

**RESOLUTION 14-02 OF THE *EXXON VALDEZ* OIL SPILL TRUSTEE COUNCIL  
REGARDING THE NORTHERN AFOGNAK AND TRIPLET ISLANDS  
CONSERVATION PACKAGE**

We, the undersigned, duly authorized members of the *Exxon Valdez* Oil Spill Trustee Council (Council), after extensive review and after consideration of the views of the public, find as follows:

1. Ouzinkie Native Corporation (ONC) owns the surface estate of lands located on Northern Afognak Island and the Triplet Islands within the Kodiak Island Archipelago, Alaska, as described in the Attachment (Northern Afognak and Triplet Islands Acquisition) and generally depicted on the map also in the Attachment, and referred to collectively herein as the Lands.
2. The Lands were conveyed pursuant to the authority in the Alaska Native Claims Settlement Act (ANCSA) and the Alaska National Interest Lands Conservation Act (ANILCA) to Afognak Joint Venture (AJV). The subsurface estate associated with the Lands was conveyed to Koniag, Inc., an Alaska Native Regional Corporation.
3. ONC was formerly a member of the AJV that has partitioned its interests and certain lands from the AJV and has received a conveyance of such Lands in such partition.
4. The Lands are within the *Exxon Valdez* Oil Spill (EVOS) area as defined by the Council in the Final Restoration Plan approved November 2, 1994.
5. Pursuant to Resolutions adopted February 21, 2013 (Resolution 13-03) and October 28, 2013 (Resolution 13-08), the Council authorized funds to be used by the Great Land Trust to facilitate the acquisition of lands and interests in lands. An appraisal of the Lands has been completed and reviewed by the State and federally-approved review appraiser. The fair market value for the Lands is \$15,000,000.
6. Existing laws and regulations, including but not limited to the Alaska Forest Resources and Practices Act, the Alaska Anadromous Fish Act, the Clean Water Act, the Bald and Golden Eagle Protection Act and the Marine Mammal Protection Act, are intended, under normal circumstances, to protect resources from serious adverse effects from activities on the Lands. However, restoration, replacement and enhancement of resources injured by the *Exxon Valdez* oil spill present a unique situation. Without passing judgment on the adequacy or inadequacy of existing law and regulations to protect resources, scientists and other resource specialists agree that, in their best professional judgment, protection of habitat in the spill area to levels above and beyond that provided by existing laws and regulations will have a beneficial effect on recovery

of injured resources and lost or diminished services provided by these resources.

7. There has been widespread public support within Alaska as well as on a national basis for the acquisition of lands.
8. The purchase of these Lands is an appropriate means to restore a portion of the injured resources and services in the EVOS area. Acquisition of these Lands is also consistent with the Final Restoration Plan.

THEREFORE, we resolve to provide funds to purchase all of ONC's rights, title and interests in the Lands as described in the Attachment, subject to ONC reserving the right to reserve rights to air emission offsets and/or carbon credit values derived from the Lands as provided for below in paragraph 8(h), and to provide additional funds necessary for the title insurance policy and closing costs, pursuant to the following conditions:

- a) the amount of funds (hereinafter referred to as the Purchase Price) to be provided by the Council to the State of Alaska shall be fifteen million dollars (\$15,000,000);
- b) the amount of funds authorized for the title insurance policy and closing costs to be provided by the Council to the State of Alaska shall be twenty-five thousand dollars (\$25,000);
- (c) authorization for funding for any acquisition described in the foregoing paragraphs shall terminate if a purchase agreement is not executed by April 1, 2016;
- (d) filing by the United States Department of Justice and the Alaska Department of Law of a notice, as required by the Third Amended Order for Deposit and Transfer of Settlement Proceeds, of the proposed expenditure with the United States District Court for the District of Alaska and with the Investment Fund established by the Trustee Council within the Alaska Department of Revenue, Division of the Treasury (Investment Fund), and transfer of the necessary monies from the Investment Fund to the State of Alaska Department of Natural Resources to be used for the purchase of the Lands;
- (e) conveyance to the State of Alaska of title to the Lands on Northern Afognak Island and to the United States Fish and Wildlife Service of title to the Lands on Triplet Islands;
- (f) a title search satisfactory to the State of Alaska and the United States is completed, and ONC is willing and able to convey all of its rights, title and interests by deed;
- (g) prior to closing on the purchase, no timber harvesting, road development or any other alteration of the land will be conducted on the Lands without the express

written agreement of the State of Alaska and the United States, except that the existing timber harvesting contracts (executed prior to April 1, 2014) may be completed according to their terms. ONC is responsible to ensure full compliance with the State of Alaska's forestry requirements in Alaska Statute 41.17 and regulations at 11 AAC 95, including compliance with the Afognak Island Road Use Agreement, as amended;

