

HPWG
II

HABITAT PROTECTION WORKSHOP

JUNE 7-8, 1993

9:00 a.m.

ATTENDEES

Mark Kuwada
Jess Grunblatt
Ken Rice
Kim Sundberg
Cathy Berg
Marty Rutherford
Art Weiner
Bob Spies
Steve Planchon
Jim Richardson
Ben Brown
Chuck Gilbert
Michael Hanemann
Tod Rubin
Mike Mills
Greg Brock
Donna Ruffner
Dave Gibbons
Barbara Mahoney

The following items were distributed:

Habitat Protection Workshop Agenda
Evaluation, Selection, and Acquisition Processes
Suggested Outline for Project Design
Suggested Outline for Project Assessments
Florida's First Magnitude Springs - Phase II
Habitat Protection Workshop Questions
Parcel Ranking and Evaluation Table
Rules and Statutory Background for CARL

INTRODUCTION

Marty requested that each participant introduce themselves and give their affiliation.

OVERVIEW OF EVOS HABITAT PROTECTION PROCESS

Marty stated HPWG has been developing a process to evaluate private lands in the oil-spill area. In August of last year the Trustee Council asked HPWG to identify imminently threatened land. The TC decided to move on five of those lands; thus far they have acted on two of those parcels, Kachemak Bay and Seal Bay. HPWG is now about to move into the comprehensive evaluation process. The purpose of this workshop is to make sure the process does not have any flaws.

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Art presented a brief overview of the HPWG process. Primarily HPWG would like to hear from the invitees. The evaluation process flowchart was referred to. This flowchart tells what is done in habitation acquisition and protection. The mandate to restore, replace and enhance comes from the settlement and is very clearly stated. The program can be divided into the following steps:

Evaluation and Selection - requires looking at nearshore and habitats of resources and understanding the relationship between the injured resources and services that are linked.

Willing Seller - must make sure the lands are owned by a corporation or individual who is willing to participate in our process. Only those lands will be analyzed. Forty responses have been received.

Science - involves scientific work to evaluate the nature of the parcel. A great deal of the information is based on best professional judgement. More and more information is being accumulated to increase databases. The process is based on a mixed bag of information.

Management - can be under one of the governments, possibly the creation of a separate management entity, or possibly joint management between the state and federal governments. Management plans will be developed to facilitate the recovery of the lands acquired. In some cases, the management tools in place may be adequate. The last step is the development of the management plan.

HPWG hopes to end up with a ranked list of parcels. The TC will decide which parcels go forward for acquisition or some type of protection tool. TNC has provided information on the kinds of protection tools, such as acquisition of titles. People are not particularly interested in giving up title to their land. Native corporations are unique in the way that you would deal with them. Evaluation, selection and management are the three main steps. HPWG would like input on how to improve the process. Is this a logical process or should some of the steps on the flowchart be in different places? Another issue is how do you draw a polygon around a piece of land which captures the resources to protect in the future.

Dave stated that there appears to be a problem with size; the larger the parcel, the higher the ranking.

Art stated that RPWG is working on getting the Draft Restoration Plan out which includes this process as one element. HPWG has done well in communicating with the public regarding where they are going. There is a great deal of input from the public about how this process will affect their industries and economies. Marty stated HPWG has not found a way to include the public in the decisionmaking on this process, and this is an area which will be explored.

Donna asked how much money will be available for land acquisition exclusively. Art stated that each alternative in the Draft Restoration Plan has a different percentage allocated for land acquisition. Art also stated there is a considerable amount of support from the public for habitat protection. Dave disagreed and stated that during the last round of public comments, the larger communities wanted to buy land, and the smaller communities were more interested in a mix of things.

BRIEF PRESENTATIONS BY TNC AND CARL PROGRAMS

CARL

Greg Brock gave a brief presentation on the CARL program and provided a handout, Summary of the CARL Evaluation, Selection and Acquisition Process. CARL receives applications from anyone who wants to acquire land in Florida. Once a proposal is received, it goes to the land acquisition advisory council which includes six members from the following state agencies: DNR, DEC, Community Affairs, Forest Service, and Historical Resources. They have the ability to trade off favors. The first step is to review all the materials submitted which are forwarded to TNC for inventory. The TNC looks at each proposal and does a cursory analysis, assigning a high, medium, or low ranking of natural resource values. This information is forwarded to all the council members. The public is then invited to the public hearing process. Condemnation is rarely used because the state requires that the priority list have twice as much on the list as there are available funds. The prioritization for imminently threat land is done during the ranking. In Florida almost every parcel of land they look at is under imminent threat. One type of threat is uplands which aren't regulated. CARL program has spent a tremendous amount of money protecting wetlands. A program called Save Our Rivers focuses mainly on wetland tracts.

After public testimony, the council takes the first cut. Those proposals receiving four votes go into the resource planning boundary and assessment *phase*

Art asked if at this point it has been determined if there is a willing seller. Greg stated you can know; however, the resource-driven decision is being separated from the ownership. A final resource planning boundary is developed and is presented in a document called Resource Assessment which is then presented to the council.

A defensible final project boundary is developed, and owners are contacted. Land uses are examined, and strategies are developed. Donna stated she sees parallels as well as improvements in these two processes.

Regional workshops are hosted, inviting all the regional experts. The best way to have a friendly program is to only have willing

sellers. The unfriendly situation is when a group feels something should be protected which is not.

Donna stated HPWG seems to know what the big picture is; however, CARL seems to have a better idea of the small picture analysis. There has been some resistance from agencies because of the vulnerability once you expose resources.

The majority of parcels are large (40,000 to 50,000 acres). Mark asked where does the money come from. Greg stated the primary funding source for state-driven acquisition programs is the transfer tax on real estate transactions. Some money is received from phosphate severance taxes. Bond funds are also used. The annual budget in terms of acquisition was \$170 million last year. Administration has a \$200,000 operating cost. Mapping and surveying is done by a separate bureaucracy. Steve asked Greg to provide a description of their office and the expertise. Their office includes eight people. Greg coordinates the council's activities. Donna acts as a liaison with the technical people. Their office is basically a coordinating unit. CARL still does not have an extensive tracking process, and Donna stated that HPWG is far along in this process with their tracking process.

Art asked about the CARL program's oversight. Greg stated a tedious degree of checks and balance was imposed. Everything goes to the governor and cabinet, who have veto power. They can strike things out, but they cannot add things. During the project development phase, potential threats are examined. TNC can negotiate on behalf of the CARL program.

Steve asked how much control CARL has. Greg stated instead of having in-house appraisals by staff, they are contracted out. Two appraisals are required for every piece of property to be acquired.

Steve asked about the problem of public interest value being incorporated into the appraisal process. Donna stated there is some effort now to put a value on monetary resources. Timber is often appraised separately.

TNC

Ben Brown gave a brief overview of TNC's program. TNC thought it was essential to address the concerns of biological diversity. The Heritage Program was established. TNC makes use of the Heritage Program in many ways. A priority site list is produced which comes up with 20-100 sites by priority in terms of the rarity of the elements and threat. Usually TNC will decide that a number of the sites need conservation plans. In some cases, regulatory actions may come out of the planning sessions. The boundaries on the acquired lands are set by analyzing the driving variables and the set of conditions that are responsible for the occurrence of a rare resource in an ecological and evolutionary context. TNC has moved into ecosystem calculation and determining how to affect what goes on around these resources so that they

will occur for a long time. In terms of how boundaries are drawn, TNC has spent a great deal of time examining functional relationships. It is not always easy to define these things precisely. It is possible to brainstorm in a group this size to come up with the driving variables; however, it is impossible to come up with a permanent list because new information is always being discovered. The process of successive approximation is pretty efficient.

Art asked how human-use values are factored in. Ben stated TNC does not factor this in because of the difficulty in selling it. When their priorities are set, they are not so concerned with this.

Regarding prioritization, the Heritage Program is pretty site oriented and does whatever it takes. A great deal of time is spent networking with scientist to update information in databases.

Steve asked how successful projects are viewed. Ben stated TNC has gotten more into the socio-economics of projects. The areas that need absolute protection are absolutely protected. TNC has been looking at what constitutes sustainable economic development so that people can continue to live there and make a living. TNC attempts to maintain a stable society in areas of traditional use. All these things lend a layer of protection to the landscape and represent a way of life. There is a social fabric that if you can preserve it, will provide another layer of protection.

Bob asked if this is a new area TNC is moving into. Ben stated many of TNC's people have backgrounds in economics but it is not micro-economics. This is something TNC is struggling with. Many outside economist are consulted in the strategic thinking. Kim asked in moving into this new arena, has TNC run into any opposition. Ben stated any negative reactions have been minimal, and the constituents stated that TNC should have been doing this for years. Steve added that the problem has been a lack of information, and the issue has been more mechanical than philosophical.

Ben stated three levels of monitoring are: 1) long-term monitoring (quantitative), 2) photo monitoring, and 3) ranking surveys. The results of the monitoring are reviewed. Monitoring is set up to detect changes. Once changes are detected, TNC talks with the foundation regarding whether changes are good or bad. Dave asked how the monitoring is funded. Ben stated the program is structured so that the private operating foundation is responsible for funding.

Jim asked how appropriate use levels are assessed if you have an easement you are going to preserve. Ben stated an ecological baseline is established, and the monitoring program is designed to detect any changes. It depends on what is going on and what the desired conditions are.

DETAILED DESCRIPTION OF HABITAT PROTECTION PROCESS

Kim, Mark, Cathy and Art will lead a discussion of the ranking process. Art stated the group needs to decide whether to break into focus groups after lunch. It was decided to continue with the present format.

Kim stated getting started in this process required a way of focusing on the hot spots that were out there. There was on-going resource development on Native lands prior to the oil spill. Some of the plans were put on hold during the oil-spill cleanup. Corporations were poised to begin exploring the resources on their land right after the spill. There was also a rise in timber prices. Many of the lands were forested lands selected within the old Chugach National Forest. Corporations were set to begin large scale logging operations soon after the spill. There was an impetus to focus on lands where large scale clear cutting would be going on. Seabirds nested in trees and seek out old growth trees, so they were directly affected. River otters also make use of the forested areas for den sites. Harlequin ducks nested along the riparian areas. There was concern that if there was logging even with the buffer, the harlequins would be disturbed and would not be able to reproduce. A lot was based on fairly scarce data. There had never been any extensive habitat surveys. Some studies were done in discrete areas in about one or two watersheds. There was a linkage between injured species in uplands. HPWG attempted to prioritize to come up with an imminent threat list. A gray line was drawn around the spill area.

Some argue that the focus was too narrow, and habitat should have been looked at outside that area. This basically opens up an entire universe. There were many arguments pro and con but the TC seemed uninterested in venturing outside the spill area. In order to use some hard information to establish imminent threat, HPWG went to a permitting database maintained by Fish and Game. The development activities which were well along were pulled out and forwarded to the TC as the imminent threat list. The TC approved the list. HPWG went through the twenty parcels on the list. Evaluation criteria was developed. Art added that there has been a misconception from the public regarding the correlation between oiling in an area and the amount of emphasis put on habitat protection in that area. Mark stated that linkages have come from the NRDA list.

Michael stated California's focus has been looking at a broad geographic area. If damage is bad, you can go somewhere else to boost the population. The geographic focus might be different for each species. Art stated one thing to remember is that the blue line has not been stipulated in the settlement. Michael stated he can see a case for sticking within the state, but the process first proceeds from species and then proceeds to geography. If the damage assessment process had moved forward, it might be a little easier.

Kim stated that we are dealing with a very small list of injured

resources (12). There were probably many more, but this boils down to the ones for which the scientist can demonstrate injury. The services (recreation, subsistence, commercial fishing, wilderness values, and cultural resources) were added because there is evidence they were impacted. There is no way of ranking the relative service values. Maps were generated of species occurrences. The service values are still pretty squishy, probably as a result of not spending a lot of effort in defining the injured services. It is necessary, however, to link the resource to the services.

Ben asked for an example of losses to cultural resources. Kim stated artifacts were oiled, disturbed and pilfered. Art stated awareness during cleanup brought on more vandalism.

Greg stated sometimes you have to go outside the boundary in order to satisfy a need. There are cases where you look at the criteria and determine a parcel does not satisfy it. Rules may have to be bent to satisfy objectives.

Kim stated some people have suggested using land trades rather than buying land. Land trades have not been very successful in the past.

Michael stated the geographic focus probably kicks in different for services. What may make sense geographically for resources, might not be the same for services. You start off doing something in the immediate area, but you would then move where you could get the biggest bang for your buck. Bob asked to what extent you allow the public to set priorities. Michael stated very little.

Mark stated two important points are we have not figured the degree of injury into the analysis and we don't have a way to determine the effectiveness of our actions.

Marty suggested walking through Seal Bay's evaluation. Bob stated Art felt the need to get input on the questions was greater than walking through Seal Bay's evaluation.

Kim stated HPWG felt threshold criteria were necessary and went out to the public with the following five:

- Willing seller
- Key habitat that are linked to resources or services
- Seller acknowledges that the government cannot purchase for more than fair market value
- Recovery of the injured resource or service would benefit from protection
- The acquired property rights can reasonably be incorporated into public management systems

The following habitat protection/acquisition process structure questions were discussed:

1. Are the Threshold Criteria, that we are currently using, appropriate, and are they positioned correctly in flow?

Barbara asked if public notice will be done to reach those with smaller parcels. Kim stated HPWG talked about going out with small display ads. The little guy has not been formally noticed of this process.

Steve stated that with the Heritage Program, you start with Native allotments as a screen because they are based on who got there first to select. You also have the advantage of having BIA's very established process to work more cooperatively with the applicant. Art stated that what he is hearing is that another round of analysis should be started below 160 acres. Steve stated you may have some parcels almost as important as Native allotments because of what they are linked to. In some cases, these should be considered at the same time. Mark stated if you have a detailed enough process, you will pick up some of the smaller parcels. Cathy stated that until you do your comprehensive process, you can't concentrate on the landowners. Donna stated you can pick up small ownerships without making them a last priority. Kim stated another constraint is that basic land ownership is so primitive in terms of records. You have to go to federal agencies who are backlogged. Some property has not been conveyed yet and is in the process of allotment. Donna stated you have to determine if smaller parcels will serve your purpose. Steve stated you go after the resources first and then overlay the land ownership to develop protection. The biological screening is a very valuable tool. The Native allotment applications are a good screening in themselves.

Bob stated regarding human uses, what is the implication of trying to acquire Native allotments. Steve stated you take the appropriate tool to get to your objective, being aware of the results of your actions.

Kim stated that the process rates lands higher the more linkage there is. The key to evaluating small parcels is the adverse effects. This is an example of the dangers of using the criteria point system. You might come out with a low score. You can use discretionary points, you could set aside a portion of your funds for those kinds of projects and use the rest for the larger projects, or you could create special programs. Michael stated this is a concept economists call externalities. Barbara asked if this would be covered with the link expanding the value. Art stated that a larger parcel would get more linkage. Michael stated you want some systematic way of allowing externalities and scaling relative to the cost.

Mark stated we have a dual process, short term and long term. Maybe there should be different criteria for different processes. Michael stated he would endorse this. Also the time frame is important. You have to come up with a Restoration Plan. Mark

stated the smaller parcels will need more evaluation for linkage.

2. Who should negotiate acquisitions?

Greg stated it is also important to determine who will manage acquisitions because requirements are different. Donna stated how you will acquire the land determines the kind of expertise needed. The tax value of property is looked at before being brought into federal ownership. Marty stated that until land is developed, it is tax exempt. Jess asked if negotiations started with individual agencies or were they centralized. Donna stated it has always been centralized. It is more cost efficient to have someone like TNC do negotiations. You may not need as much negotiating expertise, depending on fair market value. Michael stated the problem is you may not get the biggest bang for your buck. The way you get at this is through competition. The competition involves how much externality this resource has. You don't automate the negotiations. Bob stated you don't want your threshold criteria so tight that you produce a rigid hierarchy. You should keep it more loose. Ken stated that some of the land owners have indicated they are not willing to sell fee simple, and it may be less than perpetuity. Donna stated if you had a team of realtors and resource experts, you would have the best of both worlds.

Marty stated the people who are beginning the negotiations don't understand what our goals are, and the spread of tools are broader than what they are comfortable with. Steve stated you want to go into a process like this with every possible tool in the tool bag. One mechanical approach will not achieve everything. As you expand into a larger arena, interaction will have to be formalized. Marty stated she is worried about when there is a suite of parcels and you are faced with five sets of negotiators talking with land owners. Steve stated you make sure you have the traffic cops that make sure things move along smoothly. Marty asked if the negotiators for the CARL Program know what the goals are. Greg stated they have coordination meetings to see what agent would be best suited to negotiate on a parcel-by-parcel basis. It is also necessary to determine who will take the lead. Michael stated that having someone dedicated has tradeoffs. Because they are not your own, you may have communication problems. Bob stated it is important to have a strong central coordinating group.

