

Exxon Valdez Oil Spill Restoration

Habitat Protection & Acquisition Catalog



Exxon Valdez Oil Spill Trustee Council

Habitat Protection Program

Large and Small Parcel Acquisitions

1994 through 2006

An update of the
Exxon Valdez Oil Spill Restoration
Habitat Protection and Acquisition Atlas,
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Mission of the Trustee Council

The mission of the Trustee Council and all participants in Council efforts is to efficiently restore the environment injured by the *Exxon Valdez* oil spill to a healthy, productive, world-renowned ecosystem, while taking into account the importance of quality of life and the need for viable opportunities to establish and sustain a reasonable standard of living.

Restoration has been and will be accomplished through the implementation of a comprehensive interdisciplinary recovery and rehabilitation program that includes:

- natural recovery
- monitoring and research
- resource and service restoration
- habitat acquisition and protection
- replacement
- meaningful public participation
- project evaluation
- fiscal accountability and
- efficient administration.

The *Exxon Valdez* Trustee Council conducts all programs and activities free from discrimination, consistent with the Americans with Disabilities Act. This publication is available in alternative communication formats upon request. Please contact the Trustee Council to make necessary arrangements:

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Introduction



Habitat protection has been a major component of the *Exxon Valdez* oil spill restoration process. The acquisition of private lands, or partial interests in private lands, is intended to promote natural recovery of spill-injured resources and services by removing the threat of additional development impacts. These lands will be managed in perpetuity for the restoration and protection of resources and services injured by the spill and for the enjoyment of the public for purposes of subsistence use, sport fishing and hunting, personal use fishing, trapping, recreational uses and commercial fishing.

The Comprehensive Habitat Protection Process is the method that was designed to achieve this objective. During the Large Parcel Process, over one million acres within the oil spill affected area were evaluated, scored, and ranked by a multi-criteria evaluation process. Initially lands were divided into large parcels encompassing entire bays and watersheds. Criteria were used to assess the habitat and human use values associated with each parcel and the protection benefit that acquisition would provide for 19 injured resources and associated services.¹ This process provided the basis for the acquisition of protective bundles of rights on over 637,000 acres of land in the Kodiak, Kenai Peninsula, and Prince William Sound regions.

During the Small Parcel Process, smaller parcels, those less than 1,000 acres nominated by willing sellers, were also evaluated using criteria modified to reflect the unique benefits to injured resources that smaller parcels could provide in relation to the surrounding environment, management units and local communities. Over 9,000 acres were protected through this process.

The Habitat Protection Process - A History

**Restoration Framework Supplement, July 1992,
Draft Restoration Plan & Trustee Council Resolution, January 31, 1994.**

The Habitat Protection Process was described in the Restoration Framework Supplement published by the *Exxon Valdez* Oil Spill Trustee Council in July of 1992 and offered for public review and comment. The process was also described in the Draft Restoration Plan, Summary of Alternatives for Public comment (April 1993), and in the Supplement to the Draft Restoration Plan (June, 1993). Public comments in support of the habitat protection process were extensive. On January 31, 1994, the Council adopted the Resolution to Proceed with the Habitat Protection Program. These documents provided the framework for the development and implementation of the Imminent Threat Process, the Large Parcel Process, and the Small Parcel Process.

The Restoration Team formed a Habitat Working Group comprised of agency land managers and resource specialists to manage this program. In addition, many other experts were involved in the development, evaluation, and implementation of this process. Discussions were held with local experts, comments were solicited from the public, extensive reviews of the literature and damage assessment studies were conducted and meetings held with biologists, ecologists, resource managers, archaeologists, and realty, recreation, and subsistence specialists.

Existing programs such as the State of Florida Conservation and Recreation Lands program were reviewed as models. The Nature Conservancy produced a handbook *Options for Identifying and Protecting Strategic Fish and Wildlife Habitats and Recreation Sites* providing an overview of protection tools, techniques and strate-

¹ *Weiner et al. Restoration Ecology Vol. 5 No. 1, p. 44.*

gies used by the Conservancy, federal and state resource agencies and other land stewardship organizations to assist in development of the program.

Central to all aspects of the habitat protection process were Threshold Criteria that were applied to all parcels and with which all parcels must be in compliance.