- (h) ONC may reserve rights to air emission offsets and/or carbon credits values derived from the Lands, provided that the reservation or exercise of these rights does not create any burden or duty on the owner of the Lands now or in the future;
- (i) a hazardous materials survey satisfactory to the State of Alaska and United States is completed;
- (j) compliance with the National Environmental Policy Act; and
- (k) a conservation easement on the Lands shall be conveyed to the United States (for the property on Northern Afognak Island), and to the State of Alaska (for the Triplet Islands) which must be satisfactory in form and substance to the United States Department of Justice and the State of Alaska Department of Law.

It is the intent of the Council that the above-referenced conservation easement will provide that any facilities or other development on the Lands shall be of limited impact and in keeping with the goals of restoration, that there shall be no commercial use except as may be consistent with applicable state and/or federal law and the goals of restoration to pre-spill conditions of any natural resource injured, lost, or destroyed as a result of the EVOS, and the services provided by that resource or replacement or substitution for the injured, lost or destroyed resources and affected services, as described in the Memorandum of Agreement and Consent Decree between the United States and the State of Alaska entered August 28, 1991 and the Restoration Plan as approved by the Council.

By unanimous consent, following execution of the purchase agreement between the Seller and Great Land Trust and written notice from the Executive Director of the Council (Executive Director) that the terms and conditions set forth herein and in the purchase agreement have been satisfied, we request the Alaska Department of Law and the Assistant Attorney General of the Environment and Natural Resources Division of the United States Department of Justice to take such steps as may be necessary for withdrawal of the Purchase Price, title insurance policy and closing costs for the above-referenced parcels from the appropriate account designated by the Executive Director.

Such amount represents the only amount due under this resolution to ONC by the State

of Alaska to be funded from the joint settlement funds, and no additional amounts or interest are herein authorized to be paid to ONC from such joint funds.

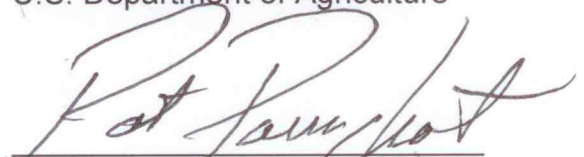
The funds authorized above are to be distributed as follows:


State of Alaska Department of Natural Resources	\$15,025,000.00
<b>TOTAL APPROVED TO STATE OF ALASKA</b>	<b>\$15,025,000.00</b>

Approved by the Council at its meeting of April 8, 2014 held in Anchorage, Alaska, as affirmed by our signatures affixed below:


  
TERRI MARCERON  
Forest Supervisor  
Chugach National Forest  
U.S. Department of Agriculture

  
MICHAEL C. GERAGHTY  
Attorney General  
Alaska Department of Law

  
PAT POURCHOT  
Special Assistant to the Secretary of the  
Interior for Alaska Affairs  
Office of the Secretary  
U.S. Department of the Interior

  
JAMES BALSIGER  
Administrator, Alaska Region  
National Marine Fisheries Service  
U.S. Department of Commerce

  
CORA CAMPBELL  
Commissioner  
Alaska Department of Fish and Game

  
LARRY HARTIG  
Commissioner  
Alaska Department of Environmental  
Conservation

Attachment: Northern Afognak and Triplet Islands Acquisition: Restoration Benefits Report and Map of Ouzinkie Lands

**Northern Afognak and Triplet Islands Acquisition**

<b>Property Name:</b>	Northern Afognak and Triplet Islands
<b>Owner:</b>	Ouzinkie Native Corporation
<b>Agency Sponsor:</b>	Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation United States Fish and Wildlife Service, National Wildlife Refuge System
<b>Appraised Value:</b>	\$15,000,000.00
<b>Funding Request</b>	\$15,025,000.00 (Appraised Value plus \$25,000 for title insurance and closing costs)

**Overview:**

In accordance with *Exxon Valdez* Oil Spill Trustee Council (EVOSTC) Resolution 13-08, The Great Land Trust seeks \$15,025,000.00 to fund the purchase of approximately 36,850.8 acres. This project encompasses 36,785.8 acres on Afognak Island, as well as an additional set of five small islands between Afognak and Kodiak Islands, known as the Triplet Islands, which comprise 65 additional acres.