Marty asked what is CARL's authority to deal with negotiators. Donna stated there is no formal authority but a lot of transferring of information. There is no centralized tracking system, and it is probably two years in the making. Cathy raised the issue of consistency of approaches. If state and federal agencies are used, the consistency may be lost. Greg stated the CARL Program can use federal processes if the land is being managed by the federal government. Donna stated there are so many coordination meetings, that there seldom are problems.

Steve stated the Alaska Native Claims Act is relatively new -- 20 years old. Cultural impacts need to be considered for the long term.

Negotiations should be done by whoever is best.

6. Who should establish the ranking, and should the ranking list be made public?

Michael stated the important thing is if the ranking is very rigid, you have no discretion. You have to have competition and alternative sellers. You can have rankings which are classes. Greg stated you rank the projects in priority order and negotiate number one first, and if you can't make a deal, you move down the list. Marty asked if it would be better to just have a high, medium, or low presentation of ranking. Bob stated that given your uncertainties, this might be best.

Marty stated HPWG is committed now to doing analysis in the whole area, and imminent threat is no longer a factor. Steve stated in determining whether to release the list of ranking to the public, you should take a look at the other side of the negotiating table. With Native corporations, you are looking at a board of directors. There is a strong argument for letting the board of directors make a case to the corporation. Mark questioned what would happen if you didn't rank the parcels at all. Marty stated that someone would want to know the habitat values. Mark stated at the end of the year, you could look at the linkage versus what it costs. Bob stated you have to be able to justify your process, and it can't be too loose. Marty stated the TC wanted as tight a linkage as HPWG could provide. Mark stated linkage would be the criteria, and parcels would all be evaluated at the same time. The alternative is to make all the purchases sequentially. Marty stated that is not unlike what is going on now. Mark questioned whether this would facilitate getting negotiations complete by the end of the year. Michael stated there is some advantage to having loose ranking. You can have too much structure and tie yourself down. Art asked if the gaps between classes need to be pretty wide. Michael stated "yes".

7. What is the best way to fix value on ranked parcels, i.e., how can we prevent our actions from inflating values on highly ranked parcels?

The CARL Program's governor and cabinet have a method of fixing ranking. Michael stated the competition prevents inflating values. Steve stated the landowner cannot inflate the value because it is based on fair market value. Some economic incentives may also be created. The appraisal takes into account highest and best use. Marty stated where we run into problems will be those not interested in fee simple title, who have higher expectations. Steve stated that as you go through this process, you should stress the importance of competition and not fair market value. Marty stated the TC has tried to encourage a lot of

competition. Steve stated in some cases fair market value may be substantially less than what the owner thinks the parcel is worth. Chuck stated the appraisal is the corner stone of setting value. Greg stated that if a parcel costs over half a million dollars, two appraisals are necessary. There is also the option of getting a third appraisal and taking the two lowest. Michael stated the problem is in how you think of the appraisal. Acres are not of concern, but habitat and resources are. Steve stated that he perceives the CARL Program as having a lot of competing owners. Marty stated the TC needs to think about commitments in terms of management. Kim stated competition will work to lower prices. Michael stated the problem is you don't want to be trapped by the appraisal, because in some ways it is irrelevant.

9. Should public comments factor into the ranking? If so, how?

Kim stated the process has been discussed in a public setting during the TC meeting. HPWG has also given a status report presentation to the Public Advisory Group. The PAG has expressed a desire to become more involved in the habitat selection process and in making a recommendation after HPWG makes its recommendation. Up until now, HPWG has just kept the PAG informed. Marty stated the TC does not necessarily want this to go through the PAG before coming to them. Jim stated there is a danger in having the public involved in the ranking because you would get varying opinions. You can't get great information from random responses. Resource experts should be integrated more. Art stated the public hearing is the second element in the CARL process. Greg stated you broaden the support for your program the more public support you have. The more public involvement, the better. Donna stated they are moving towards more involvement rather than less. The public hearing aspect is basically the advertisement for the program. More public involvement may increase the amount of money. Michael stated Alaska is unique in that you already have an interested public. Donna stated they don't have a good way of measuring public support. Kim stated HPWG is driven by a public process but have not been able to figure out how to integrate the comments into this process. Michael stated there are three components to public comments: 1) accountability, 2) allowing them to give information, and 3) allowing them to make a judgement. The essence of restoration planning is exercising discretion and judgement. You will face tradeoffs. If you want the public to make the decisions, you need to have an election or a scientifically conducted survey by a professional polling organization. Bob stated there is a problem of consistency because the public didn't conduct the damage assessment.

Art stated that the CARL Program brings the public in early on. Greg stated that occasionally they will get some new piece of information that will influence a decision, but usually it is just rehashing what they already know. Presentations are limited to enough time to get to the most important information. CARL has

not had to come up with a process for weighing public opinion.

Bob stated that one of the most severely impacted resources were common murre. There may be comments from the public regarding common murre, and the TC has to filter the public comment and do the right thing. Michael stated you go to the public only if there are real doubts where the injury lies. Kim stated there are a lot of places where politics can enter into this process. The TC may want to do restoration and what the public wants. Michael stated if there is nothing you can do, the TC has to go on record saying there is nothing that would help so there is a rationale. You would still want to have a link so you aren't totally arbitrary. Tod stated with public opinion, whatever comes in is probably a very partial sample. Steve stated during the key informant workshop, it was very apparent that people outside the agencies had professional knowledge and a good sense of the area. That project has a wealth of available information in folders to look at. There are names of people to contact for more information which will give some credibility to recommendations being made. Jim stated it would not be a huge task to distill the comments received by RPWG and the Forest Service. Steve stated that if you want credibility, you need to have made a start at an information synthesis system. The process should be objective and neutral. A skeleton is needed to hang your information onto. There is not a systematic process for retrieving information. Jess stated you have an obligation to demonstrate your comprehensive capabilities. This seems to be a broader focus. The problem is going to be you can't go into that level of detail and represent your information credibly. Ideally from the data side, you would hope to have one central depository. It was attempted in the past. HPWG is looking at broader cooperation. Having all the information reside in one place, is very difficult to achieve. With the technology and expertise now, we can participate more broadly. We would like to see more players in the game and people working from the same game plan.

Steve stated TNC has the Heritage database system. Ben stated you need a way to compare apples and oranges in a credible manner. Unless you have this information in a centralized management system, you will be lost. You can't do long-term comprehensive planning without it. Jess stated there are particular levels of data sets. Appropriate derivatives are what you need. Bob stated that he has had experience where this never seemed to work. Ben stated it is a matter of dealing with the information and systematically processing it with a standard output format. Bob stated his suggestion was to keep a catalog of where the databases are. Ben stated you need equivalent levels of information about everything you are interested in.

Steve stated if you think you are in business for a more comprehensive approach, it will be much more complicated than the first few projects HPWG did. Jess stated there is a lot of tracking and monitoring. The work plan generates data which needs to be wrapped into a network. Marty stated when HPWG discussed

this process with the TC in terms of analysis capabilities, they were to let HPWG know if what was presented was acceptable. Because they have not, it is very frustrating to HPWG. HPWG's capability is maxed out between now and September.

Steve stated TNC has no experience in dealing with the TC on an individual basis. If it was his job to provide this information, he wouldn't want to be caught short. This requires a better mechanism for sharing information. Ben stated there is a lot of institutional memory in this room. Jess stated there has been a break down in the information management system. Kim stated that the information provided so far has been based on best professional judgement. Marty stated HPWG should be prepared to give some alternatives to the TC if they decide in September that the process is less than adequate. Steve stated that Jess cannot do it all. A directory would help keep information current. Mark stated we still have the dilemma of the big picture. The TC wants to know about all lands to get some comprehensive values. Marty stated she is concerned that Cole's comfort level with this process may dissipate. Steve stated that you have to feel comfortable about the information being provided to the decisionmakers. Ben stated in many cases you don't know what you do know. You need to be able to assess this. In ranking these projects, you need to be able to follow through on the transaction with a central tracking system. Michael stated this is a function of DNR. Greg stated the inventory is one aspect of increasing credibility; however, in the CARL Program, there is also input from all the other sources that serve on the council. Basically each agency is responsible for maintaining their own database. CARL has a composite of this database. Donna stated the problems have been staff and time. Jess stated you have to prioritize and go for detail when you can afford it.

3. How should services be factored into the process?

Michael stated that it is his impression that there has been no assessments for services. Nobody has looked at activities beyond sport fishing. It would be nice if there was some document which set out the different services affected. It involves pulling together the people who know and recording it. It would provide some basis for treating the different services and gives a framework for what to do. In connection with damage assessment, you have interim losses and the hit to wildlife. Some listing or accounting of the lost services might be useful. Services are surely on people's minds, and it is like a sore. You could set out something as a framework for thinking about services. Art stated we are making the assumption that services were disrupted; however, we have no way of quantifying it. Kim stated it would be very helpful to have this type listing. There isn't any defensible way to say habitat is being purchased to restore a particular service. Michael stated you are putting together a very rough map with proportion estimates which don't have a legal status. Mark stated that services could be broken down into some type of use or activities. Jim stated the energy and enthusiasm

is not there to go back and define damages. Michael stated you want to touch base with knowledgeable people, but there will be major gaps. Jim stated pulling together the type of information that TNC has on file is a fairly quick and dirty effort to get some answers. Michael stated although the information is not scientific, it brings together knowledgeable people and pieces together information. Steve questioned if an assessment may be necessary of what occurred at the time of injury and what exists currently. Michael stated he would do both which provides a platform for looking at the future.

Steve stated in looking at the September time frame, you may want to reverse the way you proceed. HPWG might be able to do a better job in a short period of time than TNC was able to do in their workshop. Michael stated there appears to be a deliberate bias from a litigation standpoint in collecting this information. The system made sure that no one knew anything about restoration.

11. How can we best explain our decision to acquire essential, linked habitats on private lands when these same habitats occur, with significant frequency on public lands?

Michael stated the issue is that flora and fauna were damaged. It has to be justified by saying you will have bigger populations. Tod stated that in some cases protected land is not public land. Jim stated that the public was damaged to some extent because PWS was no longer envisioned pristine. To some extent no matter what happens, that cannot be repaired. Ben stated that based on information from interviews, the private land has potential to restore the integrity of public land. Greg stated it doesn't make a lot of sense to try to restore the system and then let the system fall apart somewhere else. Steve stated another point is this is not a system view but only 12 resources, which seems to be a big deficiency. Bob stated the answer is probably political.

Steve stated during the workshop, they asked for the top three sites. Most of the areas showed up in Native corporation ownership. The best screen is the selection pass.

12. How would you justify fee title acquisition of linked habitats when anticipated recovery of target resources will occur in the short term?

Steve stated a key question is how do you justify fee title acquisition. The answer is you don't; you take the appropriate tool for the situation. Michael stated there are two arguments: 1) putting back what was damaged and 2) it doesn't matter what was damaged, we want to get the biggest bang for the buck. Kim stated the ranking criteria is very sensitive to linkage to the resources.

Meeting adjourned at 5:15.

HABITAT PROTECTION WORKSHOP

June 8, 1993
9:00 A.M.

ATTENDEES

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Bob Spies
Art Weiner
Carol Fries
Barbara Mahoney
Steve Planchon
Bob Loeffler
Veronica Gilbert
Tod Rubin
Chris Swenson
John Harmening (via teleconference)

PROJECT DESIGN PARADIGM

Bob asked for introductory comments to define the process. Art stated this covers how do you draw a line on the map that captures the resources and services we are trying to capture which is also cost effective. It also covers enough of a buffer area to ensure the integrity of the system, in many cases perpetual protection. The technical groups do not factor in the cost of the parcels; however, this factoring is done soon after. Marty stated we would only be concerned about the initial cut for parcel size and asked what is an appropriate ecosystem boundary line. Art stated this gets to the heart of the questions.

The following project design paradigm questions were discussed:

1. Are the Evaluation/Ranking Criteria adequate to meet this goal? Should we weight more of the evaluation criteria?

Kim stated the way these criteria are used in weighting the potential benefits is they are applied to provide an additional method of evaluating. The criteria figure into this process for scoring. Criteria 1 is used for weighting; the remaining criteria are just yes or no answers. Criteria 1 scores one point if it is high, a half point if it is moderate, and no points if it is low. This criteria establishes if there is a linkage. Hard population numbers are used if available. The number of habitats is the number of nests on a property. Criteria 1 is the most important because of habitats linked to the injured species. Criteria 2 is

basically the one where we look in on the parcel. The purpose is to force us to see if it is large enough or has enough habitat. Criteria 3 looks at adjacent land uses. The caveat on Criteria 4 is the one thing you want to protect is of high recovery benefit. On the large parcels, multiple species have benefitted under this criteria. In Criteria 5, the parcel contains critical habitat for a depleted, rare species. Criteria 6 looks at imminent threat and whether the parcel is particularly vulnerable. Criteria 7 looks at who the adjacent land manager is. Criteria 8 is the bias for parcels in the spill-affected area. The bias is built in by the TC who are more interested in focusing in this area. This could change with the adoption of the Restoration Plan. Once the criteria ranking is done, the formula is applied by counting up how many highs and moderates there are and multiplying that times the number of "yes" that occur within the other criteria.

Art stated we are caught in a bind as to how far to split the resources. Kim stated our concern is that changing to a different ranking system would mean having to re-educate the TC. Cathy stated that if you start splitting, the scores would go up because you have more categories. Ben stated that the critical question is where in the lumping process do you start losing information. Marty added that you start losing support information.

Mark stated there was an inconsistency in lumping anadromous fish into one category. Criteria for Rating Benefit of Parcel to Injured Resources/Services was prepared by Mark and Cathy. Herring were added back in. The most significant change was the splitting of the services elements. The criteria capture comments from service experts. Some of the services were incompatible and could not be lumped because of their objectives and the ways to accomplish those objectives. Services were broken out into commercial fishing and tourism, recreation, wilderness, cultural resources, and subsistence. Services have different focuses which are sometimes conflicting. The first version of the criteria was broken down along commercial lines. The second version looks at what is the objective of the people out there and what are they doing. It is either consumptive or non-consumptive or commercial or non-commercial. Another delineation is based on harvest or lack thereof. Input was requested on the effectiveness of these criteria. Mark stated the focus was looking at what is occurring now. Consumptive and non-consumptive have different focuses.

Jess stated the important thing is how these categories use the landscape rather than classifications with the taxonomy. You get conflicts in terms of stakes. Kim asked do we have to look at the management issue now. Bob stated you have to look at whether the habitat changes uses. Michael stated it is a question of netting things out. If we look at the resource and see there are management decisions down the road, we just assume the decisions will be made correctly so we can just look at the resource. You have to be explicit about the management treatment of the option. Greg stated that many of the management decisions cannot be decided up front and must go through a public process. Michael

stated you then have to note that depending upon the management options it may be good or bad for the resource.

Jim stated that an issue is that the whole PWS area is not used heavily, and the idea of potential use needs to be explored. The sites have potential to expand use levels. Mark asked how would you capture potential. Michael stated you could identify it. Jim stated you need to understand the recreation activities and what makes certain sites desirable. The people in the field know the areas of concentration. The use levels would be tied to patterns. Kim stated that we need some criteria for the quality of the site. Michael stated there is a fundamental paradox in recreation analysis. If it is a good place, so many people go there, but if so many people go there, it is not a good place. If you look at just the number of people, you are confounding things. Jim stated that rather than classify the entire PWS spill area, you should work with the bits and pieces of information available to identify sites.

Mark asked how we will know all the factors for commercial tourism to determine what is a value. Cathy stated instead of using recreation, we should use public use, which is what it was based on. Ben stated you have to look at the areas the public is actually using. Mark stated that because most of the areas are remote, he would guess 95% have some recreation potential. Jim stated that crowding may not be a factor. Michael asked why sea lions are not on the list. Kim stated they were not injured. The reason we are having so many problems is we don't have a definitive list. Michael stated that you should bring together some people for brainstorming. The information is available, but it is a matter of taking the time out. Ben stated he would argue that it wouldn't be worth the effort. Kim stated he doesn't think it will change the relative ranking. Michael stated he disagrees strongly because there are great resource conflicts within recreation. There are also conflicts between commercial and private activity. Ben stated the score will be the same. Michael stated you will have negative levels. The quantitative information needs to be provided and not just the score. Steve stated he is in agreement and disagreement. The ranking gets to a point where you have a parcel of land, and it is important for the TC to focus on this land to protect some resource or service damaged by the oil spill. You have to ask if this conflicts with some other resource or service. You then ask if the conflict can be managed. The TC will have to make that decision.