1. There is a willing seller of the parcel or property right:
2. The parcel contains key habitats that are linked to, replace, provide the equivalent of, or substitute for injured resources or services based on scientific data or other relevant information
3. The seller acknowledges that the governments can purchase the parcel or property rights only at or below fair market value
4. Recovery of the injured resource or service would benefit from protection in addition to that provided by the owner and applicable laws and regulations, and
5. The acquired property rights can reasonably be incorporated into public land management systems.²

Opportunities for Habitat Protection/Acquisition,

February 1993

The Habitat Working Group and the Trustee Council utilized Interim Evaluation Criteria and an Interim Process to allow the Council to take quick action to protect those lands threatened by activities that were determined to potentially negatively impact the recovery of species and services injured by the oil spill as well as pursue time-critical opportunities that were available.

This initial component of habitat protection considered the benefit of nominated parcels to injured resources and/or services, the ecological significance of a parcel, adjacent land management, and imminent threats to the parcel, and identified protection objectives and useful protection tools as well. Twenty-two parcels were evaluated under this process.

All habitat protection actions were only pursued with willing sellers. The imminent threat evaluation process concluded by November 1993. Rapid negotiations resulted in the purchase of the Kachemak Bay State Park inholdings and the Seal Bay and Toni Cape parcels on northern Afognak Island. Five parcels proceeded with further negotiations under the Large Parcel Process.

Large Parcel Process Evaluation and Ranking, November 1993

The Large Parcel Process was developed to focus on ecosystem units greater than 1,000 acres nominated by willing landowners in the spill-affected area. The process evaluated nominated parcels relative to criteria similar to those utilized in the Interim Process previously described. Initially 81 parcels were evaluated through an extensive process that included site visits, interviews with local and resource experts, literature reviews, analysis of existing resource data, damage assessment studies, and agency planning documents. In addition, contracts were executed with The Nature Conservancy to conduct expert interviews through a workshop setting with 40 resource specialists and compile a wide range of resource and location information for all nineteen injured resources and services.

A group of six resource specialists with credentials in habitat, fish, and wildlife biology and data management evaluated the nominated parcels according to the following criteria in order to determine the degree of linkage for injured resources and services to specific parcels and the potential for benefit that implementation of habitat protection on specific parcels would have on each linked resource and service. The results of this evaluation process were published for scientific and public review and comment in two volumes, *Comprehensive Habitat Protection Process: Large Parcel Evaluation and Ranking, Volume I and II*, November 30, 1993.

² *Interim Criteria Approved by the Trustee Council January 19, 1993.*

Evaluation Criteria for the Large Parcel Process

1. The parcel contains essential habitat(s)/sites for injured resources or services. Essential habitats include areas for feeding, reproduction, molting, roosting, and migration; essential sites include known or presumed high public use areas. Key factors for determining essential habitat/sites are: (a) population or number of animals or number of public users, (b) number of essential habitats/sites on parcel, and (c) quality of essential habitats/sites.
2. The parcel can function as an intact ecological unit or it contains essential habitats that are connected to other elements/habitats in the greater ecosystem.
3. Adjacent land uses will not significantly degrade the ecological function of the essential habitat(s) nominated or recommended for protection.
4. Protection of the habitats on a parcel would benefit more than one injured resource/service (unless protection of a single resource/service would provide a high recovery benefit).
5. The parcel contains critical habitat for a depleted, rare, threatened, or endangered species.
6. Essential habitats/sites on a parcel are vulnerable to or potentially threatened by human activity.
7. Management of adjacent lands is, or could easily be made compatible with protection of essential habitats on a parcel.
8. The parcel is located within the oil spill area.
 - Criteria #1 was applied to a parcel by injured resource thereby resulting in a designation of High, Moderate, or Low for each injured resource or serviced.
 - Criteria #2-8 were scored with a simple yes or no answer indicating the potential benefit to the entire ecosystem.³

The evaluation process focused on a list of injured resources and services linked to upland and nearshore habitats developed from the Restoration Plan, Summary of Injury and the recommendations of the Chief Scientist. The severity of injury was not a factor in these evaluations due to incomplete damage assessment information. Resources and associated services identified as having key habitats and sites essential for their restoration are listed below.

