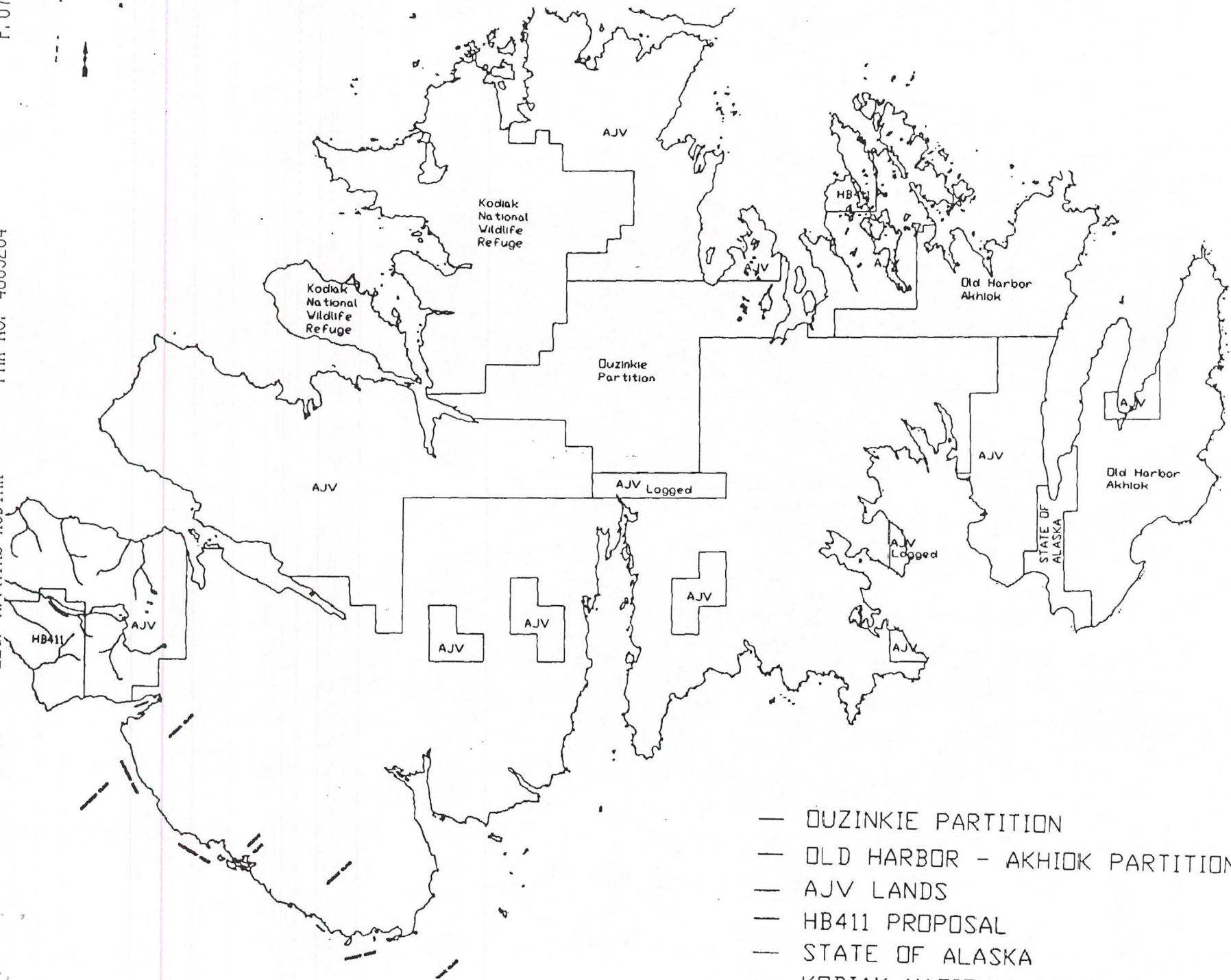
Priority Lands Cont.

Refer to Pg. 2 map - small USGS, area labeled #4

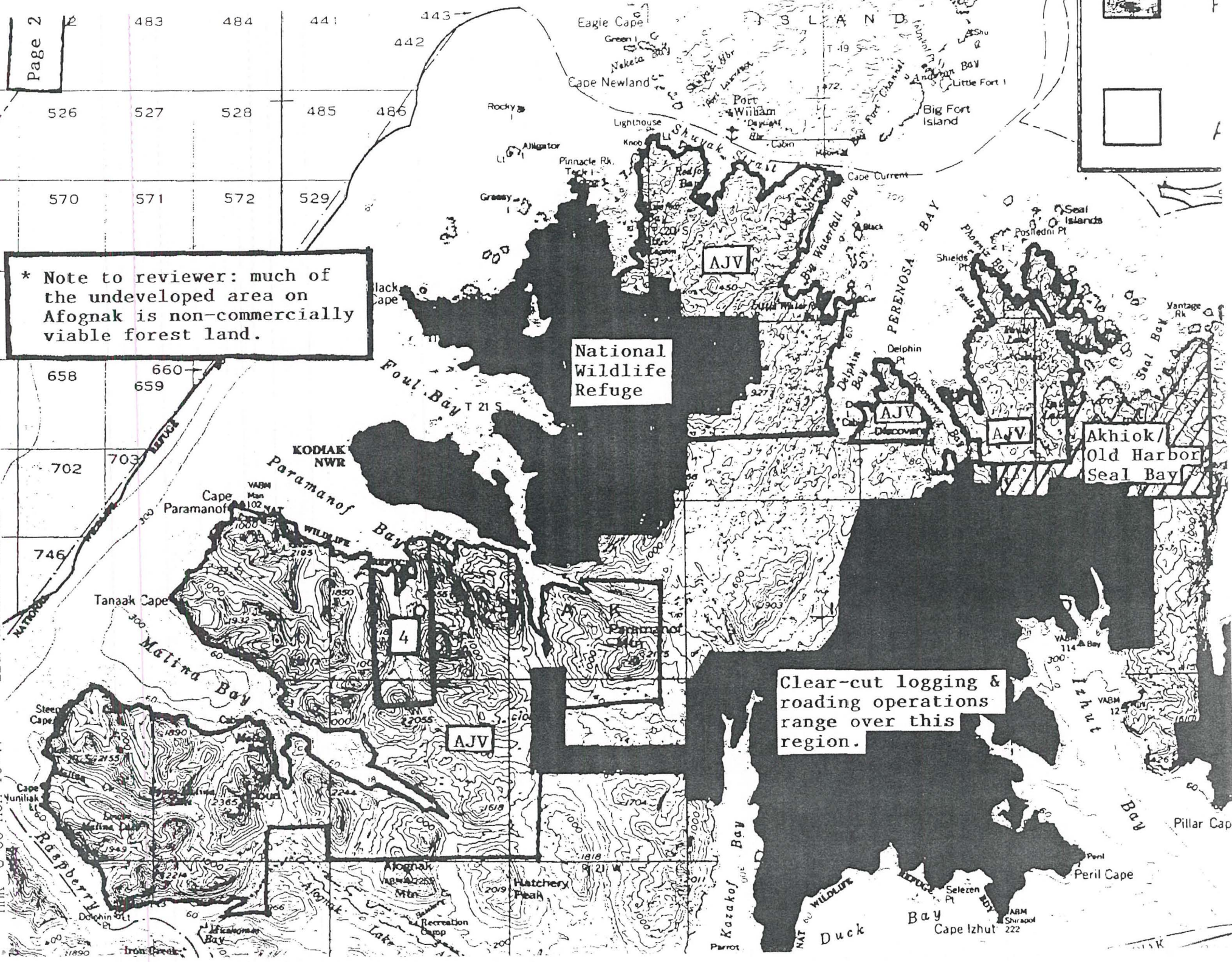
#4 Long Lagoon (T22S-R22W, Seward Meridian; Sections:
16,21,28, & 33 only)

Very beautiful area, good marbled murrelet population (USFWS study area, 1992), good fisheries system. Commercial timber? Timber harvest is probably not viable in this area, this aspect of land evaluation should be closely examined and should figure prominently in any final asking price.