Kim questioned who can determine the order of magnitude for something that is constantly changing. Steve stated there are some significant missing parts in the criteria such as the negative effects. Some may argue that this could be picked up in the EIS. Art stated how do you make the calls without knowing how it will be managed. Kim stated that management is a subject for another workshop. Steve stated you have an important work of ranking criteria. You need to factor in management. Bob stated that management is an integral part of restoration. Greg stated

another factor is the economy. Steve stated that you will get hit by that in the next three months and may have to refer to the EIS. Marty asked how do you factor this in. Michael stated that it is a field of expertise; however, it involves speculation. You could have another item in the check list of whether it poses management difficulties. Marty stated this is a twist on Criteria 7. Steve stated you have to look at long-term factors for the economy, culture, and the resource. Michael stated in some cases you wind up responding to shadow projections of the economics, but it would be better to have the economics brought in. The economic impacts matter. Otherwise, you are defending your position without any data. Marty stated it will all be supposition, and how do you defend that. Mark stated given the managerial problems, aren't they going to be related to the protection tool you apply. Steve stated "yes". Michael stated this information is a way of identifying the negatives. Steve stated this information will build an awareness for the TC of the impacts.

Marty stated she has tried to talk with Eyak about any impacts, but it has been almost impossible to get any definitive responses. They say the impact is nil. What do you do with that? Michael stated you want to have an economist from Forest Service and/or Fish and Game to see how plausible is this scenario. You can't always believe what parties tell you, because they may have reasons for misrepresentation. Mark asked if we use the worst case scenario for our matrix. Michael stated that gets folded in. Bob stated that maybe this whole process is on too fast a track. Greg stated that more agency expertise is necessary. Steve stated the evaluation criteria is basically just a way of asking questions you need to ask for each project. It does not have to be a very sophisticated analysis. You should also look at whether protection of habitat would provide benefits that are non-EVOS in nature, for instance Kenai Fjords. Art stated he doesn't disagree with Steve but the TC might. Marty stated that is interesting because in the restitution analysis, the federal people used HPWG's criteria for analysis. Jess stated if one agency's management is in conflict with another, that decision might be better left to the TC. Marty asked if it is appropriate to move all of the services down into "other considerations and non-EVOS". Steve stated that would be dicey. Michael stated if the TC says they want to deal with it through some other mechanism, the staff should consider it; on the other hand, it seems silly not to have a slot to talk about it. Marty stated we don't have specific indications of the injured resources. Art stated there are basically three categories: EVOS resources injured, services injured but not quantified by degree of injury and non-EVOS services. Bob stated we may be trying to make too fine a point on the ranking. The ranking stops the process from becoming totally political. A lot of common sense would be appropriate. Ben stated TNC has ways of ranking, but it is analogous to what you are doing. Steve stated they will not go to their board of governors if they don't feel comfortable with answering all their questions. Greg stated you can factor some of these issues without going into your overall scoring system.

Bob stated we seem to have gotten on to some productive tangents. Steve stated that if you identify a smaller parcel which is essential to the greater ecosystem, that should go right to the top and take priority over a lot of other things. Art stated in order to sell this to the TC we have to demonstrate linkage. Steve stated it makes sense that the focus should be on the damaged resources. After identifying all those important to restoration, then you pull in additional considerations.

2. Should we be using a strategic decision paradigm such as watersheds or riparian zones?

Donna stated they are not used exclusively. Cathy asked do we evaluate the land as a huge chunk or break it down, and then do you go by ownership and watersheds. Donna stated there is usually a driving force. You need some reason to acquire things. Ben stated that TNC does not use watersheds a lot but where they make sense. Primary and secondary boundaries are established, and functional relationships between key areas also need to be examined. Art asked about movement corridors. Ben stated there are a lot of theories about these functional pieces of land imbedded in other landscape. A trained ecologist could sit down and figure out relative values.

4. Are we too dependent upon Best Professional Judgment?

Michael asked what is the alternative. Art stated that you could wait for more studies to fill in data gaps, which would require convincing the TC to fund studies. Bob stated that there is a perception that if you spend more money on studies, you have less money for other things. Michael stated an issue is the presence of substantial uncertainty, which could be flagged on the checklist. Kim stated this will fall out with the really good chunks of land. Bob asked if HPWG expects any surprises. Kim stated for the general overall comfort of purchasing high value lands, people have known about these for quite a long time. Art stated HPWG used a second rank of best professional judgment in the absence of good, hard data. Kim stated another question is what are you getting from the field work. Michael stated you need some type of ground validation. Ben stated you shouldn't buy anything sight unseen because you might not get good information. Marty stated there is argument about doing on-site visits and how rigorous the efforts should be. Marty asked if anyone has existing on-site visit guidelines. Ben stated the Heritage Program has a standard list of things they have to respond to. Steve stated you put together a hit team to see what you have on the ground. Bob stated there is good justification for a seasoned ecologist. Art stated it is reconnaissance analysis. Tod stated to be comprehensive and defensible, you have to look at everything and not just the hot spots. This adds expense, but it is necessary. Greg stated you could invite experts to your public meetings to support the selection of hot spots.

5. Do the criteria for rating benefit of parcels to injured resources/services make sense? If not, could you suggest a better method?

Tod stated an ecosystem is more than the sum of the parts. There should be some flag to say this is a functioning unit. The ecosystem issue may get lost because it is in a separate part of the evaluation. Ben stated that some of the areas for protection are still oiled, such as the mussel beds. You may want to remove them. Kim stated this issue is still being debated.

Bob requested that over lunch everyone think about their three strongest recommendations for changes to this process. Steve asked how much money is available for support. Marty stated there is about \$300,000. Steve stated logistically there seems to be a huge amount of work to be done with existing staff.

Meeting adjourned at 12:00.

Bob directed discussion towards GIS/Remote Sensing support. Jess stated he is interested in knowing how information flows through other agencies and their commitment to data acquisition. Greg stated CARL is just now getting involved in GIS. They have identified seven data layers in the acquisition format; the most important one is where are existing publicly owned lands. Soil maps are also very important. CARL's broad prospective includes archaeological and historical sites. There is a public access requirement which causes concern about the format. The way CARL produces the data is somewhat in their control. CARL tries to avoid being data collectors themselves. Funding is provided through the CARL program for inventory. Important data are inventory, water and soil maps, archaeological and historical data, drastic maps, and specific important habitat maps. There are special forms to ensure quality control.

Jess asked if CARL uses modeling. Greg stated that a large part is done through modeling. Donna will provide Jess with names of people who do modeling. CARL contracts with The Nature Conservancy for support for this program. Art asked about remote sensing. Greg stated a large degree of black and white aerial interpretation gives some filter of what is going on. Donna added this is a start but does not take the place of groundtruthing. Jess stated in Alaska coordination is a larger part of the problem, with technology being a smaller part of the problem. Greg stated the desire for accuracy is not that great at this level in the process; however, after you get into land management, you want a greater degree of accuracy. Jess stated each agency is responsible for a specific data level. Ben stated they have concentrated on import/export so that no matter what people are using, you can deal with it. The downside is this creates a very high error rate, but it is unavoidable. TNC uses data sets about 85% to create display maps; the other 15% is manipulating spatial information. With respect to modeling, TNC does three kinds: 1)

conceptual, 2) predicting where things occur on the land (rare plant communities), and 3) remote sensing (where not a lot of information is available). Spot imagery is used to look at fragmentation. It is an expensive way to go and is pretty labor intensive. It can be done over a pretty large area. It is a little more cost effective to do the remote sensing if you have people who are good and know what they are doing. Most of the mapping is still done on paper; however, some programs are going to computer mapping. Jess, Tod and others interested in GIS mapping may be able to get together later for further discussion. Kim stated computer mapping is a big investment of time. Jess stated what is critical is the difference between the machines, data and application. The technology is not something you want to approach casually. Coordination is necessary to pull all this together. Ben endorses what Jess was saying and couldn't imagine a long-term Restoration Plan without dedicated GIS. WKE

Bob stated that by reviewing the Eyak project, currently in the negotiating stage, it will bring out some of the problems and concerns. Art stated he would like opinions as to where to go with the negotiations which are centered around a very limited suite of options. Marty stressed that the Eyak information is confidential and added that HPWG is not the negotiating team. Eyak is being used as an example. Art requested that Mark give some bio-geographic background on the parcel. Mark gave background information and pointed out areas on the Timber Harvest Areas with General Land Status map.

Marty stated her assumption on imminent threat parcels is they were just locators. They drew us to parcels we were interested in. Steve stated the absence of information does not mean there is nothing there. Jess stated in talking with Eyak, they mentioned there are buffers. Cathy stated this made us all more comfortable. Kim stated Eyak does not own the entire watershed, only about 2/3. The presence of salmon gives high subsistence and recreation use. Public use is very high in that area for hunting, fishing, hiking and boating. The system is really greater than the sum of its parts. The area rates high if you do it as unit. Most habitat values are around the lake shore. In terms of protecting the entire watershed, it is for visual quality. Protection is needed around Eyak for restoration purposes. Cathy stated there is a very thin soil layer on the mountains adjacent to the lake. Mark added that the map does not show topographic features, but the area is very steep around the lake. Kim stated Eyak does have permits in place to begin logging so there is not the luxury of waiting. Steve stated that you could lever yourself in other areas. Marty asked if Steve was suggesting a moratorium. Steve stated that there has been danger in using that term, but it is an option. Kim stated the goal is to protect the integrity of the lake system. Jess stated this is more of a service-oriented acquisition because of the recreation use. We need to deal with the problem of having less than fee simple. The economic connection with logging and recreation is interesting and needs to be developed. We have always been seen as anti-logging and have

not bothered to reinvent ourselves. Jim asked what buffers have been discussed. Kim stated that all their high value areas are in the areas HPWG would be prescribing for buffers. Steve stated a preferred alternative to talking about buffers is to talk about protection on the whole land. Cathy stated the slopes are so steep, they are falling off. Steve stated if there is a practical option for economic protection, it is good business and it stretches your dollar. It does get complicated in terms of enforcement. Your team crafts the stipulations given the resources you are trying to protect. Marty asked Steve to restate his suggestion. Steve stated depending on what you are trying to accomplish, there are a variety of tools. You basically throw something out and respond. There are a lot of things you can throw out for responses. It is important to understand with good professional judgment what you can and can't do.

Marty asked if given the fact that Eyak has a relationship with Sherstone, is that reasonable. Steve stated HPWG is at a disadvantage because they are a public agency. You could get innovative if you have sharp negotiators. It takes time to get comfortable with the win-win situation. You could factor the perceived threat into your negotiations and buy time. Jess stated Eyak is being aggressive in their use of the schedule. Steve stated that he perceives their aggression as an indication that they are a motivated seller. Mark stated in terms of goodwill, Eyak doesn't want to send Cordova into convulsions.

John asked about terminal easement fees. Steve stated they have some models of Plum Creek addressing this issue. John stated he would be interested in anything TNC has completed. Steve will provide this information to John and stated it helps to have a neutral group come in when the agency's hands are tied.

Steve stated the key issue is what the management group perceives the shareholders feel is a fair deal. It is not monetary but more looking out for future generations. In the appraisal, it is hard to put a price on uncertainty. Marty stated for our purposes, the value of Cordova's water system could not be factored on the same level with some of the other resources. Steve stated it could be in the bonus category for benefitting the community. You really need to talk about the process more than the product. One critical thing you need to come to terms with is how do you value the process and if the evaluation process is considered fair. You then have a solid building block. You shouldn't force yourself into doing everything within the next three months. Ben stated you should go back to thinking about a moratorium but not call it that.

Michael stated another externality is the signal given by the early deal. You need to break that expectation and set a precedent. There are a variety of ways of doing business and protecting resources. John stated this is really important because it is perceived most of the corporations' expectations are considerably different from what we will talk about when getting

down to conservation easements. Marty stated Eyak is aware that they will not get full value and are very willing to deal with that, which is positive. Jess stated the only thing negative is the time frame. The decision lies with the TC whether they want to make the deal. Dave stated he is concerned about the time frame issue. Jess stated we have seen a deal which was done real quick. Seal Bay is the closest we came to imminent threat. With Eyak there is a sense that we have to arrive at some settlement within weeks. There are so many other factors which make it less of a clear cut deal. There is pressure to make a decision in two weeks. Dave asked where this impression came from. Marty stated it is being engendered by Eyak. Steve stated on the Seal Bay issue, HPWG accomplished something fairly significant in that they got a free option. Native corporations need to feel they are going toward an objective they can achieve. Dave stated that Steve is basically correct. We are progressing down that road. Jim asked how this got into the imminent threat category because it is not particularly suited to logging. Marty stated 2/3 of the stockholders live outside the area and don't care. Dave stated the permitting is all cleared. Steve stated sometimes it works out better if you are working on several of the same type projects at the same time. To indulge in negotiations in an innovative way, you need an economist. You have problems, but they also represent great opportunities. If you treat this in the short term, you are selling yourself short. Michael stated if you are about to make the transition to the comprehensive approach, could you get together a team. Marty stated that we would need to convince the TC.

Bob asked everyone to write down their recommendations during the break.

Break - 3:00

Steve suggested that the participants could send in more formal recommendations in a day or two.

The following recommendations were provided:

Donna - An important thing would be constructing a formal negotiating team. It needs a good mix of resource and real estate expertise. Lines of authority need to be delineated. Value determination should be based on real estate appraisals. It needs to be defensible. It is important to have some sort of economic analysis. Damage control is being done because this has not been done.

Greg - The selection and evaluation process has to be resource driven. Whether you use the point system is debatable. The point system is often used as a means of trying to buffer from the political influence. You have relatively rigid criteria. The idea of ranking in groups is very valuable. It leaves less confusion with a project being number 1 as opposed to 2. You might want to use an economic motivator in the lower groups. You

need comprehensive analysis. You have the data available for consideration. You have to take what information you have and use your gut feeling on whether that is your best choice. You might want to add other interests to make sure they are not falling into the cracks.

Ben - You need to find a way to do field surveys, either through contract or whatever. If necessary, rerank the parcels. You need to proceed with some sort of comprehensive enterprise. Acquisition and assimilation of new information are important, as well as updating priority ranking. It gives a means of putting all this into an ecosystem context and how these parcels fit together.

Steve - You need to look at this in three component parts 1) identification 2) protection - doing the job in a manner that gets to your objectives and don't be constrained by past approaches if they don't appear to be working. You are dealing in a new arena. Be sensitive that corporations may not be as sophisticated as they appear, and 3) stewardship - you don't really accomplish the long term goal by having a credible identification, and then falling on your face. You need to develop the level of confidence needed to protect the resource values we think are important. A stewardship endowment is supported very strongly. It should be associated with the habitat and not the agency. That way you are not subject to criticism that you are padding agency pockets. The corporations could say that they would like to do something to promote stewardship in this region. If you can, try to leverage your money and don't buy more than necessary. TNC's approach is very applicable -- economy, ecology and the culture. These should be factored in. Be aware of the precedent you are setting by your actions. Many agencies have real problems with dealing with private owners. Some things will either be good or bad for us out in the other arenas.

Michael - regarding the objective, the goal is not buying real estate but maximizing benefit to the ecosystem with dollars available. Your focus should be on the resources affected by the spill but not the geographic area. You should have a state-wide focus. You need to go out and create competition among the sellers. Resource managers are not trained to do this. You need to pit one seller against another. Regarding the temporal structure, is this a one-shot analysis process or will it be repeated for a number of years. The advantage of viewing it as a repeated process is you get more flexibility. Many agencies make the mistake of treating decisions as a one-shot decision when it will be spread out over a period of time. A year from now you will be still living with this decision. You have limited control, but it really will be a decision repeated over time.

Tod - Wants to emphasize keeping things in a group so that when it comes to negotiating, you can walk away even if it is on the A list. Post-acquisition management should be consistent with the

goals. You have to make sure whoever manages it is consistent.

Jim - It was interesting the discussion on parcel size and the potential for leverage. There may be a way to perhaps seek out potential sellers in that category to maximize some of the bang for the buck. The discussion on breaking out a more diverse section in some of the service area where some of the activities are not homogenous was also interesting. This may not necessarily be in the ranking area but could be handed out as information to the TC to understand the impacts. The discussion of negative factors was interesting and on target. You could take some of the information on hand and provide it in a data compilation or mapping exercise. In terms of negative information, temper use data with some knowledge about potential areas to absorb new users. Fish and Game could tell you if something is overfished now and adding new users would not help. The allocation process for Seal Bay was interesting. There is some auto-correlation in talking about the activities of services to the critters themselves. Because part of what makes these activities special is seeing the critters. Some of the criteria also favor areas that are important to recreation. The selection process provides reasonable ways to select land and you could provide more information to the TC.

Marty asked about appraisal baseline. Donna stated the TC has bought off on that you need a professional appraisal done. If that was not the case, that would need to be an important part of the process.