Resources		Services
Sockeye Salmon	Harlequin Duck	Recreation
Pink Salmon	Intertidal/Subtidal	Tourism
Dolly Varden	Marbled Murrelet	Subsistence
Cutthroat Trout	Pigeon Guillemot	Archaeological Resources
Pacific Herring	River Otter	
Bald Eagle	Sea Otter	
Black Oystercatcher	Common Murre	
Wilderness	Harbor Seal	

Additional information utilized in these evaluations included resource agency data on anadromous fish streams, marine mammal haul-out areas, bald eagle nest locations, seabird colony locations, spruce bark beetle infestation studies, EVOS natural resources damage assessment studies and agency planning studies.

Initially 81 large parcels were evaluated and ranked independently of one another in order to document the degree of linkage to the spill by considering the quality of habitat and the estimated benefit the injured resource or service would receive from protection of the parcel.⁴ These evaluations were peer reviewed by 34 experts

³ *Large Parcel Evaluation and Ranking, November 30, 1993, Volume I, p. 7.*

⁴ *Weiner et. al. Restoration Ecology, Vol. 5 No. 1, p. 50.*

familiar with the area and its resources. Additional information provided by expert reviewers was incorporated into the final analysis. An additional 15 parcels were added to the Large Parcel Evaluation in November 1994.

In summary, over one million acres of habitat in 96 parcels were evaluated in order to ascertain their potential benefit to the resources and services injured by the *Exxon Valdez* oil spill. Nineteen parcels containing 290,000 acres were identified as having a high potential to benefit the injured resources and services, 28 parcels totaling 346,400 acres were identified as having moderate potential, and 428,300 acres in 49 parcels were identified as having a lower potential to benefit the recovery of injured resources and services. It should be noted however, that even parcels identified as having a lower potential to benefit injured resources and services contain high-rated habitat for one or more injured resources.⁵ Parcel boundaries were initially configured to provide restoration benefits derived from large contiguous tracts of land based on ecosystem units such as bays, watersheds or other key physiographic features in order to protect linked habitat.⁶

The results of the evaluation and ranking process formed the basis for recommendations to the Trustee Council regarding habitat protection opportunities. Negotiations focusing on habitat with high restoration potential were then conducted with willing sellers. A multi-agency team of negotiators and land managers negotiated acquisition packages designed to preserve economic opportunities and the cultural heritage of native landowners and provide restoration benefits. Parcel boundaries were modified as a result of negotiations in order to achieve protection packages acceptable to all parties.

Small Parcel Process Evaluation and Ranking, February 1995

The Small Parcel Process as described in the *Comprehensive Habitat Protection Process: Small Parcel Evaluation and Ranking Volume III* rated the benefit of nominated parcels (less than 1,000 acres) to injured resources and/or services. The evaluation also considered the parcel's importance to adjacent public land management and threats to injured resources and/or services. This evaluation process independently ranked the parcels and produced benefit reports, providing a narrative account of how each recommended parcel might achieve restoration objectives. And, in the case of the Small Parcel Process, it allowed the Council to apply additional merit considerations, if warranted. The Small Parcel Process allows the Council to focus on the strategic nature of small parcels in the context of larger areas; considering such attributes as access, special values such as haulouts or rookeries, and benefits to management that would accrue with consistent oversight and compatible land use activities.

Over four hundred and eighty parcels were initially nominated. Consistent with the other elements of the habitat protection process, nominations were initially screened through the use of threshold criteria designed to determine whether a parcel merited further consideration.

Parcels that warranted further consideration were evaluated to determine 1) the parcel's linkage to key habitats/sites of an injured resource or service, 2) the potential for benefit that implementation of habitat protection would have on each linked resource and/or service, and, 3) the benefits to management of public lands containing injured resources/services that would be derived from protection of the parcel.

The following Evaluation and Ranking Criteria were applied to the nominated small parcels:

⁵ *Report of the Executive Director Concerning Habitat Acquisitions, November 29, 1994. p. 5.*

⁶ *Weiner et. al. Restoration Ecology, Vol. 5 No. 1, p. 49.*

Linkage

- Occurrence – the parcel contains key habitats/sites that benefit the recovery of injured resources or services.
- Uniqueness – key habitats/sites on the parcel are unique in relation to key habitats/sites off-parcel (within the region).
- Connectedness – the essential habitats/sites linked to injured resources/services on parcel are connected to other elements/habitats in the greater ecosystem.
- Quality – does the parcel have high levels of production, diversity, use levels or other measures of habitat richness?