Long Lagoon is a very unique geological formation; a long narrow deep channel which ends in a pool and tidal flat. The stream system which feeds it boasts a substantial silver salmon run. This watershed would be a good addition to the National Wildlife Refuge System.

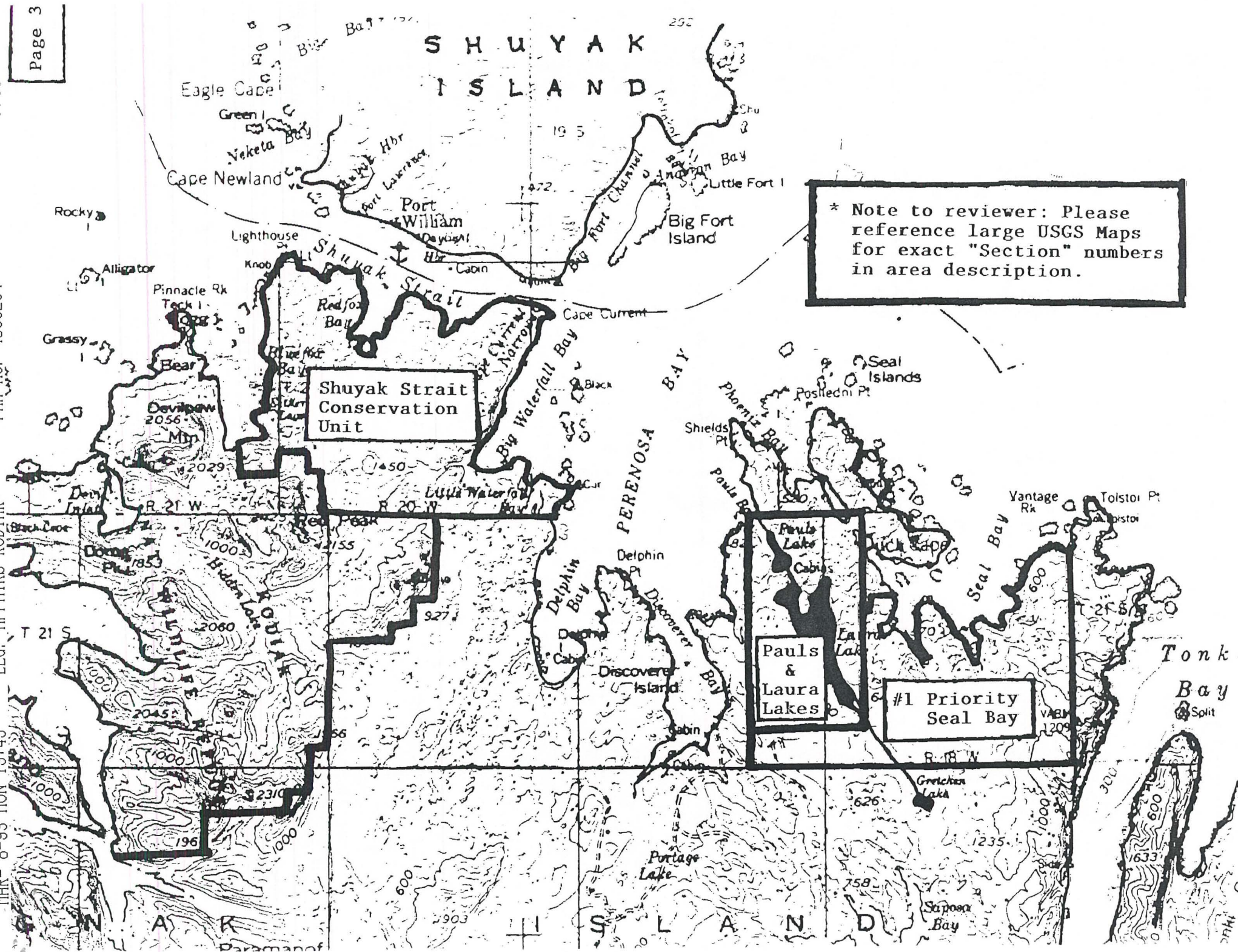


- DUZINKIE PARTITION
- OLD HARBOR - AKHIOK PARTITION
- AJV LANDS
- HB411 PROPOSAL
- STATE OF ALASKA
- KODIAK NATIONAL WILDLIFE REFUGE



* Note to reviewer: much of the undeveloped area on Afognak is non-commercially viable forest land.

Clear-cut logging & roading operations range over this region.