Kim captured the recommendations as follows:

1. Construct a negotiating team - resource and real estate expertise
2. Appraisal baseline
3. Economic analysis -in addition to ranking
4. Resource-driven evaluation system
5. Use ranking classes (A,B,C) rather than numerical ranking
6. Comprehensive analysis - use best professional judgement
7. Field survey of parcels to evaluate and rank
8. Information system that allows updating and ecosystem analysis
9. Credible evaluation, protection flexibility, stewardship/management
10. Be sensitive to precedence
11. Maximize benefit to ecosystem with money available
12. Statewide focus - resource affected rather than geographic area
13. Look at long-term process rather than short term - one-shot evaluation
14. Look at parcels smaller than 160 acres
15. Breakout service values as corollary to ranking evaluation
16. Look at management implications - use acquisition to help manage uses
17. Selection process works well to integrate resource value with

service value - provide more information to TC on how this works

Bob thanked everyone for their participation and stated it was a very productive workshop. Marty directed everyone to forward their written comments to Art. The recommendations will be taken by HPWG for discussion and possible incorporation. Out of courtesy, HPWG will let the participants know what was done. Copies of the minutes will be distributed. Greg stated they have additional handouts on rules and statutory backgrounds for CARL.

Kim thanked everyone for the constructive feedback, and he would take all the information to heart. The ideas would improve the process if we can sell them to the TC. Steve stated HPWG has a job to do. His understanding is that the comprehensive process will look at public and private lands. Art stated it will only be private land with a willing seller. Steve stated that he thought you were getting at a point where you could identify public lands also. Marty stated we don't have enough time to get to public lands. Steve asked if HPWG feels there are things you need to do to get a more credible product. There are probably things their groups can do in a more formal fashion, such as more research which would help HPWG's effort. Marty stated that we need some help on reaching a consensus on an appropriate negotiating tool.

Also help is needed in making the TC aware of the size of the task. Steve stated HPWG should let them know what they can do. If the TC needs some sort of outside effort to bring pressure, we need to start developing the effort. Marty stated she likes to think of this as sharing information rather than lobbying.

Meeting adjourned at 4:20.

Draft

RPWG
II

HABITAT PROTECTION WORK GROUP
JUNE 15, 1993
8:30 A.M.

ATTENDEES

Marty Rutherford
Ken Rice
Carol Fries
Mark Kuwada
Walt Sheridan
Kim Sundberg
Art Weiner
Jess Grunblatt
Cathy Berg
John Harmening
Veronica Gilbert
Dave Gibbons, via teleconference

AGENDA

- 1) Habitat Protection Comprehensive Analysis Process
 - Debrief of Workshop
 - Final Synopsis
 - Discussion/Decisions Re: Changes to Process
- 2) 94 Work Plan/Habitat Protection Fund Projects
 - Data Acquisition
 - GIS
 - Acquisition Support
- 3) Discussion Re: TNC Workshop/Next Phase

HPWG Status Reports on Action Items

- 1) Jess G: Status Report on TNC's Completion of Contractual Responsibilities
- 2) Kim S. subgroup:
 - 1) Eyak River Analysis
 - 2) Chenega Lands Analysis
- 3) Catherine B: C. Gilbert future participation w/HPWG

The following items were distributed:

Habitat Protection/Acquisition Workshop Summary
Habitat Protection Workshop
6/14 Memo to Marty from Steve Planchon

1) HABITAT PROTECTION COMPREHENSIVE ANALYSIS PROCESS

Marty reviewed the agenda items and asked for status reports on the above action items. The minutes and a synopsis from the workshop were distributed. HPWG took an opportunity to review these. Marty stated direction is needed on whether to switch from a point driven evaluation. One recommendation is the resources should drive our approach. Art stated it makes ecological and resource sense. Ken stated the PAG said expand spending outside the spill area, but local groups wanted it within the spill area. Kim stated there is a tremendous amount of work just evaluating the spill area. Art stated this is a policy question.

Action Item: Marty stated Hanneman's comments should be shared with our Trustees.

Art stated that Ben Brown's comments from the workshop were received.

Marty stated the easy way to proceed is not to present it as points but as categories. Mark stated another option is to identify a group of jewels, saying they are all important, and starting negotiations on all of them, and the TC can make a decision at the end of the year. Marty stated that Cole likes the point system. He would be uncomfortable with just presenting the jewels. Art stated we are talking about lengthy nonqualifiable variables. If you didn't have points, you would have a great deal of other information to factor into the decision. Kim stated when we present the jewels, we give our best advice on the break out in classifications. The TC can decide if they want HPWG's recommendation. Art stated you have to wean them away from the point system because it has some significant flaws, and the more you use it, the more people will forget about the flaws. Ken stated it gives a false sense of security. Mark stated if you focus on the short-term process, HPWG will be hard pressed to come up with the mediums and lows. Kim stated the TC wants to see the jewels and the analysis. Marty stated they won't trust HPWG to just say these are the jewels. Ken stated the TC will be open to pressure if someone says their land wasn't evaluated.

Marty stated she thought that the first short-term process was where HPWG goes in and does an analysis of all the private lands, and there would be some jewels which float to the top. The TC would say they are comfortable and then may want a more definitive analysis. HPWG would also start evaluation on the public lands. Mark stated they would be making a decision on the jewels based on less detailed information. Kim stated as this process matures, he sees the long-term process coming in. The TC will feel comfortable they are getting the good stuff, but the process will become more complex. The long-term process comes in when the TC has to start shaving points. Art stated until you get into negotiations, you won't be able to start reranking. Something may get kicked down because a landowner is not willing to budge. Marty stated that doesn't impact what we are presenting in terms of our analysis.

Art stated you have to factor some of the elements in to have a flexible or dynamic ranking system. John stated you are looking at the intrinsic value staying the same and all you are looking at is changing the priority.

Kim stated you may have to go back and say to the TC that even though something is a jewel, we are wasting our time on it. The negotiator will know when it is time to move on to something else. Marty stated some things may not meet the protection goals. Mark stated he was suggesting an annual process where landowners knew that the TC was making decisions one time per year and if they wanted any of the money, they would try to complete their negotiation process by this time. This is also likely to make them a bit more competitive. You don't have the deals that are setting precedence such as with Eyak and Seal. This way they are all bidding against each other.

Mark asked if the TC wants a long-term process. Marty stated Cole is prepared for a long-term process, but he doesn't like the rigidity of that. Walt stated that the list needs some flexibility. Kim stated he came from the workshop thinking that what HPWG is doing is a lot different from the CARL Program. It is set up for perpetuity, and this is a one shot deal. Unless the TC goes into some endowment, the concept is to spend now. He can see why Cole would not want to be locked into some rigid process. If you were making a career out of this, you would want to set up some kind of annual process. Marty stated we should not feel barred from trying this. The TC will make decisions about what to proceed with and within six months, proposals can be done to proceed competitively. Mark asked if HPWG will put together a recommendation. Art stated "yes," and we can present several options. Art stated you can give them a choice and explain the different ramifications of each choice.

Marty stated that the current model is another choice of where things come in and the TC can act on them. Walt stated at some point we have to look at everything. Marty stated we are bound to present the information where there is a willing seller by fall. The models are how you deal with it after this. A model is what to do with the black box. John stated that within the black box is which landowners are more willing to negotiate. Within that group, you have some interested in fee title. Marty stated we haven't had too many landowners say they are not interested. Do we impact the TC decision if we know that landowners are not interested in fee simple? John stated that the initial contact is just one item. There may be some parcel owners more willing to sell than others. Marty stated she is nervous about taking biological service analysis and imposing it into the negotiation information. She sees this as separate. As the negotiator works with HPWG, that is all done separately. The TC has the flexibility to decide if something is worthwhile or not.

Marty is not totally convinced that all the landowners who say they are not interested in fee simple will stick to that on all their lands. She considers this as an opening salvo. If we start assuming those kinds of things, we are acting as negotiators. Kim stated there is a certain rigidity on both sides. John stated somewhere down the line when the complete evaluation is done, we will have a better idea of what is competitive. The 15 or 20 parcels might result from the competitiveness, but as you get further down, it depends on what the market place is telling you when you get to that point. Marty stated Mark's idea makes sense because you can compare. It causes this edge of competitiveness to be heightened. It will be really hard to do, but there is a sense of it already. There is a fear among landowners that there is a discrete amount of money. This will be a real dynamic situation because of the first landowners trying to sell less than fee simple title.

Marty stated she hears two models: the rigid approach where the proposals all come back at the same time, and the other is dealing with the proposals as they come. She questioned what is the next thing. Kim stated we should spend our energies on the best job we can do to fill the black box but not spending a lot of time on developing a very intricate process. The TC will decide what they want to do. Marty stated we will have an on-going obligation to support the negotiators. After the first round of analysis, the TC will feel fairly comfortable about proceeding with protection on those.

Some people will want to know how the secondary lands compare with existing public lands. Some of the TC are wondering if the restoration needs could be developed through higher level protection. Walt asked how much State land is there. Kim stated not much; there is some on Kodiak, but it is mostly tidelands. The State doesn't own a lot of uplands. Parts of Kenai Fjords Park are going to go into private ownership. What will be left will just be a shell. Walt stated we don't have very much information to discriminate about the habitat needs or the damage to the resource. Marty stated that might be precisely why the TC wants that evaluation. Dave stated a couple of the TC members want to know how much habitat is available on other lands.

Art stated there is a concept of higher than probability use. When you do the analysis of use, you find that use might be on private lands. Dave stated you have to make some assumptions. Marty stated maybe we should ignore the second round for now. When you get down past the jewels, these are the kinds of questions the TC will want to have defined. Kim stated it is important to define what is the question. If you remove habitat out there by logging and take it out of commission, you will never be able to fully restore the resource because the habitat will not be available. Ken stated a lot of the species might have been on the decline prior to the oil spill.

Jess stated we might be talking about a long-term program of field evaluation more appropriately called monitoring. Mark agreed. Dave stated some species are real easy to determine, but some species you will never know about no matter how much research there is. Kim stated we are getting better at determining the characteristics. This can be done on public land as well as private land. You have to develop what your assumptions are initially. Dave stated we identify the habitats but we will never be able to identify the usage on them. Kim stated we need to be prepared to answer those questions but may not need to be at the same detail as on the private lands. We want to avoid coming up with some kind of acreage game. Art stated you have some cues such as concentrated feeding. Indicators are that those private lands are good habitat. There is a higher than expected probability of use if you see concentrated feeding. There is information from key informant interviews without embarking on additional studies. Dave stated he would like to see more conversation on this and be able to present the answers when asked. Marty stated the TC will ask what next. Dave stated they will want studies on the public lands also. We don't need to go out and visit the public lands.

Marty asked about the analysis and does it need to be done on the public lands. Dave stated you should look at the management of the public lands. Marty stated the TC will say if there is no more impact, a higher level of protection is not necessary. Ken asked when do we stop and when have we protected enough. Art stated you will never know. Dave stated that the Native land has the highest development potential. That is the land with the highest habitat value. Even though 90% of the land is public, it only represents about 10% of the anadromous fish habitat. Marty stated there is no proof that this land has the highest habitat value. Dave stated this is something the TC will also ask. Kim stated Steve Planchon felt the Native owners did a really good job in selecting land with the best access and forest lands.

Marty stated there are critics out there to this process. The TC does not care much about the critics but about the jewels. Ken stated the TC needs some information which says they have bought enough, and it depends on your endpoints. Marty stated she is concerned from a political standpoint. The TC needs some information so that they can continue. We need to do the same level of analysis on the public lands as the private lands, so that it will show a good job was done on picking the lands. Mark stated we have to be up front and say we will never know all we need to know about public lands. What we are doing will provide an incremental benefit, and we cannot tell what value is being gained, but you are gaining control to allow recovery. John stated that management of public lands does not detract from the objectives of restoration. There is only enough money to buy about 10% land and will be done on a basis to protect the critters.

Marty asked how do you answer the TC. Kim stated you can give them

a pat answer that the Native corporations did a good job in selecting lands. For the Forest Service land, remote sensing could be used for some guesstimate, which will give an inventory showing that the Native corporations got a higher proportion of forest lands. Art stated we could be investing a lot of staff time for a question which does not need to be answered. Marty stated she thinks the TC will want to be able to compare.

Walt stated the TC's interest may be waning. Marty stated six months ago they were discussing this issue every time you turned around. Dave stated that one member said after reading through the minutes of the public meeting, he was concerned with the comment that perhaps we bought a bunch of dead trees in regard to Kachemak Bay. Kim stated most of the assessments done now will have detailed timber assessments. Dave stated we probably can't solve this today but could ask the question when we present this process. Marty stated if we don't ask the question, we will get hit between the eyes down the road when we are not prepared. Kim stated we might want to have some information in our hip pocket in case they ask, but we shouldn't bring it up. There are a couple of analyses which could be done without too much additional work. Walt stated if you ask them in a public forum if they want more information, you can bet they will say "yes," because what else could they say.

Jess asked is there some kind of management recommendation implied. Marty stated it depends on how aggressively we proceed. Kim stated we have to be able to tell the TC what the limitations are. Marty stated she has a gut feeling HPWG will be asked. Jess stated that maybe there needs to be some sense of what is happening which gets back to monitoring. You have to have a program which tracks the status of the resources. Mark stated that the link between monitoring has to be done in the early stage. Kim stated the TC is buying an insurance policy when they are buying habitat. John stated the whole objective of the plan was to identify opportunities for restoration. All that has been done is to identify the opportunities and not to do a land management plan for the area. We can't identify opportunities by getting additional data on the public lands.

Marty stated we should focus on the black box again. We have not closed in on any changes to the comprehensive plan. Some decisions need to be made. Art provided a diagram and stated this is an example of the exercise we need to go through with the black box for ranking. We need to shuffle around where and when the public becomes involved in the process and also involving elements of negotiations. The CARL Program does it a little differently. Art suggested doing three different models for the TC to choose from. Marty asked are there changes to the black box from the Peer Review workshop. Cathy stated she would like to look at the comments a little further.

Marty stated HPWG is about to lose several members for two weeks.

It will take some time to get TC approval on the process. Kim stated he doesn't perceive any major surgery on the process we have. If anything, HPWG will provide more information on the parcels regarding the externalities and service values. HPWG needs to determine whether to add or delete species or whether to take off services. Jess stated we could do a strict habitat ranking, and the extended information helps to position it. You don't have to have a firm link between soft text and a number. Art stated Hanneman mentioned the socio-economic externalities which need to be factored in. Marty stated she heard Steve Planchon say to document that you are asking the question, but these are soft responses. A lot of the analysis will be very soft. Art stated a lot of the interpretation of data will be political, socio-economic factors, which we are not equipped to weigh. Walt stated the public meetings could be used to get at this socio-economic information. You could analyze this information and let the TC use this information to factor in. Jess stated Hanneman's concern was there hadn't been an overall socio-economic evaluation. Marty stated she thought the EIS got at this. Art stated the TC should be aware of how the public feels. Marty stated the public information is not factored into the ranking. Jess stated you will hear from the interests which are already there and some constituencies don't exist yet. You won't get a lot of creative input but you will get one piece of the puzzle. Marty stated the best use of the public input is once the ranking is done, providing the public an opportunity to say how they feel about the parcel. This information is a corollary to what is presented to the TC. Jess asked if HPWG does the socio-economic analysis. Marty asked who else would. Jess stated given the emotionality of all this, can we afford not to do a good job on, for instance, logging. Marty asked how do you do an analysis if you don't have the data. Art stated this will expand the scope of our efforts to put the information in as unbiased a fashion as possible, which will be a great deal of work. Jess stated in the long run you will need to address with a lot more accuracy what happens in the socio-economic world.

Marty stated she talked with Walcoff about how extensive that is and got an eyeful about the complexity involved. The question is how do you do any analysis of habitat protection when you don't know how much the TC is going to protect. Mark stated we want to be very general and express the externalities. Jess stated we change the focus from being negative to potentially positive. Mark stated he would just give general expectations and let the public provide the details. If you get too detailed, the TC might say the analysis is flawed. Art suggested in terms of the number of staff available, the staff here could build a model of the structural process while the people in the field do the black box. Marty stated she heard what Mark was saying as a regional commentary. The information is not good enough to do parcel by parcel. Jess stated you wouldn't want to be perceived as doing a poor job. Art stated HPWG has already included one liners of what we knew. Jess asked are there people in the agencies to help us. Marty stated

only if we figure out a way to pay them.

Cathy stated she is not sure this analysis should be a requirement of the subgroup and will come out during negotiations. Walt suggested that the public process provide most of the information. That way we are not responsible for the quality. Marty stated after the analysis and before going to the TC, we take the information to the public on a parcel or regional basis. Walt stated you don't have to go to every area, but you could maybe hold meetings in Anchorage, Seward, Cordova, etc. The models could incorporate whether you should go to the TC first. Mark stated if you don't identify general externalities and that we are going to make the TC aware, then we have the public focusing on the process more than the externalities on how we did the evaluation and how the rankings occur. If they could focus on the economic impacts, that is the kind of information we want to direct them to. This focuses their attention. Art stated on a site-specific basis, he would recommend continuing what we do. You identify and explain the externalities, such as the watershed issue in Cordova or the logging in Seal Bay. Mark stated he envisioned a one-page summary that told the story so that HPWG controlled the story. Jess stated we should give the TC our recommendation. We need to give them a point that they can respond to. Kim stated a lot of times externalities are brought into the negotiating process. Marty stated the long-term plans will come out during negotiations. Art stated as part of our presentation you use the public input and the summary of externalities. You can influence the ranking by bringing this to the TC's attention.