The Afognak parcels are made up of three non-contiguous blocks: 36,480 acres starting at the western edge of northern Afognak Island heading northeast to Delphin and Discoverer Bay, 255.8 acres in South Discoverer Bay, and 50 acres on the east side of Discoverer Bay. These three blocks span just under 15 miles east to west and approximately 7 miles north to south, and are connected by public access easements and logging roads. Ninety-three percent of the Afognak lands are subject to the Alaska National Interest Lands Conservation Act of 1980 (ANILCA), 16 USC § 3101 et seq. Section 1427(b)(5), which provides for public access for fishing, hunting, and recreational purposes. The Triplets are a group of three larger islands and two islets located north of Spruce Island between Kodiak and Afognak Islands.

As described in the Proposed Management section, the parcels on Afognak Island will be managed by the State of Alaska, Division of Parks and Outdoor Recreation and consistent with the management of Afognak Island State Park; the Triplet Islands will be incorporated into the Alaska Maritime National Wildlife Refuge and managed by the U.S. Fish and Wildlife Service. Horan & Company, LLC determined the fair market value of the entire acquisition to be \$15,000,000, as discussed in its March 20, 2014 Appraisal Report. The report was compliant with EVOSTC, USPAP, and UASFLA appraisal standards and was reviewed by Johnson Appraisal Company, a State of Alaska approved review appraiser. Ouzinkie Native Corporation has agreed to sell fee simple to the surface estate of this land, with the understanding that it will retain any air emission offsets that may be derived from this property. Koniag, Inc. owns the subsurface rights to the property. Negotiations with Koniag regarding acquiring the subsurface rights are ongoing and are expected to be completed before the surface estate transaction occurs.

Species recovery and habitat protection is the EVOSTC's focus in the Kodiak archipelago. Acquisition of this large, ecologically-rich area contiguous to other EVOSTC acquisitions would contribute to EVOSTC area-wide goals. Injured Species in the Kodiak archipelago are dependent on the coastal, riverine, wetland, and upland habitats provided by the Afognak parcels. Protection of the Afognak parcels would facilitate creating a contiguous protected wildlife corridor between Afognak Island State Park and the Red Peak unit of the Kodiak Island National Wildlife Refuge for fish, shore birds, sea birds, migratory

birds, and terrestrial and marine mammal species. The Triplet Islands provide habitat for large populations of sea birds, including EVOSTC-identified Injured Species.

**Property Description and Habitat:**

The U.S. Fish and Wildlife Service has identified Afognak Island among the most productive habitat in the Gulf of Alaska. The Afognak parcels contain several saltwater and freshwater access points, approximately 58.5 river and stream miles, and three navigable lakes. Of the 58.5 river and stream miles, 11.9 miles -- plus all three navigable lakes -- support anadromous species identified in the Alaska Department of Fish and Game's Anadromous Waters Catalogue, including four species of Pacific salmon. The parcels contain 10.7 miles of coastline between Discoverer, Delphin, and Paramanof Bays, serving coastal wildlife communities such as Steller sea lions, sea otters, and birds identified by the EVOSTC as Injured Species. Fish and Wildlife Service's National Wetlands Inventory shows that these parcels contain approximately 6,669 acres of wetland habitat. The parcels also contain Sitka Spruce, salmonberry, and blueberry, among other native plant species. While the timber on much of the Afognak property has been harvested, the parcels are unimproved except for eight forestry roads and a recreational cabin on Discoverer Bay, which is included in the sale.