RPW
IF

KFP
Koncor Forest Products Company

3501 Denali, Suite 202
Anchorage, Alaska 99503
(907) 562-3335 FAX (907) 562-0599

MEMORANDUM

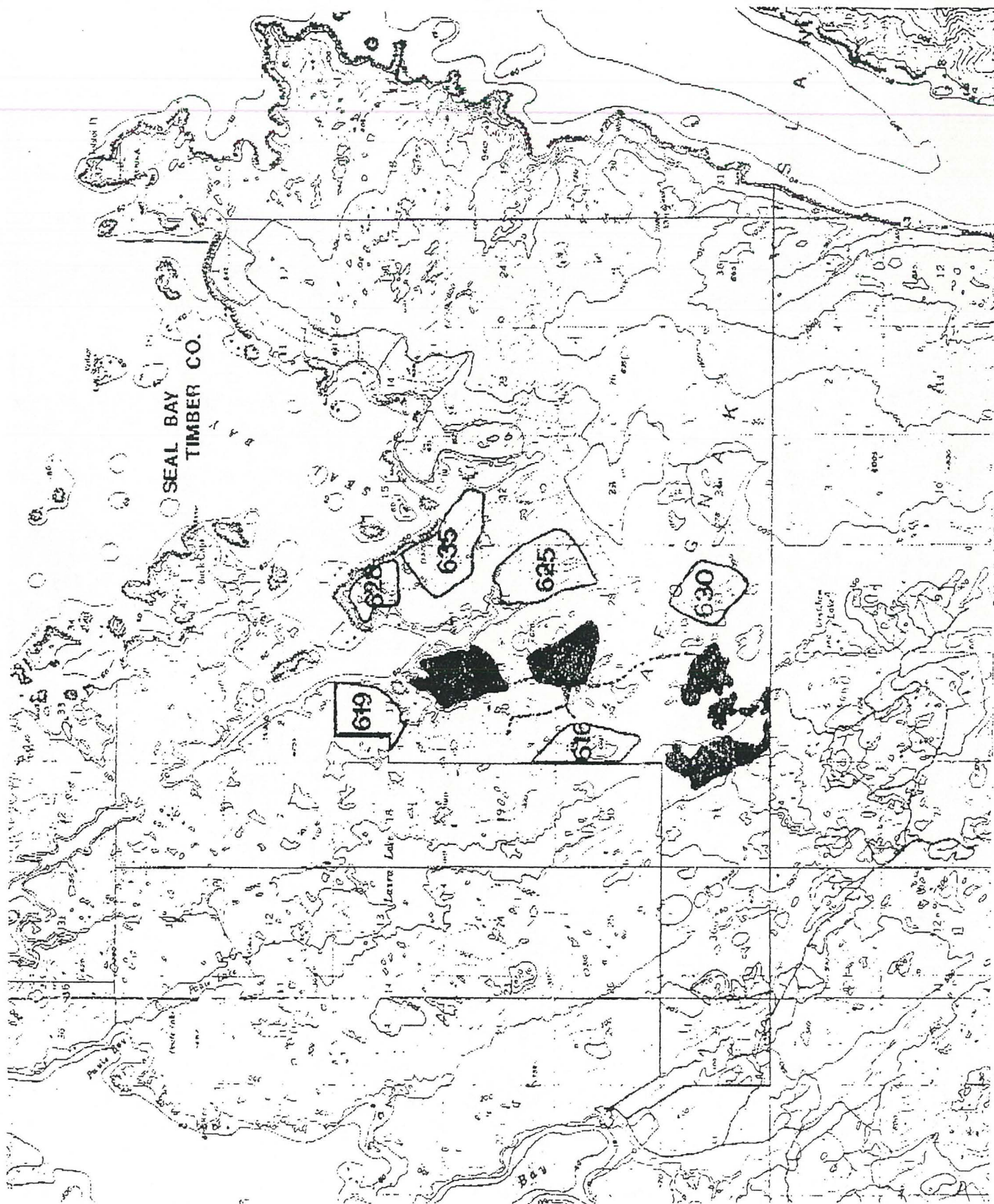
TO : Board of Directors, Seal Bay Timber Company
FROM: Allan Foutch, V.P. Operations
DATE : February 24, 1993
RE : Timing of 1993 Harvest

Koncor Forest Products Company wanted to update the Seal Bay Timber Board on the timing of the 1993 timber cutting and road construction. It appears as if the winter of 1992 / 1993 was not as severe as previous years, allowing for early spring access into the Seal Bay area. Within the next week, Silver Bay Logging will be moving its hauling, timber cutting and road construction crews to begin the 1993 season. The following schedule gives the approximate dates for the units shown on the attached maps.

<u>Unit</u>	<u>Access Road Complete</u>	<u>Timber Cutting Begin</u>
630	First Week of March	First Week of March
616	Third Week of March	Fourth Week of March
619	Third Week of April	Third Week of April
625	Middle of May	In May or June
635	End of May	In May or June
628	June	In May or June

The timber market is currently very strong. The combination of market conditions and the Board's desired harvest levels should provide the shareholders of SBT with a good return over the 1993 season. All state and federal environmental laws, rules and regulations have been and will be met for all these units, in addition to the increased environmental and management oversight Koncor enforces on the operation.

Jim Wilkins, LEGAL COUNSEL to Alitok Kaganak
Bliss Riordan INCL: SEAL BAY TIMBER Co.
431 W. Seventh Ave (a wholly-owned subsidiary)
Anchorage, AK 99501
phone 278-4511
fax 279-6211



Dr. George C. West
BIRCHSIDE STUDIOS
P. O. Box 841
Homer, Alaska 99603
(907)235-7095



RPWG
II



February 22, 1993

EXXON VALDEZ OIL SPILL
TRUSTEE COUNCIL

Trustee Council
645 G Street
Anchorage, Alaska 99501

Dear Council:

In reviewing the parcel ranking analyses for several parcels within Kachemak Bay and lower Cook Inlet (CIK 01 - 05), I believe that some changes should be made in the benefit ratings according to my own observations as follows:

CIK-01 China Poot Bay, Kachemak Bay:

Black Oystercatcher - Moderate - Black Oystercatchers nested for the first time in Kachemak Bay on Cohen Island southwest of Neptune Bay in 1991. This or another pair returned to nest in 1992. In addition, there were many sightings of oystercatchers on the rocks around Gull Island opposite China Poot Bay, in Peterson Bay, and the rocky shores around Moosehead Point, between China Poot and Peterson Bays. With young produced in both 1991 and 1992, we might expect an increase in nesting of these birds in Kachemak Bay if their habitat is not disturbed.

Harbor Seal - High - Several hundred harbor seals traditionally haul out on the bars within the mouth (entrance) to China Poot Bay and they are frequently seen feeding in the Bay.

Harlequin Duck - High - Harlequin also winter all along the shoreline of China Poot and Peterson Bays. Therefore, they are permanent residents of this protected area and any alteration in shoreline habitat would have serious impact. Non-breeding birds spend the summer in flocks of up to 150 by Cohen Island.

Pigeon Guillemot - Moderate - Guillemots nest on Gull Island at the entrance to China Poot Bay and also nest in rocky crevices in the bluffs on Moosehead Point and in China Poot Bay at the entrance.

Cultural Resources - High - With 28 documented sites and many that Fred Elvsaas knows about (according to Janet Klein) that are as yet undocumented, the benefit to protection of this habitat would be very high. Obviously destruction or disturbance would forever remove the possibility of learning anything about earlier Native peoples from those sites.

Subsistence - High - IF the category of "personal use" is included with subsistence, then the benefit from protection of the salmon runs, crab, and clam beds in China Poot Bay is high as the area has traditionally been heavily used by locals from Homer as well as by Native peoples.

Protection objective - Should include maintaining the quality of adjacent marine waters and habitat for feeding and nesting of seabirds and marine mammals.

CIK-02 Sadie Cove, Kachemak Bay:

Marbled Murrelet - Moderate - Although nesting has not been documented in any of the old growth timber surrounding Kachemak Bay and the fjords and estuaries around the Bay, it is highly probable that murrelets nest here. Therefore, if there is old growth timber on a steep hillside at the head of Sadie Cove, chances are high that these birds utilize that area for nesting. They are present in large numbers in winter at the mouth of Tutka Bay and Sadie Cove and in summer, hundreds gather around Hesketh and Yukon Islands. They are common in summer throughout the bays and nearshore waters of Kachemak Bay.

CIK-03 Jakolof Bay, Kachemak Bay:

Harlequin Duck - Moderate - Although we know that harlequins are present in Jakolof Bay, we do not have evidence that they nest along the streams leading into the Bay. I would reword the statement in the analysis to read "Possible nesting in upper reaches of riparian habitat. Feeds and occasionally winters in the estuary and lower stream."

Intertidal/subtidal biota - High - IF one includes plankton and pelagic fauna within this general category, then Jakolof Bay would receive a benefit rating of high. One reason mariculture is so successful there is the presence of abundant plankton for the mussels grown there.