Cathy asked if we are keeping the services category as it is. Marty stated HPWG will make a recommendation that one small refocusing of the process is taking services and rewriting it as consumptive versus a non-consumptive approach. It is the splitting versus the lumping approach.

Walt asked if there was any discussion about the relationship of the services to the resources themselves. Art stated this has been discussed alot.

Uses were identified as follows:

Commercial

non-consumptive

1. tour boats
2. guided hikes, etc.
3. wilderness lodge

consumptive

1. guided harvests of fish and game
2. lodges, etc.

Recreational

non-consumptive

1. hiking
2. kayaking
3. photography, etc.

consumptive

1. fishing
2. hunting, etc.

RPWG identified the following uses:

Commercial fishing
Commercial tourism
Recreation
Wilderness
Cultural Resources
Subsistence

Mark stated if we purchase lands for recovery, we could control the above activities. Walt stated we should stick to the resources and concentrate on recovery of the resources, and these things will follow. Cathy suggested taking out commercial fishing and tourism and leaving recreation. Kim stated he would split it if we had some way of objectively ranking. Ken stated you could use a weighting system on the species for whether it was used for recreation so that you had one value for itself and another where it has other values.

Art stated that someone asked for commercial fishing to be broken out as a separate entity. Marty stated it was Mary McBurney, and she wanted commercial fishing as a separate service. The anadromous fish are split out, and herring is added. Mark stated the commercial fishing industry has been compensated. HPWG agreed to dump commercial fishing. Ken stated you can't split any further until you have information. Art stated during the comprehensive process, we will have to explain why we made the change. Marty stated there are situations where there aren't a lot species where people recreate. We are getting to having recreation as a stand alone.

Walt stated where there is a species used for commercial purposes, we are addressing the recovery very directly and very comprehensively. Marty stated we are getting into dangerous ground because the TC is committing money to some of the hatcheries, such as Red Lake. Art stated this has some benefit to the commercial industry. Walt stated we don't have anything to apologize to the fishing industry about.

Action Item: HPWG agreed to dump commercial fishing and tourism. As long as you have wilderness recreation, you are covering tourism.

Veronica stated whether you are recreating or paying someone to help you recreate, the issue is the people whose recreation activity includes spending some time on the shore. The language was dispersed recreation versus focussed. The Peer Reviewers say it is not so much the number but the quality or other factors. Veronica stated those seem to be legitimate concerns. Art stated from 1989 to 1991 there was lost use due to the oil spill.

Action Item: The subgroup should reconsider how the recreational use element is used. The criteria should be revisited.

Viewsheds have been looked at under recreation. Jess stated that because we are visiting the species, we are considering other human use. Marty stated we have accommodated them.

HPWG agreed to the following 19 categories for analysis:

- Recreation
- Wilderness
- Cultural Resources
- Subsistence
- Species split:
 - Pink Salmon
 - Sockeye Salmon
 - Dolly Varden
 - Cutthroat Trout
 - Herring
 - Bald Eagle
 - Black Oystercatcher
 - Common Murre
 - Harbor Seal
 - Harlequin Duck
 - Intertidal/Subtidal Biota
 - Marbled Murrelet
 - Pigeon Guillemot
 - River Otter
 - Sea Otter

Ken stated that you could make the same arguments for subsistence regarding third party lawsuits. Marty stated she has a real problem with subsistence coming off.

Marty discussed the agreed upon PR recommendations. HPWG needs to talk about an information system for updating and also the negotiation structure. Marty asked what is the credible evaluation recommendation. Kim stated Steve stated we need to make sure there is consistency.

Marty asked if HPWG was comfortable with addressing this parcel by parcel. Cathy stated she thinks this is the only way we can do it. Marty stated TNC volunteered to speak to the TC; maybe they are the ones to discuss stewardship with the TC. Walt stated we should be sensitive to the precedent we set. HPWG agreed to continue the current level of analysis between now and the fall; it may be that the TC will require more information when dealing with TNC analysis. The public involvement issue is unresolved and will be discussed later.

Kim stated we will be looking at habitat on public lands but we won't have the analysis by fall. Marty stated often times Native allotments were indications of high value, and we should be aware of that in our analysis. John stated in the questionnaire, HPWG indicated that parcels would be looked at greater than 160 acres. Marty stated the landowner letter responses will be revisited.

Action Item: Marty will get DNR to identify parcels less than 160 acres (public access).

This afternoon HPWG will discuss:

- the negotiation team
- information system
- who will do rewrite for TC presentation on slight changes
- 1994 Work Plan
- TNC workshop

C. GILBERT FUTURE WITH HPWG

Cathy has not been able to reach Chuck but will continue to follow up on this.

NEGOTIATING TEAM

HPWG needs to deal with the recommendations from the workshop regarding a single negotiating team. Walt asked if there is something new which they came up with. Marty stated the TC decided to implement the multiple approach during the interim process. This is not an inappropriate thing to revisit. Mark stated we need to determine what benefit this will provide over our present approach. Art stated the negotiating team would be a separate black box; who's in the black box is the issue. Marty asked how it has gone with the current model. Walt stated it is too early to tell. Mark stated there has been a problem with tracking what people are doing, the contacts, and the course of negotiations. Marty stated she has gotten complaints from environmental groups saying the negotiators don't understand the process as well as they should, and they are confusing the landowners. The environmental group stated they believe the imminent threat dot was a place to start. As an alternative the landowner can come in and ask for consideration of another parcel they own. Neither the landowner or the

negotiator felt that was possible. Marty had to clarify this.

She got some indication that the negotiators have not had enough involvement with HPWG. Cathy asked if there is a way when the state chooses a negotiator, HPWG can assign a member. Marty stated the state did that with Kim. It is up to the negotiators right now. HPWG could make this recommendation so that there is someone there who knows the process. Marty added this will ensure that the full range is understood. Mark stated the TC will have to realize it is a real commitment of resources to have personnel from each agency. Continuity will be the big question when we get into six or seven of these. Marty stated there is a problem with not enough coordination between the negotiators and HPWG.

Action Item: HPWG will recommend that a member of HPWG be included on the negotiation team.

Marty stated there hasn't been time for us to say if this process has worked and whether there needs to be some change. John stated you could make this a part of your recommendation presentation. Ken stated that HPWG's conversations with negotiators have gotten out to the public and come back to the negotiator. He is concerned that this happened. He does not know the exact circumstances. HPWG needs to be a little more circumspect. Marty is a little nervous that there is concern HPWG is dictating to the negotiator. Kim stated there has to be trust in the process. If there are frustrations, they will bubble out, and the public will find out. Marty stated she was surprised she is hearing things from outside parties which is so similar to discussions here. Some environmental groups are really cognizant and are following the process closely. Walt stated we shouldn't worry about it because it is just part of the business. John stated it will probably occur more and more because of the competitiveness of this process. Kim stated there is an interested public. You can't just sandbag them, but you don't have to tell them everything. Some individuals will try to influence the negotiating process. Marty stated we should just be cognizant of confidentiality. Dave stated that is one reason not to have a HPWG person as part of the negotiating team. Marty stated it is appropriate to have coordination. Dave stated some of the public feels HPWG has to be a part of the negotiators, but he has told them that HPWG and the negotiating team are separate.

Action Item: HPWG will inform the TC of the recommendations from the workshop but will also state there hasn't been enough experience yet to give them a definitive recommendation on the negotiating team.

Art suggested after the five imminently threatened parcel deals are cut, the negotiators could be brought in for a performance review, using those parcels as examples. Marty stated that is a good idea.

Dave stated we need to focus the recommendation on the resources and associated services using the "ecosystem concept". HPWG agreed. Mark stated that the information system should also include monitoring results.

Mark asked what will go to the TC. Cathy stated it will be a memo with recommendations based on the recommendation bullets from the workshop. Ken added it will include the elements we want to carry forward with. Kim stated the process can be presented to the TC on August 23rd.

Art stated that the externality process will be incorporated. The TC will also have to sign off on the process which incorporates the public. Art suggested that four alternative models could be prepared. Ken stated another option would be to present the changes, based on legal input, to TC before their meeting and in August present the whole package to them. HPWG agreed to this suggestion.

Action Item: Dave would like to work with the subgroup on the package which goes to the TC.

2) 94 WORK PLAN/HABITAT PROTECTION FUND

The Restoration Team reviewed all the 400 project ideas and came across several that were similar to projects funded in 1993. The RT folded all those into one project and HPWG will determine what the data needs are. HPWG's next task is to come up with the bullet ideas as to what specific data needs we have. HPWG will also identify what additional field work or data needs are necessary. Ken asked if this is part of the overall acquisition. Dave stated you can't separate data acquisition from GIS. Art stated before you get caught up in structure, you need to hear what the data gaps are and then go on to how to acquire the data. The database on bald eagles is adequate. Walt stated the question is are there new data areas that we need to go out and get additional information.

Cathy stated we just need to gather what has already been done. Kim agreed and added with some focused field evaluation. Cathy stated there has been great difficulty in getting the reports from PI's. Kim suggested maybe it is time to clean the slate. Veronica asked if it is Jess' sense that the information is there and just not being shared. Jess stated it is probably a little bit of both. In some cases the information is there but has not been shared. The hardest part has been communication. A lot of the primary data has not gotten tied together. There has not been a lot of coordination. There are facilities in a lot of agencies for maintaining data. The information must be put together in a meaningful manner. Some time should be spent identifying the public access data and what is internal. We have a choice between choosing one central agency or participation of other agencies which all seem to have really good capabilities. There is a lot of data which needs

to be automated.

Kim stated you have all these agencies maintaining data, but you need a traffic cop for coordination. There is a lot of frustration involved. Cathy asked who is allowed to use the data dictionary. Jess stated this will have to be determined. You need some central information system but it will not be the only system. The next step will be to determine which parts of the data dictionary can go public. Jess stated theoretically DNR is working on it. The data dictionary and the issue of public access are their responsibilities. Walt suggested having a GIS subgroup oriented to determining what HPWG needs for doing analysis. Mark stated the evaluation subgroup could come up with a recommendation. Jess stated the focus isn't really on the GIS but knowing what you want it to do.

Action Item: The subgroup (prior to leaving) will provide a general description of data needs and an estimate of cost.

Jess stated there might be some need to bring agencies up to speed on some of the technology. In terms of what you choose to do for habitat acquisition, the subgroup will have to determine what the holes are. There will be a lot of people involved. Kim stated we are not talking about creating a new bureaucracy but maybe integrating the present one. There will be an effort to reallocate the way GIS is doing things, taking it from its exclusive representation in DNR and incorporating the other agencies. There will still be a need for a central repository and a traffic cop. There should be an eye toward monitoring and the annual work plans participating in this. Nobody wants to spend more money on machines.

Dave stated a data collection project could be identified with two co-leads. Kim stated maybe it is time to look at how the whole information system works for the restoration group. Dave agreed. Kim stated you tie the NRDA to the habitat and to the monitoring, plus project monitoring and tracking. Veronica suggested appointing Jess to the contract dealing with GIS and setting it up under reimbursable services. Ken stated Marty and Mark have attempted this in the past with limited success.

Action Item: HPWG's recommendation is that the 1994 project for data needs flows from the HPWG subgroup, which will pull together some verbiage. The 1993 projects will be closed out and all the information will be put into useable form.

Kim emphasized that appropriate budget codes should be used. Ken stated in project 110, formerly 051, the title seems to be changing. Kim suggested a new name: Habitat Protection Evaluation, which includes integration coordination. HPWG agreed. Jess will provide an estimate to the 1994 Work Group for completing consolidation of existing data and additional field work and stated you have to leave room for identification of other projects.

Marty stated there is a pot of money sitting there for restoration and very little has been accessed. Jess asked how will DNR participate and do they receive a pot of money without supervision. Marty stated Mark is the primary chair. The model being used has not worked. Ken stated there is an RSA. Marty stated they get the money straight from the court, and there is not a contract or RSA. There is no deliverable and it is driven by the work group. Mark cannot control the flow of money. Jess stated the goal is to figure how each of the agencies can participate. Marty stated from 1993 to 1994 there will be a switch occurring. DNR has served as the technical project support. That is no longer going to occur in 1994 unless HPWG says they want that for DNR. HPWG needs to decide how to deal with that. Walt stated he thought we did want DNR to continue in that role. Kim stated the model HPWG decided on was the traffic cop for accountability for getting service out of the technical people. Marty stated the RT has made the decision that any project which has GIS support is going to be built into the project. Walt asked if it possible to modify that so that the work groups can issue a work order to DNR. Marty stated she is not sure because they are not a shop. Mark asked how are the data sets accessed. Marty stated this will have to be worked out. Mark stated everyone has gotten the run around from DNR. Marty stated it should be documented. HPWG has to decide what model to use. Marty stated she brought this up to the RT regarding how to access this information beginning October 1. Walt stated this is beyond this group. Marty stated it is not, because the RT has put it on us. Jess stated the starting point is the data dictionary. The next thing is human capacity and machine capacity. How you allocate this after October 1, is also an issue. Marty stated her predisposition is to proceed so that habitat protection can do the analysis separate. Veronica stated one serious consideration is a freedom of information request. Marty stated we have been getting data. Jess stated he made a request and only got 80%.

3) DISCUSSION RE: TNC

Marty distributed a memo from Steve Planchon regarding a follow-up to the TNC workshop. TNC has a great deal of written information available. Jess stated he gets the feeling there is a room full of reports. Marty stated someone could be hired to work with HPWG on the information. Kim stated a lot of the TNC information is pretty general. Ken asked if this information will become part of the data project. Kim stated he gets the feeling TNC is trying to make a project out of 5% worth of information. Marty stated we need to have a discussion with TNC so HPWG can decide if this is usable, quality information. She would also like to hear why it will take six months and \$70,000.

HPWG will schedule a meeting with TNC. Art stated the subgroup should be here to discuss the TNC project. Otherwise, you are buying a pig in a poke without the entire group here for the discussion. Marty suggested having Steve come over now to explain

what the project is. Marty telephoned Steve and was told he was out of the office, but Cathy would come over to answer some questions. The reason the memo is dated wrong is because Steve's clock is messed up.

Kim stated his initial reaction to TNC's proposal is fairly lukewarm. Art stated he wants to hear what TNC is proposing. Walt stated he will talk with Steve tomorrow regarding how this information is different from what we already have. Marty stated that what we bought and paid for was the information and a certain level of analysis. This new project may be a greater level of analysis. Walt stated we have some money left and it might be enough to take care of the Kodiak piece.

Marty stated TNC did not want to put the money into doing a larger proposal if HPWG is not interested. This proposal is mainly for discussion.

Cathy came and provided a discussion of the TNC proposal. Marty stated that Ben raised the potential for doing another phase. There are references to information that we don't have already, and HPWG would like to know where it resides and what format it is in. Cathy stated when Ben talks about additional information he means getting information from additional experts and doing a thorough sweep to get as much information as possible. There is information on questionnaires which still needs documentation. The maps could be reviewed and experts could be called. Marty asked if the polygons could be shrunk. Cathy stated she would assume so, but it is out of her territory. Cathy B. stated we know who was interviewed for a species. The forms reference reports and maps, but they are not included. Cathy stated whatever TNC had, they submitted with reports. People were asked about reports, and they volunteered information on things which existed. Ben talked about submitting a more comprehensive bibliography.

Kim stated in terms of what our needs are, we are trying to figure out the utility of the TNC information. HPWG is getting to the point where additional site and field information has to be obtained, or HPWG has to go back to some resource experts who have local knowledge. The overall question is how can TNC's project address this need. Cathy stated the only thing which comes to mind is you could front load TNC's efforts and say the polygon has shrunk and try to get additional information. TNC could narrow their efforts down. The same system used before could be used, just making it tighter. In the process, they were thinking in those terms. Kim thinks we have gotten 95% of the information. Marty stated Steve feels strongly we need to do this follow up. Cathy stated there was a lot of information that wasn't really followed through on. There was such a short time. A lot of raw data was not synthesized with a more fine tooth comb. Ben could analyze and rank the information to come up with a more worthwhile product. Mark asked how TNC discriminated between what was

provided before and what will be provided. Cathy stated additional nuances are considered for a broad-scale ranking. Marty asked TNC to think about if HPWG front loaded them with polygons, could they provide more significant information. Cathy stated HPWG will need to find out more in depth information and should let TNC review the files to see what can be gleaned. Kim asked if TNC could compare the blue line area with the geographic area because HPWG will need information for the comprehensive process. Marty requested that Cathy share this information with Ben. Veronica stated the map in the brochure could be used by including Perryville and Ivanoff Bay. TNC is working on a bibliography of the data dictionary records.