Protection Potential

- Key habitats/sites on parcel are vulnerable to or potentially threatened by disturbance or habitat loss.
- Key habitats/sites on nearby lands are vulnerable to or potentially threatened by disturbance or habitat loss from development on the subject parcel.
- Key habitats/sites on parcel are protected (not vulnerable from incompatible adjacent land uses).
- Recovery of the injured resources/services would benefit from protection in addition to that provided by the owner and applicable laws and regulations.

Management

- Will acquisition of the parcel allow for enhancement of injured resources/services?
- The parcel has strategic value to protect or provide access to key habitats/sites that occur on or beyond the parcel's boundaries.⁷

Information submitted with the nomination packet was considered along with data from resource agency staff on specific parcels, resource agency data on anadromous fish streams, marine mammal haulout areas, bald eagle nest locations, seabird colony locations, subsistence harvest areas, cultural resource site locations and significance, as well as EVOS natural resources damage assessment studies and agency planning studies. The small parcel process, emphasized both the potential benefits to injured resources and services and the parcel's relationship to the management of nearby public lands, including access and strategic location.⁸

A supplement to the initial *Small Parcel Evaluation and Ranking Summary* was published in July 1995. Since that time, the Council has continued to pursue small parcels nominated by willing sellers. From 2000 to 2003, the Council managed the Small Parcel program through a grant with The Nature Conservancy and The Conservation Fund. The Nature Conservancy and The Conservation Fund worked with the land managing agencies to achieve restoration objectives, assuming the responsibility for negotiations and some preliminary due diligence tasks associated with land acquisitions.

In August 2005, the Council adopted a revised Small Parcel Process included in Appendix B in order to clarify procedures and policies to be followed in the future and affirm the Council's conceptual support for the program. To date, 110 parcels have been successfully pursued through the Small Parcel Process. In addition, the Council authorized a contribution of \$175,000 toward the purchase of two parcels, Mutch and Jacobs on the Kenai Peninsula. These parcels have not yet been transferred from The Nature Conservancy to the State. The Council continues to consider parcels nominated by willing sellers according to the policies and procedures recently adopted (Appendix B).

⁷*Small Parcel Evaluation and Ranking, February 13, 1995, p. 6.*

⁸*Weiner et. al., Restoration Ecology Vol. 5 No. 1, p. 49.*

Summary

The Council has successfully completed habitat protection measures with a variety of landowners including native corporations, the Kodiak Island Borough, the City of Homer, native allottees, and many other private individuals. The Council and the managing agencies have also worked with a variety of non-profit organizations such as The Trust for Public Land, The Nature Conservancy, The Conservation Fund, The Rocky Mountain Elk Foundation, The American Land Conservancy, Kodiak Brown Bear Trust, Kenai River Sportfishing Association, and the Kachemak Heritage Land Trust to achieve restoration objectives. These efforts have provided multiple benefits to injured resources and services and, additionally to other species that utilize these habitats, landowners, the public, and the economy. The lands acquired with EVOS funds are available to the public for recreation, hunting, fishing, and subsistence uses. They have provided individuals and corporations with a financial return on their investments or assets and these dollars circulate throughout the community. In addition, these acquisitions help to ensure that there will be opportunities for commercial guiding and sportfishing in the future as well as other commercial recreation ventures such as ecotourism that serve tourists and residents alike and contribute to the local and state economies.

The EVOS acquisitions are summarized in the following table by region. Additional details regarding acquisitions can be found in subsequent sections of this document. For additional information on the maps and detail provided please read the following section entitled About this Catalog. The maps and information that follow are designed to help the public understand the resulting benefits to injured resources and services as well as the resources available for public use and enjoyment.