Marbled Murrelet - High - Marbled Murrelets have been seen and heard in the old growth forest along the Rocky River Road leading south from Jakolof Bay in late evening and early morning hours when they normally attend their nests in summer. The higher up the valley in old growth timber one goes, the greater the benefit becomes to protect this habitat.

Recreation/Tourism - High - The area along the Rocky River Road is heavily used by hikers, campers, bikers, and berry pickers. With a public dock nearby, it is a natural magnet for tourists leaving Homer.

CIK-04 Port Graham BIA Parcels, lower Cook Inlet:

Marbled Murrelet - Moderate - Although there is no known nesting here, the probability is high that nesting occurs in the old growth timber. Murrelets are common in adjacent waters.

Pigeon Guillemot - Low - Guillemots are present in near shore waters in this area.

CIK-05 Lower Kenai Peninsula:

Common Murre - Moderate - We know that up to 400,000 Common Murres nest (or used to nest) on the Barren Islands; several thousand nest in Kachemak Bay. Many feed in lower Cook Inlet off shore from this area.

Marbled Murrelet - High - Nesting almost certainly occurs in old growth timber in some of the areas in these parcels. Marbled, Kittlitz's, and Ancient Murrelets feed in near shore waters.


Pigeon Guillemot - Moderate - Nesting occurs in rocky cliffs along the west facing bluffs and birds feed in near shore waters.

Sea Otter - High - In addition to comments in the analysis, it should be mentioned that there is usually a herd of 50 or more sea otters around Flat Island, just off shore from this parcel. With hunting now permitted by Natives, extra attention may need to be given to protection of sea otter feeding, pupping, and loafing habitats.

The potential benefit to threatened Steller Sea Lion is not mentioned in the analyses, but should be considered. Sea Lions are present all year in Kachemak Bay and often haul out on Gull Island and Sixty-foot Rock. They are more abundant south in Cook Inlet especially on Cape Elizabeth where over 100 can sometimes be seen near the light. This area is just south of CIK-05. Likewise there is no mention of potentially threatened Steller's Eider which are present in winter throughout Kachemak Bay.

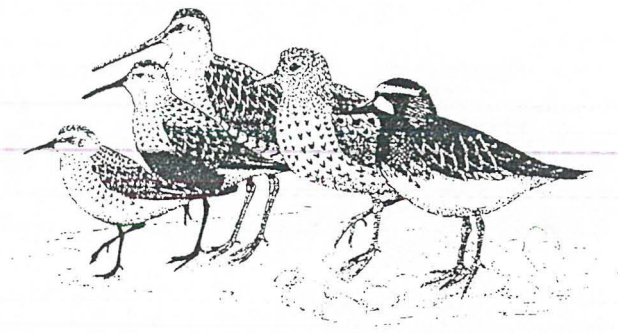
In case you have not seen the more detailed analyses of the potential damage to the biota of China Poot, Neptune, and Peterson Bays I prepared last year, I am enclosing a copy along with information on potential impact to land birds in the SNA lands within Kachemak Bay State Park should the area be logged.

Sincerely,


George C. West, Ph.D.
Professor of
Zoophysiology, Emeritus

Enclosures

Dr. George C. West
P. O. Box 841
Homer, Alaska 99603
(907)235-7095



July 25, 1992

Mike Coumbe
P. O. Box 240343
Anchorage, AK 99524

Dear Mike:

Anne Wieland suggested that I write to you regarding some suggestions for a response to Commissioner Rosier's question about the potential impact of not restoring SNA land to Kachemak Bay State Park. My understanding of the issue is: What species or resources damaged by the oil spill could be protected or enhanced by purchase of the SNA land (and the prevention of clear cut logging of the forest there)?

My identification of resources damaged by the spill are from the *Federal Agencies Release of Preliminary Assessment of Injuries Relating to the Exxon Valdez Oil Spill* (no date) obtained last year from the Fish and Wildlife Service, identified below as (FWS).

Marine Mammals - It is doubtful if logging per se of the SNA land would impact marine mammals. However, the transport of logs in the waters of bays adjacent to Kachemak Bay, staging operations and camps developed in support of logging, helicopter noise, mooring of barges and increased boat traffic all would impact some marine mammals. (FWS) states that it was not possible to determine if whales were negatively impacted (very few humpback whales come into Kachemak Bay, but minke whales are common); sea lions were already declining, but may have been hurt. Steller's sea lions are in Kachemak Bay and regularly move along the China Poot spit, haul out on 60 Foot Rock and Gull Island, and occasionally in other places near the proposed logging camps and could shy away from the area. Possibly some of their diet might be affected by release of toxins from logs stored in salt water. See attachment April 13, 1992.

Sea Otters are relatively abundant in Kachemak Bay at the present time and are distributed throughout the Bay. They concentrate along the south side of the Bay in summer and especially among the islands and rocky bays there where there is abundant bull kelp. The logging operation would tend to keep them away from the areas of increased human activity, but more significantly, their food resources might be damaged by release of toxic substances into the water by logs staged in adjacent bays. Harbor seals use China Poot Bay for haul out and perhaps pupping and there are good numbers along the south side of the Bay. Again, harassment would drive them away from the area and their food resources might be impacted by the logging operation. See April 13, 1992 attachment. No data are available for harbor porpoise that I know of.

Terrestrial Mammals - (FWS) states that the oil spill probably damaged the following species that are also present on the SNA land: black bear, mink, and river otter. All three species would be further damaged by removal of habitat if the SNA land were logged. We have no census data on abundance of these species, but know that all are present throughout the forests, especially at low elevations and along the coast of the south side of Kachemak Bay.

Birds - Eighty-seven identifiable species of birds were collected after the oil spill in 1989 (FWS). The following list contains those species known to have been damaged by the oil spill that would be further impacted by logging of the SNA land on Kachemak Bay:

Species	Immediate Potential Impact of Logging
Common Loon	Loss of nesting habitat in small lakes on SNA land
Mallard	Loss of major winter staging area in China Poot Bay
Common Goldeneye	Loss of nesting habitat by small lakes on SNA land
Barrow's Goldeneye	Loss of nesting habitat by small lakes on SNA land
Harlequin Duck	Loss of nesting habitat along streams on SNA land

Black, Surf. and White-winged Scoter

Loss of major winter staging area in China Poot Bay

Surfbird Loss of spring feeding and staging area

Western Sandpiper Loss of spring feeding and staging area

Common Snipe Loss of nesting habitat around lakes on SNA land

Marbled Murrelet Loss of nesting habitat in trees on SNA land

Kittlitz's Murrelet Loss of nesting habitat on SNA land

Bald Eagle Discourage nesting and feeding on SNA land

Peregrine Falcon Removes hunting area over SNA land

The following terrestrial species reported as damaged by the oil spill would suffer complete habitat removal, i.e., they would either die or have to move out of the logging area:

Great Horned Owl, Violet-green Swallow, Steller's Jay, Black-billed Magpie, Common Raven, Northwestern Crow, American Robin, Varied Thrush, Hermit Thrush, Yellow Warbler, Pine Grosbeak, Savannah Sparrow, Golden-crowned Sparrow, White-winged Crossbill. A complete list of species that would be impacted is in the April 3, 1991 memo attached.