The Triplet Islands contain approximately 1.5 miles of coastline. The highest of the three islands sits 275 feet above sea level, with limited grass and tree cover atop rock cliffs. The Triplets provide nesting habitat for several species of sea and shore bird, including: Common Murres, Thick-billed Murres, Pelagic Cormorants, Red-faced Cormorants, Double-crested Cormorants, Tufted Puffins, Horned Puffins, Glaucous-winged Gulls, Cassin's Auklets, Parakeet Auklets, Pigeon Guillemots, Black Oystercatchers, Ancient Murrelets, Leach's Storm-Petrel, Fork-tailed Storm-Petrel, and Black-legged Kittiwakes. Fish and Wildlife Service's National Wetlands Inventory map approximates 24 acres of coastal wetland habitat within the parcels. The Triplet Islands are undeveloped.

**Restoration Benefits:**

A number of Injured Species would benefit from acquisition of the Afognak parcels, including Pigeon Guillemots, sea otters, cutthroat trout, sockeye salmon, pink salmon, Dolly Varden, and bald eagles. Injured species that would benefit from acquisition of the Triplet Islands include Pigeon Guillemots, Black Oystercatchers, Common Murres, and Red-faced, Double-crested, and Pelagic Cormorants. Acquisition of the Afognak and Triplet parcels would provide permanent habitat protection for these species and assist the EVOSTC in reaching and maintaining its recovery objectives in the Kodiak Archipelago.

The Afognak parcels also contain significant wetlands, including Fish and Wildlife Service-identified nationally declining palustrine forest/shrub, palustrine emergent, and estuarine and marine wetlands. Significant portions of these wetlands are functionally connected. Estuarine wetlands provide habitat for Intertidal Communities and other Injured Species. Marine wetlands provide habitat for Subtidal Communities. Palustrine wetlands filter water entering lakes and streams used by fish and bird Injured Species. Palustrine and riverine wetlands also provide spawning habitat for sockeye salmon, pink salmon, and Dolly Varden. Acquisition of these parcels would assure high function of these wetlands, which would benefit Injured Species.

The Afognak parcels contain spawning and rearing grounds that could bolster injured commercial, sport and subsistence fisheries, particularly salmon fisheries. Since Alaska Department of Fish and Game escapement goal increases in 2005 (for sockeye and coho), these lands have contributed to a sustainable salmon fishery in the Afognak District. Chinook habitat within these parcels has likewise contributed to a sustainable regional population, helping to avoid emergency closures like those instituted in other Kodiak Archipelago districts in 2013.

The abundant seabird populations on the Triplet Islands are historic and active egg harvest sites for members of the Ouzinkie Native Village. The purchase of this parcel would contribute to the perpetual health of these populations and benefit subsistence harvest levels, which is identified as an Injured Human Service.

The 36,785.8 acres on Afognak Island facilitates creating a habitat corridor between the 43,318-acre Afognak Island State Park and the 75,000-acre Kodiak Island National Wildlife Refuge. These lands provide essential habitat and migratory grounds for more than 250 species of fish, birds, and mammals. The natural abundance and wild setting attract thousands of visitors to the Wildlife Refuge and State Park annually; addition of these parcels would add another 36,785.8 acres to public lands and contribute to recreation and tourism, which were also identified by the EVOSTC as an Injured Service.

**Potential Threats:**

Conservation of these parcels would eliminate the threat of future habitat fragmentation, road construction, subdivision, development and industrialization of the north Afognak Island.

Conserving contiguous tracts of land reduces habitat fragmentation and thus removes barriers to species mobility. Species' ability to freely move across landscapes ensures a greater rate of reproductive success, greater access to food, and more opportunity to establish territory in higher-quality habitat. When populations experience barriers to reproduction, they are at greater risk of experiencing a decline in genetic diversity, and a decrease in genetic diversity decreases a population's ability to adapt to a changing environment and can increase the effect of deleterious alleles on the population. Conserving contiguous tracts of lands also protects pathways between resources. Ample access to resources reduces species stress and makes them less susceptible to disease and starvation.

**Proposed Management:**

Alaska Department of Natural Resources Division of Parks and Outdoor Recreation has agreed to accept the Afognak parcels and manage them consistent with the management of Afognak Island State Park, until the time that these lands are officially incorporated into Afognak Island State Park.