EVOS Habitat Protection Spill Area Summary

Region	Acres	Cost	EVOS Trust	Other Sources
PRINCE WILLIAM SOUND				
Large Parcels:				
Chenega	60,001	\$34,000,000	\$24,000,000	\$10,000,000
Eyak, inc. Orca Narrows	78,138	\$48,576,704	\$48,576,704	\$0
Tatitlek	72,129	\$34,719,461	\$24,719,461	\$10,000,000
Small Parcels:	1,467	\$3,137,300	\$3,137,300	\$0
KENAI PENINSULA				
English Bay	32,470	\$15,156,790	\$14,128,074	\$1,028,716
Kachemak Bay	23,702	\$22,000,000	\$7,500,000	\$14,500,000
Small Parcels:	5,963	\$16,947,100	\$16,463,100	\$484,000
KODIAK ARCHIPELAGO				
Afognak Joint Venture	41,376	\$73,966,348	\$73,966,348	
Akhiok-Kaguyak	113,338	\$46,000,000	\$36,000,000	\$10,000,000
Koniag Easement	56,823	\$6,854,504	\$6,704,504*	150,000
Koniag Fee	59,674	\$26,500,000	\$19,500,000	\$7,000,000
Old Harbor	31,609	\$14,541,000	\$11,291,000	\$3,250,000
Seal Bay	41,549	\$39,549,333	\$39,549,333	\$0
Shuyak	26,958	\$42,000,000	\$42,000,000	\$0
Small Parcels:	2,007	\$2,889,050	\$2,889,050	\$0
Total	647,202	\$426,837,590	\$370,424,874	\$56,412,716

*Represents cost of easement through 2012. \$29,800,000 was set aside for the fee purchase of these lands. Annual payments are taken from this fund.

About this Catalog

This catalog summarizes the physical characteristics, restoration benefits, and geographic location of parcels acquired to date by the *Exxon Valdez* Oil Spill Trustee Council. The document is organized by the three geographic regions within the spill area consistently referenced during response and restoration following the spill; Prince William Sound (PWS), Kenai Peninsula (KEN), and Kodiak and the Alaska Peninsula (KAP). This reference scheme has been carried through in the numbering of parcels as nominations were received and entered into the EVOS evaluation and tracking processes and in previous publications. These parcel identifiers are carried forward in this publication as well.

The physical descriptions of the various acquisitions and their restoration benefits are compiled from a variety of sources including initial parcel evaluations, benefits reports prepared for Trustee Council consideration, Trustee Council resolutions, and previous Trustee Council publications. References to Evaluation Parcels are derived from the following publications: *Opportunities for Habitat Protection/Acquisition*, *Comprehensive Habitat Protection Process: Large Parcel Evaluation & Ranking and Small Parcel Evaluation and Ranking*. These documents are available at the Alaska Resources Library and Information Services (ARLIS) and the Trustee Council Restoration Office as well as the various Trustee agencies.

Acquisitions are authorized by the Trustee Council via resolution, following negotiations with landowners and due diligence actions such as appraisals and site assessments. Resolutions document the Council's actions. Appraisals form the basis for acquisitions, however, there may have been multiple appraisals, disputed values, and modified acquisition packages following the appraisal process. If the appraised value is of interest, the reader should consult the actual appraisal.

The expenditure of settlement funds for acquisitions requires filing a notice or request with the U.S. District Court for the District of Alaska, which retains jurisdiction over the settlement. All requests refer to Trustee Council resolutions. Parcel descriptions in this catalog document the dates of Trustee Council Resolutions and Court Requests pertaining to the various acquisition packages. This information may be useful for the reader who wishes to secure additional information on a particular parcel. Summary tables consolidating parcel information, financial information, closing dates and other information are included in Appendix A.

The maps included in this catalog are **representations** of the parcels acquired - ONLY. For specific legal descriptions and rules and regulations related to use of these lands, please contact the appropriate land manager. The maps in this catalog are intended to provide a means of identifying the appropriate land manager and depict the relative location of parcels. The "bundles of rights" acquired for the large parcels and the land manager acquiring those rights are identified in the map legends and summarized below and in the tables associated with each region.

Large Parcels and Parcels of Opportunity

The acquisition of large parcels (parcels greater than 1,000 acres) involved the acquisition of various bundles of rights and resulted in complex acquisition packages that are depicted in this catalog and further defined below.

Protective Rights Acquired - Map Legend Large Parcel Maps

STATE LAND – Alaska Department of Natural Resources (ADNR)

The **Surface Estate** was acquired by the State with a conservation easement held by the Federal Government and Native Corporation. Management rights may be assigned to the ADNR Division of Parks and Outdoor Recreation and/or the Alaska Department of Fish & Game.