The following marine species known to have been damaged by the oil spill and occurring in Kachemak Bay near the SNA land would suffer further damage as a result of harassment by the logging and staging operation and by the potential for loss of food resources through pollution from logs stored in the water:

Common Loon, Yellow-billed Loon, Pacific Loon, Red-throated Loon, Red-necked Grebe, Horned Grebe, Northern Fulmar, Short-tailed Shearwater, Fork-tailed Storm-Petrel, Double-crested Cormorant, Pelagic Cormorant, Red-faced Cormorant, Mallard, Northern Pintail, Green-winged Teal, Greater Scaup, Common Goldeneye, Barrow's Goldeneye, Bufflehead, Oldsquaw, Harlequin Duck, Steller's Eider, Common Eider, Black Scoter, Surf Scoter, White-winged Scoter, Common Merganser, Red-breasted Merganser, Black Oystercatcher, Western Sandpiper, Surfbird, Short-billed Dowitcher, Red-necked Phalarope, Glaucous-winged Gull, Mew Gull, Black-legged Kittiwake, Arctic Tern, Aleutian Tern, Common Murre, Pigeon Guillemot, Marbled Murrelet, Kittlitz's Murrelet, Horned Puffin, Tufted Puffin.

Fish - If regulations regarding stream setbacks and siltation levels are followed during logging, little on site damage to fish populations should occur in fresh water streams. Pink and Sockeye Salmon, Dolly Varden trout, and Pacific Herring were damaged by the Exxon Valdez oil spill (FWS) and these species also occur in Kachemak Bay. Both salmon species are stocked in streams or bays on or adjacent to the area proposed for logging and are commercially harvested within the area proposed for barge mooring and in adjacent waters of Kachemak Bay. Damage to these populations could occur from pollution resulting from staging logs in the water. Dolly Varden (to my knowledge) do not run into any streams in the proposed logging area, but are in the Bay. Herring populations do occur in spring in Kachemak Bay; they were once harvested commercially in large numbers. They are a principal food resource for marine birds and mammals and could be damaged further by log staging in salt water.

Coastal Habitat - Extensive damage to coastal habitat is reported by (FWS). Everything from marine algae, all invertebrate species, to smaller non commercial fish species were severely impacted all along the coastline contacted by the spilled oil. The logging of SNA land would further damage these same life forms in the estuaries and bays on the south side of Kachemak Bay where development of staging and transport facilities occur and from the potential pollution from toxins released from stored logs.

Archaeological Resources - (FWS) documents that a minimum of 26 sites including ancient home and burial sites were damaged by the spill and the cleanup operation. The map in the April 13, 1992 memo indicates many sites that could be damaged by logging the SNA land. Impact to the sites damaged by the spill and potentially to those along the coast on SNA land can occur simply by exposure to weather and to the public (spill cleanup workers or logging personnel) who remove artifacts or so disturb the site that its scientific potential is lost.

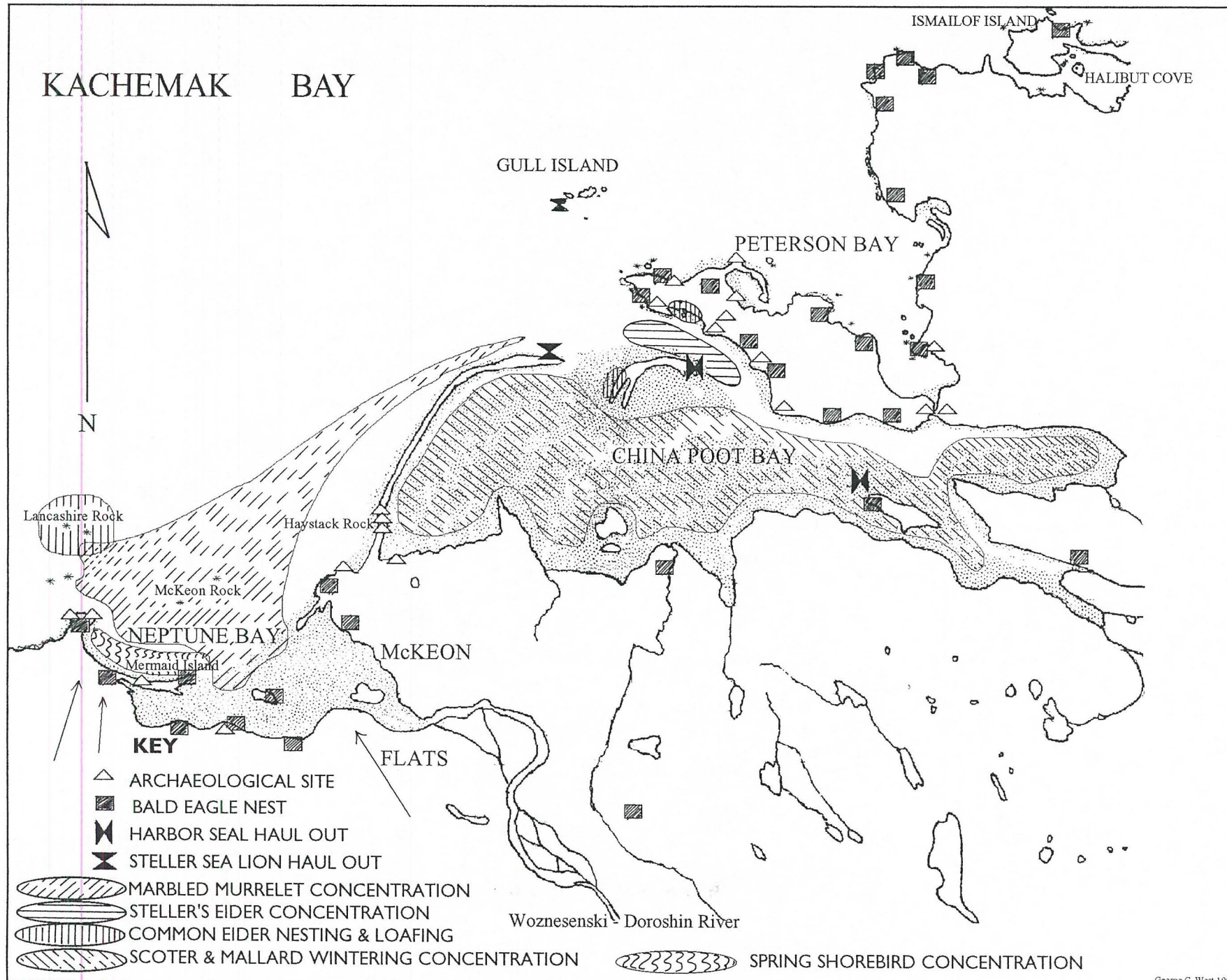
If you would like more detail on a subject that I know something about, please do not hesitate to call me.