Art stated you are compounding soft data (best professional judgement) three times. John stated he is curious about the difference between what Jess is doing and what TNC will do in terms of bringing together data. Marty stated the TNC product is one element of what Jess is bringing together. Art stated TNC is suggesting another layer of interpretation, which makes him nervous to have an outsider interpreting data. Marty stated she is concerned that there are lots of different reports being accessed and asked how do you get this in a controllable format. Jess stated the problem is where will DNR fit in as a support group.

HPWG MEETING

The next HPWG meeting is June 21st at 9:00 a.m.

STATUS REPORTS ON CHENEGA LANDS

Kim stated a meeting was held with Chenega at their request. They want more attention paid to their lands. HPWG agreed to do a preliminary evaluation of their holdings, and using our evaluation give them some indication of the relative value of their lands which have the highest priority for restoration. HPWG sat down and worked out how to divide their land into nine subparcels. HPWG then did evaluations of the subparcels. The final evaluation and ranking has not been completed. HPWG needs to discuss transmittal of the information to Chenega. Their lands range from Knight Island (one high and five moderates) to Evans Island (5 high and 8 moderate). The full criteria have not been applied. Kim proposes sending this over with a cover letter stating this is preliminary and is an initial evaluation for internal planning purposes only and has no relevance to the other parcels as part of the comprehensive process. Hopefully, this will prompt them to be more cooperative and provide additional information. Kim stated his sense is this is a one-way street.

Art stated in the cultural resources evaluation, if you get numbered sites, you don't know anything about the quality of sites. Chenega had agreed to provide this information but were really reluctant because of confidentiality issues. Cathy stated Chenega said they have a database but refused to provide it.

Action Item: Dave suggested sending a copy of the cover letter to the Forest Service to Bruce Van Zee because of the criminal money on the federal side. A copy will be provided to Ken to discuss with Bruce.

EYAK

The analysis was completed on the lower Eyak River. The Eyak parcel is divided into four subparcels. The analysis has to be computerized. Kim stated the most bang for your buck is getting Power Creek and Eyak Lake. Art stated the externalities (municipal drinking water supply) factor really high.

TNC COMPLETION OF CONTRACTUAL RESPONSIBILITIES

Jess stated he has not had a chance to look at all the information. Kim stated he graded the fish and game part of the data dictionary. Jess stated what he has seen up to date is great. Walt will wait until Jess gets back to get the status report.

Draft Revisions

HABITAT PROTECTION WORK GROUP
JUNE 15, 1993
8:30 A.M.

HPWG
II

ATTENDEES

Marty Rutherford
Ken Rice
Carol Fries
Mark Kuwada
Walt Sheridan
Kim Sundberg
Art Weiner
Jess Grunblatt
Cathy Berg
John Harmening
Veronica Gilbert
Dave Gibbons, via teleconference

AGENDA

- 1) Habitat Protection Comprehensive Analysis Process
 - Debrief of Workshop
 - Final Synopsis
 - Discussion/Decisions Re: Changes to Process
- 2) 94 Work Plan/Habitat Protection Fund Projects
 - Data Acquisition
 - GIS
 - Acquisition Support
- 3) Discussion Re: TNC Workshop/Next Phase

HPWG Status Reports on Action Items

- 1) Jess G: Status Report on TNC's Completion of Contractual Responsibilities
- 2) Kim S. subgroup:
 - 1) Eyak River Analysis
 - 2) Chenega Lands Analysis
- 3) Catherine B: C. Gilbert future Participation w/HPWG

The following items were distributed:

Habitat Protection/Acquisition Workshop Summary
Habitat Protection Workshop
6/14 Memo to Marty from Steve Planchon

1) HABITAT PROTECTION COMPREHENSIVE ANALYSIS PROCESS

Marty reviewed the agenda items and asked for status reports on the above action items. The minutes and a synopsis from the workshop were distributed. HPWG took an opportunity to review these. Direction is needed on whether to switch from a point driven evaluation. ✓

One recommendation is ~~instead of the blue driving the approach~~, the resources should drive our approach. Art stated it makes ecological and resource sense. Ken stated the PAG said expand spending outside the spill area, but local groups wanted it within the spill area. Kim stated there is a tremendous amount of work just evaluating the spill area. Art stated this is a policy question. ✓

Action Item: Marty stated Hanneman's comments should be shared with our Trustees.

Art stated that Ben Brown's comments from the workshop were received.

Marty stated the easy way to proceed is not to present it as points but as categories. Mark stated another option is to identify a group of jewels, saying they are all important, and starting negotiations on all of them, and the TC can ~~decide~~ at the end of the year. Marty stated that Cole likes the points ~~system~~. He would be uncomfortable with just presenting the jewels. Art stated we are talking about lengthy nonqualifiable variables. If you didn't have points, you would have a great deal of other information to factor into the decision. Kim stated when we present the jewels, we give our best advice on the break out in classifications. The TC can decide if they want HPWG's recommendation. Art stated you have to wean them away from the point system because it has some significant flaws, and the more you use it, the more people will forget about the flaws. Ken stated it gives a false sense of security. Mark stated if you focus on the short-term process, HPWG will be hard pressed to come up with the mediums and lows. Kim stated the TC wants to see the jewels and the analysis. Marty stated they won't trust HPWG to just say these are the jewels. Ken stated the TC will be open to pressure if someone says their land wasn't evaluated. ✓
make a decision ✓

Marty stated she thought that the first short-term process was where HPWG goes in and does an analysis of all the private lands, and there would be some jewels which float to the top. The TC would say they are comfortable and then may want a more definitive analysis. HPWG would also start ~~evaluation~~ on the public lands. Mark stated they would be making a decision on the jewels based on less detailed information. Kim stated as this process matures, he sees the long-term process coming in. The TC will feel comfortable they are getting the good stuff, but the process will become more complex. The long-term process comes in when the TC has to start ✓
✓
✓

shaving points. Art stated until you get into negotiations, you won't be able to start reranking. Something may get kicked down because a landowner is not willing to budge. Marty stated that doesn't impact what we are presenting in terms of our analysis. Art stated you have to factor some of the elements in to have a flexible or dynamic ranking system. John stated you are looking at the intrinsic value staying the same and all you are looking at is changing the priority. // Kim stated you may have to go back and say to the TC that even though something is a jewel, we are wasting our time on it. The negotiator will know when it is time to move on to something else. Marty stated some things may not meet the protection goals. Mark stated he was suggesting an annual process where landowners knew that TC was making decisions one time per year and if they wanted any of the money, they would try to complete their negotiation process by this time. This is also likely to make them a bit more competitive. You don't have the deals that are setting precedence such as with Eyak and Seal. This way they are all bidding against each other. // Mark asked if the TC wants a long-term process. Marty stated Cole is prepared for a long-term process but he doesn't like the rigidity of that. Walt stated that the list needs some flexibility. Kim stated he came from the workshop ~~which~~ what HPWG is doing is a lot different from the CARL Program. It is set up for perpetuity, and this is a one shot deal. Unless the TC goes into some endowment, the concept is to spend now. He can see why Cole would not want to be locked into some rigid process. If you were making a career out of this, you would want to set up some kind of annual process. Marty stated we should not feel barred from trying this. The TC will make decisions about what to proceed with and within six months, proposals can be ~~down~~ to proceed competitively. Mark asked HPWG will put together a recommendation. Art stated "yes", and we can present several options. Art stated you can give them a choice and explain the different ramifications of each choice.

Marty stated that the current model is another choice of where as things come in, the TC can act on them. Walt stated at some point we have to look at everything. Marty stated we are bound to present the information where there is a willing seller by fall. The models are how you deal with it after this. A model is what to do with the black box. John stated that within the black box, is which landowners are more willing to negotiate. Within that you have some interested in fee title. Marty stated we haven't had too many landowners say they are not interested. Do we impact the TC decision if we know that landowners are not interested in fee simple? John stated that the initial contact is one item. There may be some parcels more willing to sell than others. Marty stated she is nervous about taking biological service analysis and imposing it into the negotiation information. She sees this as separate. As the negotiator works with HPWG, that is all done separately. The TC has the flexibility to decide if something is worthwhile or not. // Marty is not totally convinced that all the landowners who say they are not interested in fee simple will stick

to that on all their lands. She considers this as an opening salvo. If we start assuming those kinds of things, we are acting as negotiators. Kim stated there is a certain rigidity on both sides. John stated somewhere down the line when the complete evaluation is done, we will have a better idea of what is competitive. The 15 or 20 ^{panels} might ^{come from} the competitiveness, but as you get further down, it depends on what the market place is telling you when you get to that point. Marty stated Mark's idea makes sense because you can compare. It causes this edge of competitiveness to be heightened. It will be really hard to do, but there is a sense of it already. There is a fear ^{among landowners} that there is a discrete amount of money. This will be a real dynamic situation because of the first landowners trying to sell less than fee simple title. ✓

Marty stated she hears two models: the rigid approach where they all come back at the same time, and the other is dealing with the proposals as they come. She questioned what is the next thing. Kim stated we should spend our energies on the best job we can do to fill the black box but not spending a lot of time on developing a very intricate process. The TC will decide what they want to do. Marty stated we will have an on-going obligation to support the negotiators. After the first round of analysis, the TC will feel fairly comfortable about proceeding with protection on those. // Some people will want to know how the secondary lands compare with existing public lands. Some of the TC are wondering if the restoration needs could be developed through higher level protection. Walt asked how much ^{stated} land is there. Kim stated not much; there is some on Kodiak, but it is mostly tide lands. The State doesn't own a lot of uplands. Parts of Kenai Fjords Park ^{are} going to go into private ownership. What will be left will just be a shell. Walt stated we don't have very much information to discriminate about the habitat needs or the damage to the resource. Marty stated that might be precisely why the TC wants that evaluation. Dave stated a couple of the TC members want to know how much habitat is available on other lands. // Art stated there is a concept of higher than probability use. When you do the analysis of use, you find that use might be on private lands. Dave stated you have to make some assumptions. Marty stated maybe we should ignore the second round for now. When you get down past the jewels, these are the kinds of questions the TC will want to have defined. Kim stated it is important to define what is the question. If you remove habitat out there by logging and take it out of commission, you will never be able to fully restore the resource because the habitat will not be available. Ken stated a lot of the species might have been on the decline prior to the oil spill. // Jess stated we might be talking about a long-term program of field evaluation more appropriately called monitoring. Mark agreed. Dave stated some species are real easy to determine, but some species you will never know about no matter how much research there is. Kim stated we are getting better at determining the characteristics. This can be done on public land as well as private land. You have to develop what your assumptions are ✓

initially. ~~This leaves you with going back to the TC.~~ Dave stated we identify the habitats but we will never be able to identify the usage on them. Kim stated we need to be prepared to answer those questions but may not need to be at the same detail as on the private lands. We want to avoid coming up with some kind of acreage game. Art stated you have some cues such as concentrated feeding. Indicators are that those private lands are good habitat. There is a higher than expected probability of use if you see concentrated feeding. There is information from key informant interviews without embarking on studies. ^{add to anal} Dave stated he would like to see more conversation on this and ^{be able to} present the answers when asked. Marty stated the TC will ask what next. Dave stated they will want studies on the public lands also. ^{asked} We don't need to go out and visit the public lands. // Marty stated what about the analysis and does it need to be done on the public lands. Dave stated you should look at the management of the public lands. Marty stated the TC will say if there is no more impact, a higher level of protection is not necessary. Ken asked when do we stop and when have we protected enough. Art stated you will never know. Dave stated that the Native land ^{with} has the highest development potential. That is the land ~~that has~~ the highest habitat value. Even though 90% of the land is public, it only represents about 10% of the anadromous fish habitat. Marty stated there is not proof that this land has the highest habitat value. Dave stated this is something the TC will also ask. Kim stated Steve Planchon felt the Native owners did a really good job in selecting land with the best access and forest lands. // Marty stated there are critics out there to this process. The TC does not care much about the critics but about the jewels. Ken stated the TC needs some information which says they have bought enough, and it depends on your endpoints. Marty stated she is concerned from a political standpoint. The TC needs some information so that they can continue. We need to do the same level of analysis on the public lands as the private lands, ^{so} so that it will show a good job was done on picking the lands. Mark stated we have to be ^{up} front and say we will never know all we need to know about public lands. What we are doing will provide an incremental benefit, and we cannot tell what value is being gained, but you are gaining control to allow recovery. John stated that management of public lands does not detract from the objectives of restoration. There is only enough money to buy about 10% land and will be done on a basis to protect the critters. // ^{asked} Marty questioned how do you answer the TC. Kim stated you can give them a pat answer that the Native corporations did a good job in selecting lands. For the Forest Service land, remote sensing could be used for some guesstimate, which will give an inventory showing that the Native corporations got a higher proportion of forest lands. Art stated we could be investing a lot of staff time for a question which does not need to be answered. Marty stated she thinks the TC will want to be able to compare. // Walt stated the TC's interest may be waning. Marty stated six months ago they were ~~saying that~~ every time you turned around. Dave stated that one member said after reading through the minutes of the public

← discussing this issue

meeting, he was concerned with the comment that perhaps we bought a bunch of dead trees in regard to Kachemak Bay. Kim stated most of the assessments done now will have detailed timber assessments. Dave stated we probably can't solve this today but could ask the question when we present this ^{process}. Marty stated if we don't ask the question, we will get hit between the eyes down the road when we are not prepared. Kim stated we might want to have some information in our hip pocket in case they ask, but we shouldn't bring it up. There are a couple of analyses which could be done without too much additional work. Walt stated if you ask them in a public forum if they want more information, you can bet they will say "yes" because what else could they say. // Jess asked is there some kind of management recommendation implied. Marty stated it depends on how aggressively we proceed. Kim stated we have to be able to tell the TC what the limitations are. Marty stated she has a gut feeling ~~they~~ ^{it} will be asked. Jess stated that maybe there needs to be some sense of what is happening which gets back to monitoring. You have to have a program which tracks the status of the resources. Mark stated that the link between monitoring has to be done in the early stage. Kim stated the TC is buying an insurance policy when they are buying habitat. John stated the whole objective of the plan was to identify opportunities for restoration. All that has been ~~going~~ ^{done} is to identify the opportunities and not to do a land management plan for the area. We can't identify opportunities by getting additional data on the public lands.

Marty stated we should focus on the black box again. We have not closed in on any changes to the comprehensive plan. Some decisions need to be made. Art provided a diagram and stated this is an example of the exercise we need to go through with the black box for ranking. We need to shuffle around ^{where} and when the public becomes involved in the process and involving elements of negotiations. The CARL program does it a little differently. Art suggested doing three different models for the TC to choose from. Marty asked are there changes to the black box from the peer review workshop. Cathy stated she would like to look at the comments a little further. // Marty stated HPWG is about to lose several members for two weeks. It will take some time to get TC approval. Kim stated he doesn't perceive any major surgery on the process we have. If anything, HPWG will provide more information on the parcels regarding the externalities and service values. HPWG needs to determine whether to add or delete species or whether to take off services. Jess stated we could do a strict habitat ranking and the extended information helps to position it. You don't have to have a firm link between soft text and a number. Art stated Hanneman mentioned the socio-economic externalities which need to be factored in. Marty stated she heard Steve Planchon say to document that you are asking the question, but those are soft responses. A lot of the analysis will be very soft. Art stated a lot of the interpretation of data will be political, socio-economic factors, which we are not equipped to weigh. Walt stated the public meetings could be used to get at this socio-economic

information. You could analyze this information and let the TC use this information to factor in. Jess stated Hanneman's concern was there hadn't been an overall socio-economic evaluation. Marty stated she thought the EIS got at this. Art stated the TC should be aware of how the public feels. Marty stated the public information is not factored into the ranking. Jess stated you will hear from the interests which are already there and some constituencies don't exist yet. You won't get a lot of creative input, but you will get one piece of the puzzle. Marty stated the best use of the public input is ~~an opportunity~~ once the ranking is done, ~~that we then provide~~ the public an opportunity to say how they feel about the parcel. This information is a corollary to what is presented to the TC. Jess asked if HPWG does the socio-economic analysis. Marty asked who else would. Jess stated given the emotionality of all this, can we afford not to do a good job on, for instance, logging. Marty asked how do you do an analysis if you don't have the data. Art stated this will expand the scope of our efforts to put the information in as unbiased a fashion as possible, which will be a great deal of work. Jess stated in the long run you will need to address with a lot more accuracy what happens in the socio-economic world. ✓

Marty stated she talked with Walcoff about how extensive that is and got an eyeful about the complexity involved. The question is how do you do any analysis of habitat protection when you don't know how much the TC is going to protect. Mark stated we want to be very general and express the externalities. Jess stated we change the focus from being negative to potentially positive. Mark stated he would just give general expectations and let the public provide the details. If you get too detailed, the TC might say the analysis is flawed. Art suggested in terms of the number of staff available, the staff here could build a model of the structural process while the people in the field do the black box. Marty stated she heard what Mark was saying as a regional commentary. The information is not good enough to do parcel by parcel. Jess stated you wouldn't want to be perceived as doing a poor job. Art stated HPWG has already included one liners of what we knew. Jess asked are there people in the agencies to help us. Marty stated only if we figure out a way to pay them. ✓

should Cathy stated she is not sure this ^{analysis} should be a requirement of the subgroup and will come out during negotiations. Walt suggested that the public process provide most of the information. That way we are not responsible for the quality. Marty stated after the analysis and before going to the TC, we take the information to the public on a parcel or regional basis. Walt stated you don't have to go to every area, but you could maybe hold meetings in Anchorage, Seward, Cordova, etc. The models could incorporate whether you go to the TC first. Mark stated if you don't identify general externalities and ~~that we are going to make~~ the TC aware, then we have the public focusing on the process more than the externalities on how we did the evaluation and how the rankings occur. If they ✓

could focus on the economics impact, that is the kind of information we want to direct them to. This focuses their attention. Art stated on a site-specific basis, he would recommend continuing what we do. You identify and explain the externalities, such as the watershed issue in Cordova or the logging in Seal Bay. Mark stated he envisioned a one-page summary that told the story so that HPWG controlled the story. Jess stated we should give the TC our recommendation. We need to give them a point that they can respond to. Kim stated a lot of times externalities are brought into the negotiating process. Marty stated the long-term plans will come out during negotiations. Art stated as part of our presentation you ~~take~~ the public input and the summary of externalities. You can influence the ranking by bringing this to the TC's attention.