The US Fish and Wildlife Service has agreed to accept the Triplet Islands into the Alaska Maritime National Wildlife Refuge.

**Funding Request:**

\$15,000,000.00 for the acquisition of the surface estate plus \$25,000 for title insurance and closing costs.

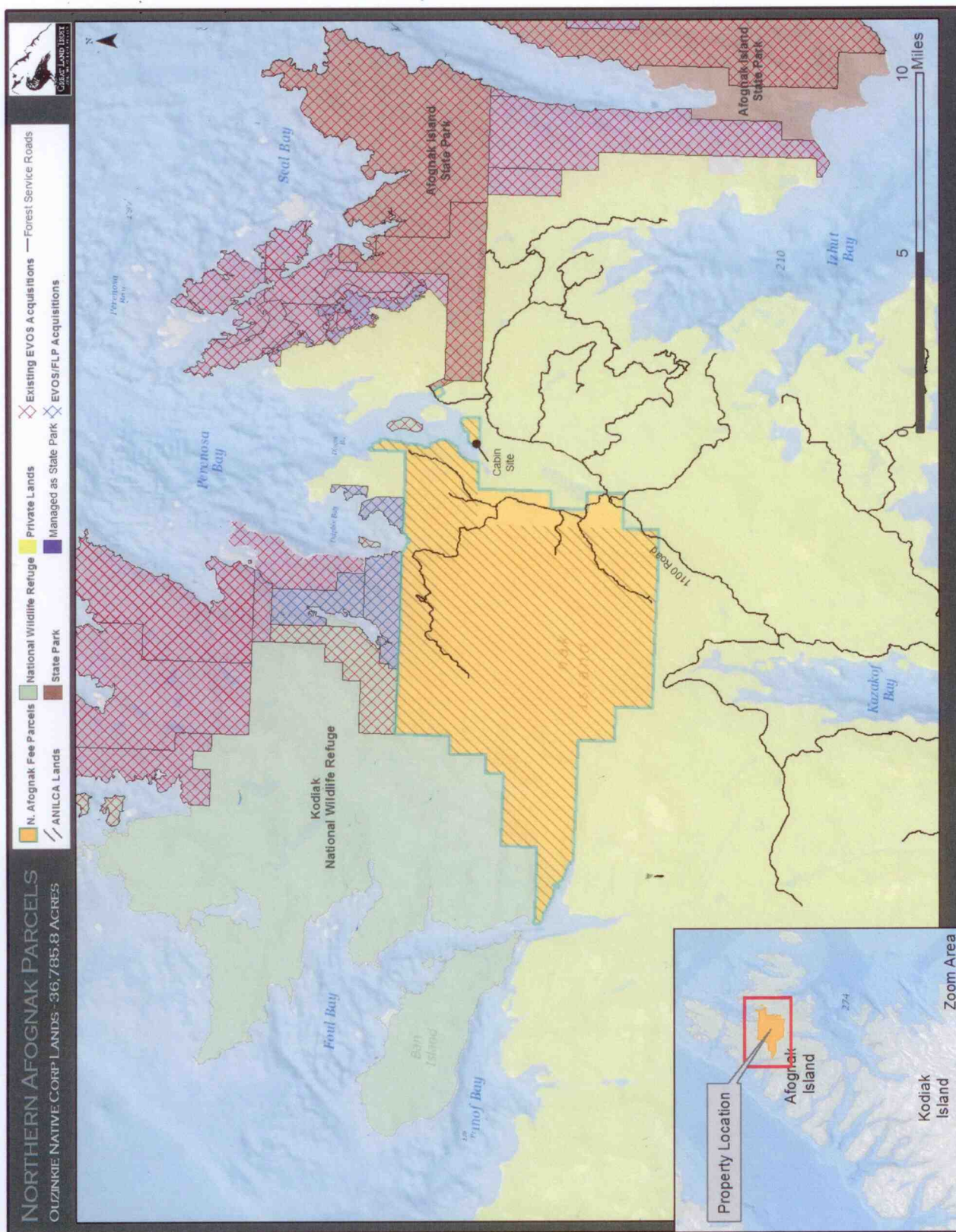






Photo: Triplet Islands



Photo: Discoverer Bay, Northern Afognak Island