Good luck,


George C. West

Encl: April 3, 1991 memo to agencies reviewing permits for logging
April 13, 1992 memo and map to USF&WS permits office

KACHEMAK BAY



Dr. George C. West
P. O. Box 841
Homer, Alaska 99603
(907)235-7095



April 13, 1992

Sandy Tucker
Permits Coordinator
U. S. Fish and Wildlife Service
605 W. 4th Avenue
Anchorage, AK 99501

Dear Sandy:

At Larry Dugan's request, enclosed is a map showing significant coastal cultural and wildlife resources surrounding Peterson, China Poot, and Neptune Bays on the south side of Kachemak Bay that would be damaged or detrimentally impacted by the log transfer operations proposed for this area. The presence of barges in the bays, coupled with the intense human activity on and around the bays, the transfer of logs either by helicopter over the bays or in the water, will negatively impact all of the cultural and wildlife resources discussed below.

Without going into detail, following is a brief statement about each resource shown on the map:

1. Archaeological Sites - Beginning with Frederica de Laguna in the 1930's, archaeologists have been aware of many sites along the current tide line that are significant in revealing the presence and cultural history of native Americans that have occupied this area. Recent preliminary surveys by Douglas Reger, Janet Klein, and Karen Workman, along with information supplied by Mike McBride, indicate many sites in China Poot, Neptune, and Peterson Bays. Janet Klein believes that SNA President Fred Elvsaas knows of other sites not on this map, and both Janet and Karen Workman have not had an opportunity to completely survey the entire south edge of China Poot Bay or the eastern rim of Neptune Bay (note the lack of green triangles in those areas). No doubt other sites exist.

Sites on the map refer to the approximate location of house pits, rock shelters, or middens. Some of these sites have been cursorily examined; none have been thoroughly excavated (excavated sites are not shown). Some of the more significant sites are the eight house pits on Haystack Rock between Neptune and China Poot Bay.

2. Bald Eagle Nests - The abundance of red squares on the map indicate the importance of this whole area as nesting habitat for the Bald Eagle. Information on location of the nest sites comes from surveys conducted by Philip Schempf in 1982, from USF&WS surveys in 1989, 1990, and 1991, from Anne Wieland who summarizes the annual coast walk data for the Center for Alaskan Coastal Studies in Homer, from aerial flights by Mike McBride, and observations of other local residents. Although each site shown may not be used each year as trees fall, adult eagles die, or competition drives some pairs away to other sites, the density of nesting eagles remains high in all years. Many of these nesting trees as well as other tall coastal trees are used as winter roosts. Eagles regularly roost further inland especially in the tall cottonwoods along the major glacier rivers draining into Kachemak Bay. Over 600 Bald Eagles winter annually in Kachemak Bay; most roost across the Bay from the tip of the Homer Spit, i.e. in the area shown on the enclosed map.

3. Harbor Seal Haul Out Sites - Harbor seals haul out regularly on the sand bars and islands of China Poot Bay. Several hundred individuals have been seen on the sand bar at the head of the Bay, and it is common to see seals at these sites daily.

4. Steller Sea Lion Haul Out Site - Mike McBride reports that the tip of the spit outside China Poot Bay was traditionally used as a haul out when there were more Sea Lions in Kachemak Bay, but is still used infrequently by the remaining herd. Sea Lions are regularly seen moving between Lancashire Rock, south of Gull Island off Peterson Point, and inside Peterson Bay. Some individuals have been seen on rocks along the eastern shore of Peterson Bay.

5. Marbled Murrelet Concentration - Marbled Murrelets undoubtedly nest in the old growth Sitka spruce forest adjacent to the south side of Kachemak Bay, including the areas south of Neptune and China Poot Bays. It is unfortunate that a nest has not been found there, but all observations and literature point to this certainty. Kathy Kuletz's preliminary observations indicate early morning flight activity of Marbled Murrelets from the forests to the Bay, and Anne Wieland has witnessed early morning flights coming from the forests south of Neptune Bay to Kachemak Bay (arrows on map). Mike McBride has spotted potential tree nesting sites for murrelets in his flights over this area. There are many literature citations of Marbled Murrelet nesting in old growth timber in the Pacific Northwest, and at least one in Prince William Sound. Murrelets concentrate in the waters within and just beyond Neptune Bay which apparently supports a good supply of the small fish that make up the murrelets' diet. Both Marbled and Kittlitz's Murrelets occur in large numbers just northeast of Halibut Cove along Glacier Spit and even greater concentrations occur just west of Neptune Bay on the south side of Yukon and Hesketh Islands.

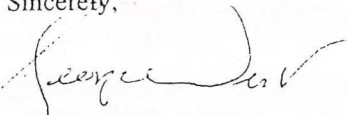
6. Steller's Eider Concentration - A small area near the mouth of China Poot Bay is traditionally used by a flock of Steller's Eider in winter according to Mike McBride. Larger concentrations of this threatened species occur on the northwest side of Kachemak Bay.

7. Common Eider Nesting and Loafing Sites - Common Eiders were once common nesters in Kachemak Bay, but the 1964 earthquake that lowered land levels some six feet flooded much of their nesting habitat. Increased human activity on the shorelines of spits, the removal of drift wood by people, and the presence of large numbers of Bald Eagles into summer, all have contributed to the decline in nesting Common Eiders around Kachemak Bay. There are two known nesting sites in this area of concern as shown in China Poot Bay, and individuals traditionally are found throughout the summer near Lancashire Rock. Larger numbers of migrating Common Eiders are found on the northwest shore of Kachemak Bay in late spring.

8. Scoter and Mallard Wintering Concentration - Over 5,000 Mallards and 7,000 scoters, including Black, Surf, and White-winged, overwinter in China Poot Bay. Numbers of these ducks build in late fall and remain high through mid March when they begin to disperse towards nesting grounds. With these abundant ducks are significant numbers of Oldsquaw, Harlequin Ducks, Common and Barrow's Goldeneye, and Red-breasted Mergansers in winter.

Most of the references to the information given above are not in the "hard" scientific literature, but in preliminary reports, and notes taken by many observers over the past several years. We can supply more detail on these sources if you wish. We will continue to search for Marbled Murrelet nests in the proposed logging area this summer and to gather pertinent information that might affect granting of permits for aspects of the proposed logging operations.

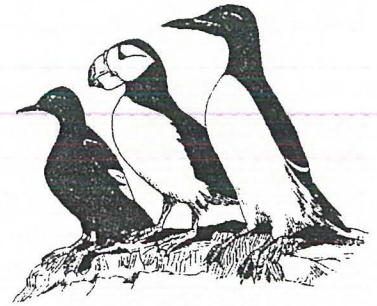
Sincerely,



George C. West, Ph.D.
Professor of
Zoophysiology, Emeritus

Enclosure: Map of Neptune, China Poot, and Peterson Bays showing significant coastal cultural and wildlife resources

Dr. George C. West
P. O. Box 841
Homer, Alaska 99603
(907)235-7095



MEMORANDUM

DATE: April 3, 1991

TO: Agencies reviewing Timber Trading Company permit applications for Kachemak Bay State Park

FROM: George C. West, Ph.D.

RE: Impact of clear cut logging, staging, slash burning and associated operations on bird populations in and adjacent to Seldovia Native Association owned land in Kachemak Bay State Park.