Kim stated there was some discussion about whether it was appropriate to have a synthesis workshop on recreation. Marty stated that is when Steve said there is a lot of information sitting at TNC. Cathy asked if we are keeping the services category as it is.

Marty stated HPWG will make a recommendation that one small refocusing of the process is taking services and rewriting it as consumptive versus a non-consumptive approach. It is the splitting versus the lumping approach. Recreation tourism is changed into two new categories.

Walt asked if there is any discussion about the relationship of the services to the resources themselves. Art stated this has been discussed alot.

Uses were identified as follows:

Commercial

non-consumptive

1. tour boats
2. guided hikes, etc.
3. wilderness lodge

consumptive

1. guided harvests of fish and game
2. lodges, etc.

Recreational

non-consumptive

1. hiking
2. kayaking
3. photography, etc.

consumptive

1. fishing
2. hunting, etc.

RPWG identified the following uses:

- Commercial fishing
- Commercial tourism
- Recreation
- Wilderness
- Cultural Resources
- Subsistence

Mark stated if we purchase lands for recovery, we could control the above activities. Walt stated we should stick to the resources and concentrate on recovery of the resources, and these things will follow. Cathy suggested taking out commercial fishing and tourism and leaving recreation. Kim stated he would split it if we had some way of objectively ranking. Ken stated you could use a weighting system on the species for whether it was used for recreation so that you had one value for itself and another where it has other values. // Art stated that ~~a woman~~ ^{Someone} asked for commercial fishing to be broken out as a separate entity. Marty stated it was Mary McBurney, and she wanted commercial fishing as a separate service. The anadromous fish are split out, and herring is added. Mark stated the commercial fishing industry has been compensated. HPWG agreed to dump commercial fishing. Ken stated you can't split any further until you have information. Art stated during the comprehensive process, we will have to explain why we made the change. Marty stated there are situations where there aren't a lot species where people recreate. We are getting to having recreation as a stand alone.

Walt stated where there is a species used for commercial purposes, we are addressing the recovery very directly and very comprehensively. Marty stated we are getting into dangerous ground because the TC is committing money to some of the hatcheries, such as Red Lake. Art stated this has some benefit to the commercial industry. Walt stated we don't have anything to apologize to the fishing industry about.

Action Item: HPWG agreed to dump commercial fishing and tourism. As long as you have wilderness recreation, you are covering tourism.

15 Veronica stated whether you are recreating or paying someone to help you recreate, the issue is the people whose recreation activity includes spending some time on the shore. The language was dispersed recreation versus focussed. The Peer Reviewers say it not so much the number but the quality or other factors. Veronica stated those seem to be legitimate concerns. Art stated from 1989 to 1991 there was lost use due to the oil spill.

Action Item: The subgroup should reconsider how the recreational

use element is used. The criteria should be revisited.

Viewsheds have been looked at under recreation. Jess stated that because we are visiting the species, we are considering other human use. Marty stated we have accommodated them.

HPWG agreed to the following 19 categories for analysis:

- Recreation
- Wilderness
- Cultural Resources
- Subsistence
- Species split:
 - Pink Salmon
 - Sockeye Salmon
 - Dolly Varden
 - Cutthroat Trout
 - Herring
 - Bald Eagle
 - Black Oystercatcher
 - Common Murre
 - Harbor Seal
 - Harlequin Duck
 - Intertidal/Subtidal Biota
 - Marbled Murrelet
 - Pigeon Guillemot
 - River Otter
 - Sea Otter

Ken stated that you could make the same arguments for subsistence regarding third party lawsuits. Marty stated she has a real problem with subsistence coming off.

Marty discussed the agreed upon PR recommendations. HPWG needs to talk about an information system for updating and also the negotiation structure. Marty asked what is the credible evaluation recommendation. Kim stated Steve stated we need to make sure there is consistency.

Marty asked if HPWG was comfortable with addressing this parcel by parcel. Cathy stated she thinks this is the only way we can do it. Marty stated TNC volunteered to speak to the TC; maybe they are the ones to discuss stewardship with the TC. Walt stated we should be sensitive to the precedent we set. HPWG agreed to continue the current level of analysis between now and the fall; it may be that the TC will require more information when dealing with TNC analysis. The public involvement issue is unresolved and will be discussed later.

Kim stated we will be looking at habitat on public lands, but we won't have the analysis by fall. Marty stated often times Native allotments were indications of high value, and we should be aware

of that in our analysis. John stated in the questionnaire, HPWG indicated that parcels would be looked at greater than 160 acres. Marty stated the landowner letter responses will be revisited.

Action Item: Marty will get DNR to identify parcels less than 160 acres (public access).

This afternoon HPWG will discuss:

- the negotiation team
- information system
- who will do rewrite for TC presentation on slight changes
- 1994 Work Plan
- TNC workshop

C. GILBERT FUTURE WITH HPWG

Cathy has not been able to reach Chuck but will continue to follow up on this.

NEGOTIATING TEAM

HPWG needs to deal with the recommendation^s from the workshop ^{regarding} on a single negotiating team. Walt asked if there is something new which they came up with. Marty stated the TC decided to implement the multiple approach during the interim process. This is not an inappropriate thing to revisit. Mark stated we need to determine what benefit this will provide over our present approach. Art stated the negotiating team would be a separate black box; who's in the black box is the issue. Marty asked how it has gone with the current model. Walt stated it is too early to tell. Mark stated there has been a problem with tracking what people are doing, the contacts, and the course of negotiations. Marty stated she has gotten complaints from environmental groups saying the negotiators don't understand the process as well as they should, and they are confusing the landowners. The environmental group stated they believe the imminent threat dot was a place to start. [✓] as an alternative the landowner can come in and ask for consideration of another parcel they own. Neither the landowner or the negotiator felt that was possible. Marty had to clarify this. [✓] She got some indication that the negotiators have not had enough involvement with HPWG. Cathy asked if there is a way when the state chooses a negotiator, ~~can~~ ^{can} HPWG assign a member. Marty stated the state did that with Kim. It is up to the negotiators right now. HPWG could make this recommendation so that there is someone there who knows the process. Marty added this will ensure that the full range is understood. Mark stated the TC will have to realize it is a real commitment of resources to have personnel from each agency. Continuity will be the big question when we get into six or seven of these. Marty stated there is a problem ~~that there is~~ not enough coordination between the negotiators and HPWG. [✓]

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Action Item: HPWG will recommend that a member of HPWG be included on the negotiation team.

Marty stated there hasn't been time for us to say if this process has worked and whether there needs to be some change. John stated you could make this a part of your recommendation presentation. Ken stated that ~~HPWG's~~ ^{HPWG's} conversations that HPWG has had with negotiators have gotten out to the public and come back to the negotiator. He is concerned that this happened. He does not know the exact circumstances. HPWG needs to be a little more circumspect. Marty is a little nervous ~~there is a~~ ^{that} concern HPWG is dictating to the negotiator. Kim stated there has to be trust in the process. If there are frustrations, they will bubble out, and the public will find out. Marty stated she was surprised she is hearing things from outside parties which is so similar to discussions here. Some environmental groups are really cognizant and are following the process closely. Walt stated we shouldn't worry about it because it is just part of the business. John stated it will probably occur more and more because of the competitiveness of this process.

Kim stated there is an interested public. You can't just sandbag them, but you don't have to tell them everything. Some individuals will try to influence the negotiating process. Marty stated we should just be cognizant of the confidentiality. Dave stated that is one reason not to have a HPWG person as part of the negotiating team. Marty stated it is appropriate to have coordination. Dave stated some of the public feels HPWG has to be a part of the negotiators, ~~but Dave stated~~ he has told them that HPWG and the negotiating team are separate.

Action Item: HPWG will inform the TC of the recommendations from the workshop but will also state there hasn't been enough experience yet to give them a definitive recommendation on the negotiating team.

Art suggested after the five imminently threatened parcel deals are cut, the negotiators could be brought in for a performance review, using those parcels as examples. Marty stated that is a good idea.

Dave stated we need to focus the recommendation on the resources and associated services using the "ecosystem concept". HPWG agreed.

Mark stated that the information system should also include monitoring results.

Mark asked what will go to the TC. Cathy stated it will be a memo with recommendations based on the recommendation bullets from the workshop. Ken ~~stated~~ ^{said} it will include the elements we want to carry forward with. Kim stated the process can be presented to the TC on August 23rd.

Art stated that the externality process will be incorporated. The

really on the GIS but knowing what you want it to do.

Action Item: The subgroup (prior to leaving) will provide a general description of data needs and an estimate of cost.

Jess stated there might be some need to bring agencies up to speed on some of the technology. In terms of what you choose to do for habitat acquisition, the subgroup will have to determine what the holes are. There will be a lot of people involved. Kim stated we are not talking about creating a new bureaucracy ~~and~~ maybe integrating the present one. There will be an effort to reallocate the way GIS is doing, ~~taking~~ it from its exclusive representation in DNR and incorporating the other agencies. There will still be a need for a central repository and a traffic cop. There should be an eye toward monitoring and the annual work plans participating in this. Nobody wants to spend more money on machines. ✓

Dave stated a data collection project could be identified with two co-leads. Kim stated maybe it is time to look at how the whole information system works for the restoration group. Dave stated ~~it is necessary~~. Kim stated you tie the NRDA to the habitat and to the monitoring, plus project monitoring and tracking. Veronica suggested appointing Jess to the contract dealing with GIS and setting it up under reimbursable services. Ken stated Marty and Mark have attempted this in the past with limited success. agreed

Action Item: HPWG's recommendation is that the 1994 project for data needs flows from the HPWG subgroup, which will pull together some verbiage. The 1993 projects will be closed out and all the information will be put into useable form.

Kim emphasized that appropriate budget codes should be used. Ken stated in project 110, formerly 051, the title seems to be changing. Kim suggested a new name: Habitat Protection Evaluation, which includes integration coordination. HPWG agreed. Jess will provide an estimate to the 1994 Work Group for completing consolidation of existing data and additional field work and stated you have to leave room for identification of ~~further~~ projects. other

Marty stated there is a pot of money sitting there for restoration and very little has been accessed. Jess asked how will DNR participate, and do they receive a pot of money without supervision. Marty stated Mark is the primary chair. The model being used has not worked. Ken stated there is an RSA. Marty stated they get the money straight from the court, and there is not a contract or RSA. There is no deliverable, and it is driven by the work group. Mark cannot control the flow of money. Jess stated the goal is to figure how each of the agencies can participate. Marty stated ~~1993~~ ^{from} 1993 to 1994 there is a switch occurring. DNR has served as the technical project support. That is no longer going to occur in 1994 unless HPWG says they want that for DNR. HPWG needs to decide how to deal with that. Walt stated he thought we did want DNR to ✓

continue in that role. Kim stated the model HPWG decided on was the traffic cop for accountability for getting service out of the technical people. Marty stated the RT has made the decision that any project which has GIS support is going to be built into the project. Walt asked if it possible to modify that so that the work groups can issue a work order to DNR. Marty stated she is not sure because they are not a shop. Mark asked how are the data sets accessed. Marty stated this will have to be worked out. Mark stated everyone has gotten the run around from DNR. Marty stated ~~she would document that~~ ^{she should document that}. HPWG has to decide what model to use. Marty stated she brought this up to the RT ^{regarding} to access this information beginning October 1. Walt stated this is beyond this group. Marty stated it is not, because the RT has put it on us. Jess stated the starting point is the data dictionary. The next thing is human capacity and machine capacity. How you allocate this after October 1, is also an issue. Marty stated her predisposition is to proceed so that habitat protection can do the analysis separate. Veronica stated one serious consideration is a freedom of information request. Marty stated we have been getting data. Jess stated he made a request and only got 80%. ✓

3) DISCUSSION RE: TNC

Marty distributed a memo from Steve Planchon regarding a follow-up to the TNC workshop. TNC has a great deal of written information available. Jess stated he gets the feeling there is a room full of reports. Marty stated someone could be hired to work with HPWG on the information. Kim stated a lot of the TNC information is pretty general. Ken asked if this information will become part of the data project. Kim stated he gets the feeling TNC is trying to make a project out of 5% worth of information. Marty stated we need to have a discussion with TNC so HPWG can decide if this is usable, quality information. She would also like to hear why it will take six months and \$70,000.

HPWG will schedule a meeting with TNC. Art stated the subgroup should be here to discuss the TNC project. Otherwise, you are buying a pig in a poke without the entire group here for the discussion. Marty suggested having Steve come over now to explain what the project is. Marty stated ~~Steve is out of the office~~ ^{Steve was out of the office}, but Cathy will come over to answer some questions. The reason the memo is dated wrong is because Steve's clock is messed up.

^{telephoned Steve's office & was told he}
Kim stated his initial reaction to TNC's proposal is fairly lukewarm. Art stated he wants to hear what TNC is proposing. ←
Walt stated he will talk with Steve tomorrow regarding how this information is different from what we already have. Marty stated that what we bought and paid for was the information and a certain level of analysis. This new project may be a greater level of analysis. Walt stated we have some money left and it might be enough to take care of the Kodiak piece.

Marty stated TNC did not want to put the money into doing a larger proposal if HPWG is not interested. This proposal is mainly for discussion.

Cathy ^{came} provided a discussion of the TNC proposal. Marty stated that Ben raised the potential ~~of~~ ^{for} doing another phase. ~~There~~ ^{Cathy} are references to information that we don't have already and ~~would like~~ ^{to know} where it resides and what format it is in. Cathy stated when Ben talks about additional information ~~it is~~ ^{he is} getting information from additional experts and doing a thorough sweep to get ~~as~~ ^{as} much information as possible. There is information on questionnaires which still needs documentation. The maps could be reviewed and experts could be called. Marty asked if the polygons could be shrunk. Cathy stated she would assume so, but it is out of her territory. Cathy B. stated we know who was interviewed for a species. The forms reference reports and maps, but they are not included. Cathy stated whatever TNC had, they submitted with reports. People were asked about reports, and they volunteered information on things which existed. Ben talked about submitting a more comprehensive bibliography. // Kim stated in terms of what our needs are, we are trying to figure out the utility of the TNC information. HPWG is getting to the point where additional site and field information has to be obtained, or HPWG has to go back to some resource experts who have local knowledge. The overall question is how can TNC's project address this need. Cathy stated the only thing which comes to mind is you could front load TNC's efforts and say the polygon has shrunk and try to get additional information. TNC could narrow their efforts down. The same system used before could be used, just making it tighter. In the process, they were thinking in those terms. Kim thinks we have gotten 95% of the information. Marty stated Steve feels strongly we need to do this follow up. Cathy stated there was a lot of information that wasn't really followed through on. There was such a short time. ~~There is a lot of raw data that was not synthesized with a more fine tooth comb, and then Ben analyzes and ranks the information to come up with a more worthwhile product.~~ Mark asked how TNC discriminated between what was provided before and what will be provided. Cathy stated additional nuances are considered for a broad-scale ranking. Marty asked TNC to think about if HPWG front loaded them with polygons, could they provide more significant information. Cathy stated HPWG will need to find out more in depth information and should let TNC review the files to see what can be gleaned. Kim asked if TNC could compare the blue line area with the geographic area because HPWG will need information for the comprehensive process. Marty requested that Cathy share this information with Ben. Veronica stated the map in the brochure could be used including Perryville and Ivanoff Bay. TNC is working on a bibliography of the data dictionary records.