Over 100 species of birds utilize the forests, shores, and adjacent off shore waters and islands in the area to be impacted by logging operations (see Table 1). It is obvious that removal of the trees on these lands will cause the immediate and long term loss of habitat required by a large number of resident bird species. Estimates of numbers of breeding individual birds in spruce forests range from a low of 121/100ha in an open black spruce forest near Fairbanks, to 326/100ha in a closed white spruce forest also near Fairbanks, to 524/100ha in a spruce forest in North West Territories (Carbyn, 1971; West and DeWolfe, 1974). If we assume that about 350 individual birds occupy each 100ha of the forests to be cut during the breeding season, and each pair (175 pairs) has an average of three young, when the area has been completely cut (4,423 acres = 1,790 hectares), there will be a production loss of over 9,000 birds annually to the ecosystem ($175 \text{ pairs}/100 \text{ ha} \times 3 \text{ young/pair} \times 17.9$).

In addition to the loss of forest habitat, there will be considerable impact to shoreline habitats where an additional number of species nest and/or feed during the breeding season and during migration. Human presence in these operations can not be confined to the immediate log staging areas, and impact by sensitive bird species will occur some distance away. Although the glacial sediment makes the intertidal flats less desirable for some shorebird species, the near shore waters are rich in life and are heavily utilized by other species such as the murrelets, guillemots, murres, and puffins.

The murrelets present the greatest challenge in that Marbled Murrelets, currently on the threatened species list in the Pacific Northwest, undoubtedly nest in the old growth timber in the area planned for logging. Kittlitz's Murrelet is less well known than the Marbled, and probably nests near timberline above the forests planned for cutting. Neither species is abundant worldwide, but both happen to presently enjoy good numbers in Kachemak Bay. Cutting of any of the old growth Sitka spruce forests on hillsides adjacent to the coast will severely impact the populations of these species.

Likewise, Bald Eagles are abundant in summer on the south side of Kachemak Bay where they nest in the larger trees along the coast and river valleys. There are over 17 miles of coast line in the Peterson Bay, China Poot Bay, Neptune Bay area proposed for logging. We estimate about 10 nests in every three miles of coast line (Wieland, pers. com.), or 56 possible nesting pairs in the area to be impacted. In addition, there are nests along the Wosnesenski River away from the coast that would be destroyed.

Over 20,000 birds nest on Gull Island, just off shore from one of the proposed logging areas. It is not known how much impact the nearby barging operations would have on successful nesting. Some of the cliff nesters are surprisingly tolerant as long as the nest sites are not disturbed. More important would be if

the barge traffic and any logs or bark in the water, would disturb the marine fish and other foods of these populations of birds. Although many individuals go further out into Kachemak Bay and lower Cook Inlet to feed, thousands of these nesters feed near shore and in the waters around the islands.

Helicopter traffic between Homer and the logging areas will disturb bird populations using the intertidal mud flats in Mud Bay and along the Spit. Between 50,000 and 90,000 shorebirds utilize this area in May to rest and fatten for their next migration flight. The same individuals return in summer and fall on their way south. Feeding on the rich resources of Mud Bay is critical to their survival during migration. Likewise, helicopter traffic, no matter how careful, will disturb nesting species adjacent to the logged areas. Continual disturbance will result in reproductive loss for the year.

If logging proceeds, there will be slow regeneration of forest habitat in the cut areas. Succession of plant species after the large spruce are removed will result in a different species composition of birds. Initially I would expect fireweed and grasses to invade, followed by alder, menziesia, and devil's club, and finally Sitka spruce. In the valleys, first alder and willow would invade with black cottonwood as the climax species. With each stage in succession, different bird species would return. There will be fewer thrushes, warblers, and cardueline finches, very few hawks, owls, and eagles, kinglets, creepers, wrens, and chickadees and perhaps more sparrows and swallows. But it will take many years to replace the current constituency of species in this northern extension of the coastal rain forest.

Literature Cited

- Carbyn, L. N. 1971. Densities and biomass relationships in boreal forest habitats. *Arctic* 24:51-61.
- West, G. C., and B. B. DeWolfe. 1974. Populations and energetics of taiga birds near Fairbanks, Alaska. *Auk* 91:757-775.
- Wieland, A. 1990. Personal Communication - numbers of eagle nests in the Neptune Bay area.

[George C. West has a Ph.D. in Zoology from the University of Illinois (1958) with a major interest in adaptation of birds to arctic conditions. He has been conducting research on the ecology of birds in Alaska since 1963 and has published over 60 scientific papers on bird energetics, populations, and adaptations to cold. He was Director of the Institute of Arctic Biology at the University of Alaska Fairbanks and retired with the title Professor of Zoophysiology, Emeritus in 1984 when he moved to Homer. He has continued his scientific interests in Homer primarily with the study of shorebird populations. He has written several popular guides about birds and publishes a local newsletter.]

Table 1
Species of Birds Potentially Impacted by Logging
on SNA land in Kachemak Bay

Species	Status	Relative Abundance	Habitat Used	Imp.*
Common Loon	breeds	Uncommon	Nests in lakes	Med
Pelagic Cormorant	breeds**	Common	Feeds near shore	Low
Red-faced Cormorant	breeds**	Common	Feeds near shore	Low
Green-winged Teal	may breed	Common	Feeds in tidelands	Low
Mallard	may breed	Common	Feeds in tidelands	Low
Northern Pintail	may breed	Common	Feeds in tidelands	Low
Northern Shoveler	migrant	Uncommon	Feeds in tidelands	Low
American Wigeon	may breed	Common	Feeds in tidelands	Low

Greater Scaup	may breed	Common	Feeds off shore	Low
Common Eider	may breed	Common	Feeds off shore	Low
Steller's Eider	migrant	Common	Feeds near shore	Med
Harlequin Duck	breeds	Common	Feeds near shore	Med
Oldsquaw	winter res	Common	Feeds off shore	Low
Black Scoter	resident	Common	Feeds off shore	Low
Surf Scoter	resident	Common	Feeds off shore	Low
White-winged Scoter	resident	Common	Feeds off shore	Low
Common Goldeneye	may breed	Common	Lakes and near shore	Med
Barrow's Goldeneye	may breed	Common	Lakes and near shore	Med
Bufflehead	may breed	Uncommon	Lakes and near shore	Low
Common Merganser	breeds	Common	Lakes and near shore	Med
Bald Eagle	breeds	Common	Coastal forest	High
Sharp-shinned hawk	breeds	Common	Forest	High
Northern Goshawk	breeds	Uncommon	Forest	High
Merlin	migrant	Rare	Open coast	High
Peregrine Falcon	migrant	Rare	Open coast	Med
Spruce Grouse	breeds	Common	Forest	Med
Semipalmated Plover	breeds	Common	Gravel shores	High
Greater Yellowlegs	may breed	Common	Intertidal flats	High
Lesser Yellowlegs	breeds	Common	Intertidal flats	High
Wandering Tattler	migrant	Uncommon	Rocky shores	High
Spotted Sandpiper	breeds	Common	Gravel shores	Low
Whimbrel	migrant	Uncommon	Intertidal flats	High
Black Turnstone	migrant	Uncommon	Rocky shores	Low
Surfbird	migrant	Uncommon	Rocky shores	Low
Western Sandpiper	migrant	Uncommon	Intertidal flats	Low
Least Sandpiper	breeds	Uncommon	Marsh	Low
Rock Sandpiper	winter res	Uncommon	Rocky shores	Low
Dunlin	migrant	Uncommon	Intertidal flats	Low
Short-billed Dowitcher	may breed	Uncommon	Intertidal flats	Low
Common Snipe	may breed	Uncommon	Marsh	Med
Red-necked Phalarope	migrant	Common	Feeds off shore	Low
Pomarine Jaeger	migrant	Uncommon	Feeds off shore	Low
Bonaparte's Gull	may breed	Uncommon	Feeds near shore	Low
Mew Gull	breeds	Common	River bars, shores	High
Glaucous-winged Gull	breeds**	Common	Shores, off shore	Low
Black-legged Kittiwake	breeds**	Abundant	Shores, off shore	Med
Arctic Tern	may breed	Common	Lakes, off shore	Med
Common Murre	breeds**	Abundant	Shores, off shore	Med
Pigeon Guillemot	breeds**	Common	Rocky shores	High
Marbled Murrelet	breeds	Common	Forests, off shore	High
Kittlitz's Murrelet	breeds	Common	Timberline, off shore	High
Tufted Puffin	breeds**	Common	Islands, off shore	Med
Horned Puffin	breeds**	Common	Islands, off shore	Med
Great Horned Owl	breeds	Common	Forests	High
Great Gray Owl	may breed	Rare	Forests	High
Short-eared Owl	may breed	Uncommon	Open shores, marshes	Med
Boreal Owl	may breed	Uncommon	Forests	High
Saw-whet Owl	may breed	Uncommon	Forests	High
Rufous Hummingbird	migrant	Uncommon	Coastal forest	Low
Belted Kingfisher	breeds	Common	Coasts, lakes	High
Three-toed Woodpecker	breeds	Uncommon	Forests	High
Black-backed Woodpecker	may breed	Rare	Forests	High
Olive-sided Flycatcher	breeds	Common	Forests	High
Tree Swallow	breeds	Common	Open fields, forests	Low
Violet-green Swallow	breeds	Common	Open fields, forests	Low

Gray Jay	breeds	Common	Forests	Med
Steller's Jay	breeds	Common	Forests	Med
Northwestern Crow	breeds	Common	Coastal forests	Med
Common Raven	breeds	Common	Forests, shores	Low
Black-capped Chickadee	breeds	Common	Forests	High
Boreal Chickadee	breeds	Common	Forests	High
Chestnut-backed Chickadee	visitor	Rare	Forests	High
Brown Creeper	breeds	Common	Forests	High
Winter Wren	breeds	Common	Forests	High
American Dipper	breeds	Common	Streams	High
Golden-crowned Kinglet	breeds	Common	Forests	High
Ruby-crowned Kinglet	breeds	Common	Forests	High
Hermit Thrush	breeds	Common	Forests	High
American Robin	breeds	Common	Forests	High
Varied Thrush	breeds	Common	Forests	High
Orange-crowned Warbler	breeds	Common	Brush, woods	High
Yellow Warbler	breeds	Common	Wet brush, woods	High
Yellow-rumped Warbler	breeds	Common	Forests	High
Townsend's Warbler	breeds	Common	Forests	High
Northern Waterthrush	breeds	Uncommon	Streams	High
Wilson's Warbler	breeds	Common	Wet brush, woods	High
Savannah Sparrow	breeds	Common	Open grassland	High
Fox Sparrow	breeds	Common	Coastal forest	High
Song Sparrow	breeds	Common	Coastal shores	High
Lincoln's Sparrow	breeds	Common	Wet woodlands	High
White-crowned Sparrow	breeds	Common	Open woods	Med
Golden-crowned Sparrow	breeds	Common	Open woods	Med
Dark-eyed Junco	breeds	Common	Forests	High
Pine Grosbeak	breeds	Common	Forests	High
Red Crossbill	breeds	Common	Forests	High
White-winged Crossbill	breeds	Common	Forests	High
Common Redpoll	breeds	Common	Woodlands	High
Pine Siskin	breeds	Common	Forests	High

* = Relative impact in the logged area

** = breeds on near by islands



The National Outdoor Leadership School

P.O. Box 981, Palmer, Alaska 99645
(907) 745-4047

Don Ford
Alaska Branch Director

Rpwa
II

Exxon Valdez Oil Spill Trustee Council
645 G Street
Anchorage AK 99501

3-1-93

To whom it concerns,

After attending your meeting the other day and talking to your staff I was interested in making a comment on your Habitat Protection Imminent Threat Analysis. Time ran out during the public comment period, so here it is in writing.

Concerning your "Criteria for rating benefit of parcel to injured resources/services," we are interested in the relationship between Recreation/Tourism and Wilderness values. Though not necessarily advocating combining the two values, we are concerned that you recognize that an area with high wilderness value (remote, no human development), does also have a high value to for certain recreational users, those interested in wilderness values. Specifically we want you to avoid 'enhancing' (possibly by increasing access) any potential 'high recreational sites' where one of the principal recreational activities currently is based on either the wilderness values of the sight or traveling to and from sights with high wilderness value. It is interesting to note that both recreation and education are supplemental values of wilderness in the Wilderness Act. We would be happy to help identify sites and travel corridors which are important to the wilderness/recreational user.

Lastly, we support your identification of the Chenega parcel as an important area to acquire surface/subsurface and access rights. We recognize that in ranking this parcel you have addressed many of the above issues. Wilderness based recreation/tourism has a long history in the spill affected area and has much potential for the future.

Sincerely,

Paul Twardock
Box 544 4101 University Dr.
Anchorage AK 99508
279-0409 A.M.

RPWG
IT

HABITAT PROTECTION: PRIVATE LANDS

Habitat Protection on private lands is a major element in all but the natural recovery alternative of the draft Restoration Plan. Habitat protection on private lands may include acquisition of full title or acquisition of partial rights such as conservation easements and timber rights. Partial rights may be less expensive than full title. Because land purchases are negotiated and are dependent both on price and on the will of the seller, final purchases will be dependent on landowner's preferences as well as those of the public and the trustees. (The habitat protection process was described in the Restoration Framework Supplement.)

In response to public support, the Trustee Council is proceeding in advance of the Restoration Plan by protecting several imminently threatened parcels. For example, the Trustee Council decided to go ahead with the purchase of inholdings in Kachemak Bay State Park.

We are requesting your views on several issues concerning Habitat Protection on private lands. Please answer the questions below.

1. When purchasing land we can purchase large areas that protect the overall landscape or integrity of the habitat, or purchase small but important parcels such as stream corridors and camping areas to stretch the funds. Would you prefer acquisitions to emphasize:

- ☐ a few large parcels of land
- ☐ many small parcels of land
- ☐ mix of large and small parcels
- ☐ no preference

2. Buying habitat may affect the economic condition or quality of life in your community. We'd like your views on this.

What positive impacts would you like habitat protection to have in your community?

What negative impacts would you like habitat protection to avoid in your community?

PROBLEM

3. Acquired lands or interests will be managed to aid the recovery of injured resources and services. Should these lands or interests in these lands be retained forever?

- ☐ No
☐ Yes
☐ No Preference

4. All habitat protection will benefit resources and services injured by the spill. Should the decision to purchase lands also protect resources and services not injured by the spill?

- ☐ No
☐ Yes
☐ No Preference

5. Other comments?