Art stated you are compounding soft data (best professional judgement) three times. John stated he is curious about the difference between what Jess is doing and what TNC will do in terms

of bringing together data. Marty stated the TNC product is one element of what Jess is bringing together. Art stated TNC is suggesting another layer of interpretation, which makes him nervous to have an outsider interpreting data. Marty stated she is concerned about ~~that there is lots of different reports being accessed~~ and how do you get this in a ~~format where it is controllable~~. Jess stated the problem is where will DNR fit in as a support group.

HPWG MEETING

The next HPWG meeting is June 21st at 9:00 a.m.

STATUS REPORTS ON CHENEGA LANDS

Kim stated a meeting was held with Chenega at their request. They want more attention paid to their lands. HPWG agreed to do a preliminary evaluation of their holdings, and using our evaluation give them some indication of the relative value of their lands which have the highest priority for restoration. HPWG sat down and worked out how to divide their land into nine subparcels. HPWG then did evaluations of the subparcels. The final evaluation and ranking has not been completed. HPWG needs to ~~discussion~~ transmittal of the information to Chenega. Their lands range from Knight Islands (one high and five moderates) to Evans Island (5 high and 8 moderate). The full criteria have not been applied. Kim proposes sending this over with a cover letter stating this is preliminary and is an initial evaluation for internal planning purposes only and has no relevance to the other parcels as part of the comprehensive process. Hopefully, this will prompt them to be more cooperative and provide additional information. Kim stated his sense is this is a one-way street.

Art stated in the cultural resources evaluation, if you get numbered sites, you don't know anything about the quality of sites. Chenega had agreed to provide this information but were really reluctant because of confidentiality issues. Cathy stated ~~they~~ said they have a database but refused to provide it.

Action Item: Dave suggested sending a copy of the cover letter to the Forest Service to Bruce Van Zee because of the criminal money on the federal side. A copy will be provided to Ken to discuss with Bruce.

EYAK

The analysis was completed on the lower Eyak River. The Eyak parcel is divided into four subparcels. The analysis has to be computerized. Kim stated the most bang for your buck is getting Power Creek and Eyak Lake. Art stated the externalities (municipal drinking water supply) factor really high.

TNC COMPLETION OF CONTRACTUAL RESPONSIBILITIES

Jess stated he has not had a chance to look at all the information. Kim stated he graded the fish and game part of the data dictionary. Jess stated what he has seen up to date is great. Walt will wait until Jess gets back to get the status report.

RPWG
IIThe Nature Conservancy
MEMORANDUM

To: Marty Rutherford
From: Steve Planchon
cc: Susan Ruddy, Kathy Hess
Date: March 27, 1993
Re: TNC Workshop Follow-Up

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 1	
To	Marty Rutherford	From	Steve Planchon
Co.		Co.	TNC
Dept.		Phone #	276-3133
Fax #	276-7178	Fax #	276-2584

This memo is for your ☐ action ☐ decision ☒ information

As discussed at the recent HPWG workshop on the habitat protection process, a follow-up of the TNC workshop project would provide worthwhile information for use during the "comprehensive" review of private properties needing protection attention.

As currently envisioned the project would produce refined and expanded versions of earlier workshop products (maps and tract summaries). Specifically, the Conservancy project team, supervised by Ben Brown, will enhance the map and written record associated with the 11 sites reported on in the Workshop Report. Additionally, where possible, new maps and written records will be completed for the other 10 areas that were identified as likely sites worthy of protection attention.

Information used for the project will be derived from extensive information collected during the Workshop Project, as well as from new efforts to identify additional sources (people and reports) relevant to habitat protection within the EVOS area.

When complete, the final product will provide an excellent foundation for best professional judgement site ranking decisions. The hard copy final products will be available for immediate use by restoration planners. The data base will be useful for continued information management activities associated with the identified resources/services and geographic areas.

Ben Brown has taken a stab at a back of the envelope estimate of time and costs. According to Ben's calculations the project would cost approximately \$70,000 and could be completed by January 1, 1993. Given your need for information in the fall, Ben thinks that the project could be completed in component parts with high priority areas being completed first.

This proposal was prepared quickly and therefore could be refined both in substance and costs subject to follow-up conversations between HPWG and the Conservancy.

Mechanically, this could be completed as an amendment to the existing cost-share agreement.

Habitat Protection/Acquisition Workshop Summary June 7 & 8, 1993

Analysis

Parcel Identification

The parcel selection and evaluation process must be resource driven.

Focus on resources affected by the spill, not necessarily the geographic area defined by the blue line. Focus first on the resource and then on the geographic area, moving to where you can get the most bang for the buck. However, the geographic focus may be different for services. In the experience of Mike Hanemann, the public did not set resource and location priorities in this portion of the analysis.

It was suggested that HPWG look at native allotments as a screening tool. In effect it is an established screen as the natives selected lands with high resource value.

It was suggested that HPWG look at parcels containing less than 160 acres. However, a comprehensive process should be in place before proceeding much further. First determine what the restoration needs are (i.e. identify a restoration area), overlay the ownership and then identify the landowners holding parcels in this area, both large and small.

Parcel Ranking and Evaluation

There was support for two processes, short term and long term.

Using a point system to rank parcels has advantages and disadvantages. A point system with somewhat rigid criteria increases the need for adequate data while providing defensibility and a buffer from political agendas. The downside is that there is little room for discretionary actions.

An alternative to a published point ranking system would be to rank parcels in classes or groups (a, b, c) rather than attaching a numerical value to each parcel. This could provide more flexibility by allowing the Trustees to consider purchases in all groups. The economics of a particular parcel could be considered, bumping it into a higher or lower group. This would increase competition among landowners and in effect allow a parcel with a reduced price to be given additional consideration as negotiations proceeded. Competition must be built into the evaluation and ranking process in order to get the most protection for the dollars available.

It was suggested that within the ranking system there be discretionary points or some other systematic mechanism for allowing externalities and scaling of a parcel's value relative to the cost. It was also suggested that the

linkage of a parcel to another protected area, as well as injured resources, may increase its value for restoration purposes. Factoring this and the adverse effects of not acquiring a parcel in, would allow smaller parcels to rise in the ranking system. The same effect could also be achieved by setting aside a portion of the funds for special projects or by creating special programs.

Field surveys are a necessary and very important way of validating/ground truthing data that has been acquired for a particular parcel. A trained ecologist/biologist will be able to evaluate a parcel and the quality of associated data in a thorough field visit. Parcel ranking should be flexible and accomodate information gained from field visits, changing if necessary. CARL and TNC do not acquire parcels without site visits.

In rating parcels there should be some flag to indicate whether the parcel is a functioning ecosystem/unit. As the criteria exist now, this issue may get lost because it is in a separate part of the evaluation.

It is necessary to conduct a comprehensive analysis including both social and economic impacts of protection/acquisition actions. However, it is not necessary to include this as a numerical value in the ranking process. Assemble data from other interests as well as agency input. Economic analysis will be somewhat speculative but needs to be addressed. It factors in any negative implications of a habitat protection/acquisition action.

It is necessary to determine whether this is a one shot analysis process or a long term analysis to be repeated and/or modified annually. An annual evaluation provides flexibility in that it allows ranking to change in response to the acquisition and analysis of additional data. It is important to take advantage of new information as it becomes available. By treating the ranking of parcels as a one shot decision, it may lock the TC and HPWG into a position there will be limited control over even if new information comes to the table. The TC and HPWG will live with the results of the decisions and ranking for a long period of time. Flexibility and the ability to respond to change and changing information will be assets.

Data Acquisition and Analysis

Comprehensive planning for data acquisition, synthesis, and distribution is essential to an effective program. A plan should be developed to address the orderly acquisition and assimilation of new information and provide for a standard mechanism of integrating this information into the existing information and ranking of parcels. It was suggested that this information be assembled or acquired using an ecosystem approach so parcels can be viewed and analyzed relatively.

In acquiring data, it is necessary to look outside the agencies as well. Additional expertise resides in the private sector and HPWG should be willing to seek it out.

It is necessary and acceptable to use best professional judgment in evaluating all available data. Time and available funds will always limit the amount of data available. There will always be more data, but at some point a decision must be made. There must be enough data in an acceptable, consistent format to defend a position.

Services

Factoring services into the evaluation and ranking process is a somewhat difficult undertaking. There is little data besides that for sport fishing. It would be useful to compile information defining services injured, what occurred at the time of injury, and what occurs now. This would obviously not be a very scientific effort but would involve interviewing "experts" in the area and compiling this information to provide a basis for HPWG's treatment of services.

Analyze service areas not necessarily as homogenous use areas. Consider the impact to various user groups and resources of a habitat protection/acquisition action. The potential negative impact of an action in terms of management issues should be presented to the TC. Potential use conflicts should be identified as well as the potential of an area to absorb new users and shift the focus to or from an area or resource identified as requiring protection. An acquisition can be looked upon as a management tool.

Public Participation

Public participation in the Habitat Protection process would broaden support for a project however, there is some danger in having the public involved in the ranking process. CARL uses the public participation phase of the program as a means of garnering support, disseminating information, advertising a project and occasionally gathering new information concerning a parcel. This information is factored in, but is not a primary source of data. Three phases of public involvement were identified: 1. accountability, 2. gathering information, and 3. making judgments. The TC/HPWG needs to determine the level of public involvement. If the TC want the public to make judgments, it will be necessary to establish a scientific method of evaluating their input i.e. by a scientific survey or retaining a polling organization.

Negotiation

It was suggested that HPWG consider a bid-type process where a group of top ranked parcels (perhaps a dozen) are negotiated simultaneously over the course of a year. At the end of the year, the Trustee Council would evaluate all proposals where preliminary agreements had been achieved and decide on which interests to acquire. The benefit of the approach is

that parcels do not have to be individually ranked; the Trustees have the opportunity to evaluate all acquisition options at the same time (rather than sequentially, as has occurred in the imminent threat process); and sellers may be more competitive since there is only a fixed amount of time to complete negotiations and the terms of other proposals are not known.

It is essential to construct a centralized, competent, formal negotiating team which has expertise both in real estate transactions and resource analysis. Should the Trustee Council choose to use a private Non-Profit corporation, it is imperative that the roles of the Trustee Council, its staff, and the non-profit organization be clearly defined. In addition, the lines of authority must be clearly delineated.

An externality important to the negotiating process is the signal given by the early deals. It is creating expectations among sellers which may be unrealistic when discussing easements and options less than fee simple title. This expectation needs to be broken and a precedent set. There are a variety of ways and time frames in which to do business and it must be made clear that the TC has options and will exercise them.

In order to prevent management problems in the future, it is important to determine who will manage an acquisition so that the negotiating team can address the needs of the potential manager in the acquisition process.

The negotiation process should not be a static process. The toolbox should be open and flexible so that the specific needs or opportunities presented by a particular transaction can be addressed. Negotiators should be chosen who can best address the needs of a particular seller and the parcel. A strong central coordinating group is essential to oversee the direction of the negotiators. Coordination meetings are essential and provide for a transfer of information to and from the negotiators.

A project or parcel's value must be established by means of a professional real estate appraisal so that the negotiated price and/or Trustee Council position is defensible.

There is no need to justify fee title acquisition. The appropriate tool for the situation should be chosen keeping in mind that the objective is to restore what was damaged while getting the most bang for the buck.

Stewardship

Ensure that acquisition or protection actions will be managed to protect the identified resources.

Consider establishing a stewardship endowment so that continued management is attached to the habitat and a sense of management ownership is held by those with a vested interest in the habitat.

TNC presented an overview of a monitoring program established in an Arizona project which is the responsibility of the managing entity. An ecological baseline was established with three levels of monitoring in place to detect change. This type of monitoring measures the effectiveness of restoration actions and identify changing use patterns and associated impact.

Overview

The goal of the habitat protection/acquisition process is not necessarily buying real estate but rather maximizing the benefits which can be provided to the ecosystem with the dollars available.

TNC identified three phases of Habitat Protection/Acquisition.
Identification, Protection, Stewardship

Precedents are being established which will have lasting impact.

Habitat Protection Workshop Recommendations Bullets

- Construct a negotiating team - resource and real estate expertise.
- Appraisal baseline.
- Economic analysis - in addition to ranking.
- Resource driven evaluation system.
- Use ranking classes (A,B,C) rather than numerical ranking.
- Comprehensive analysis - use best professional judgment.
- Field survey of parcels to evaluate and rank.
- Information system that allows updating and ecosystem analysis.
- Credible evaluation, protection flexibility, stewardship/management.
- Be sensitive to precedence.
- Maximize benefit to ecosystem with money available.
- Statewide focus - resource affected rather than geographic area.
- Look at long-term process rather than short term - one-shot evaluation.
- Look at parcels smaller than 160 acres.
- Break out service values as corollary to ranking evaluation.
- Look at management implications - use acquisition to help manage uses.
- Selection process works well to integrate resource value with service value - provide more information to TC on how this works.

See Attachment for more complete summary.

Summary of Recommendations for Improvement in the Habitat Protection/Acquisition Process

as derived from the

Habitat Protection Workshop held June 7 & 8, 1993

Donna Ruffner:

1. It is essential to construct a competent, formal negotiating team which has expertise both in real estate transactions and resource analysis. Should the Trustee Council choose to use a private Non-Profit corporation, it is imperative that the roles of Trustee Council staff and the non-profit organization be clearly defined. In addition, the lines of authority must be clearly delineated.
2. A project or parcel's value must be established by means of a professional real estate appraisal so that the negotiated price and/or Trustee Council position is defensible.
3. An economic analysis of the impact of a habitat protection/acquisition action should be built into the evaluation process although not necessarily considered as a ranking item.

Greg Brock

1. The parcel selection and evaluation process must be resource driven. There are advantages and disadvantages to using a point system to rank parcels. A point system provides a buffer from political agendas and rigid criteria increase the need for adequate data.
2. An alternative to a published point ranking system would be to rank parcels in classes or groups (a, b, c) rather than attaching a numerical value to each parcel. This could provide more flexibility by allowing the Trustees to consider purchases in all groups. The economics of a particular parcel could be considered and bump it into a higher group. This would increase competition among landowners and in effect allow a parcel with a reduced price to be given additional consideration as negotiations proceeded.
3. It is necessary to conduct a comprehensive analysis including both social and economic impacts of protection/acquisition actions. However, it is not necessary to include this as a numerical value in the ranking process. Assemble data from other interests as well as agency input. It is necessary to use best professional judgment in evaluating all available data.

Ben Brown

1. Field surveys are a necessary and very important way of validating/ground truthing data that has been acquired for a particular parcel. A trained

ecologist/biologist will be able to evaluate a parcel and the quality of associated data in a thorough field visit. You should not hesitate to rerank parcels based on this observation if necessary.

2. Comprehensive planning is essential to an effective program. Plans should be developed to address the orderly acquisition and assimilation of new information and provide for a standard mechanism of integrating this information into the existing information and ranking of parcels. It was suggested that this information be assembled or acquired using an ecosystem analysis approach.

Steve Planchon

1. There are three components of an effective habitat protection/acquisition program. These include:
 1. Identification
Establish a credible defensible analysis process.
 2. Protection
Provide for flexibility by being open to using various protection tools.
 3. Stewardship
Ensure that acquisition or protection actions will be managed to protect the identified resources.
Consider establishing a stewardship endowment so that continued management is attached to the habitat and management ownership is held by those with a vested interest in the habitat.
2. Leverage acquisitions/protection actions when ever possible. Don't buy more than is necessary.
3. Consider the ecology, economy, and culture when evaluating parcels. This need not be included in the ranking but must be considered as a part of the whole.
4. Be aware of the precedents your actions establish.

Michael Hanemann

1. A primary objective should be to maximize the benefit to the ecosystem with the money available.
2. Focus on resources affected by the spill, not necessarily the geographic area. You may need to look beyond the blue line.
3. It is essential to create competition among the sellers through the structure of the evaluation process.

4. It is necessary to determine whether this is a one shot analysis process or a long term analysis to be repeated annually. An annual evaluation provides flexibility by allowing ranking to change in response to the analysis of additional data. It is important to take advantage of new information as it becomes available.

Tod Rubin

1. Rank parcels within groups in order to create competition. Ranking within groups would allow the Trustee Council to walk away from a deal and move to another parcel of similar importance.
2. Post acquisition management must be consistent with the goals and objectives of restoration.

Jim Richardson

1. Parcels smaller than 160 acres in size should be evaluated. Inholdings within agency holdings were cited as examples of small acquisitions with proportionally greater significance.
2. Analyze service areas not necessarily as homogenous use areas. Information analyzing the impact to various user groups should be presented to the Trustee Council but not included in the ranking process.
3. Analyze the potential negative impact of various acquisition/protection actions in terms of management issues. Identify potential use conflicts. Evaluate the potential of areas to absorb new users and any impact this action may have on resources the action is designed to protect. Acquisition can be a management tool.
4. Integrate resource value with service value. The present selection process works well to accomplish this but more information may need to be provided in this area in the analysis document.