FEDERAL LAND - US Forest Service, US Fish & Wildlife Service, (USFWS) National Park Service (NPS) as identified on maps. The **Surface Estate** was acquired by the United States with conservation easement held by the State and Native Corporation.

NATIVE LANDS – Conservation Easement with permitted public access

A **Conservation Easement** was acquired by the Federal Government with certain enforcement rights acquired by the State. **Permitted public access** is managed by the Native corporation through implementation of a permit/fee system.

NATIVE LANDS – Conservation Easement with NO public access

A **Conservation Easement** was acquired by the Federal Government with certain enforcement rights acquired by the State. **No public access**. These areas are generally important to Native corporations for subsistence or cultural reasons.

NATIVE LANDS – Timber Easement

A **Timber Easement** was acquired by the Federal Government. Native Corporation retains all rights except the right to cut and remove marketable timber for sale.

NATIVE LANDS – Timber Easement with public access

A **Timber Easement** was acquired by the Federal Government with **permitted public access** managed by the Native corporation through implementation of a permit/fee system.

The following activities are prohibited on all EVOS acquired lands:

Changing the topography, dumping trash, using biocides, removing or destroying plants except for subsistence or medicinal use, altering watercourses, using motorized vehicles with the exception of floatplanes, removing or harvesting timber, introducing non-indigenous plants, and building facilities. Limited facilities such as public use cabins, weir sites, trails and campsites may be constructed for research or management purposes.

These restrictions are enforced through conservation easements held by the opposite government. For example, the Federal Government holds a conservation easement including a right to enforce the terms and conditions described in the easement on all State acquired EVOS lands. On lands acquired by the Federal Government, a like easement is held by the State.

Small Parcels

Small parcels (parcels smaller than 1,000 acres) were acquired in fee. In this catalog, small parcels are grouped by general geographic areas within the PWS, KEN, and KAP regions. A regional overview is provided. Each subarea is then further described and mapped. The attributes and restoration benefits of the small parcels are discussed in the context of the area of focus.

The small parcel maps included in this catalog are intended to provide an overview of the Prince William Sound, Kenai Peninsula, and Kodiak small parcel acquisitions in relation to generalized land status, Conservation System Units, and the EVOS large parcel acquisition packages. Note that in these maps, the land status and details of the large parcel acquisitions are not depicted, only the relative location of these acquisition efforts is displayed. For large parcel acquisition detail, the large parcel maps should be consulted. In addition, maps depicting the location of small parcels relative to the physical and geographic features of the areas are included to provide additional detail and reference points for the reader.

A conservation easement held by the opposite government enforces restrictions similar to those referenced above. The conservation easements are similar in form and substance but may have some modifications designed to address the unique attributes of a particular parcel or issues identified by a particular landowner.

Prince William Sound



Prince William Sound is a large body of water surrounded by the arc of the Chugach Mountains and protected from the Gulf of Alaska by Hinchinbrook Island and Montague Island. The area experiences a great deal of tectonic activity with the continuing vertical land movement resulting in shorelines that are predominately high energy gravel beaches alternating with rocky headlands. Few shoreline have extensive fine sediment deposits although local areas of mud bottom in relatively calm waters can be found on some of the more heavily oiled islands such as Knight, Eleanor, Green, and Evans.

The area is protected from the direct movement of intensely cold winter air from interior Alaska and as a result the Sound's waters provide suitable year round conditions for many marine mammals and overwintering habitat for populations of several species of birds. The forests of northern Prince William Sound are coastal forests commonly having mature trees 200-300 years old containing a mix of western hemlock, Sitka spruce, and mountain hemlock.⁹

The Trustee Council's efforts in Prince William Sound resulted in a acquisitions in both the Eastern and Western regions of the Sound. In the Eastern region of the Sound negotiations proceeded with the Eyak and Tatitlek corporations. In early 1995 negotiations with Eyak resulted in the purchase of approximately 2,000 acres of timber rights along the north shore of Orca Narrows, an area slated for timber harvest located close to the town of Cordova. Subsequent negotiations with Eyak resulted in the protection of 78,138 acres using a combination of fee simple acquisition and the acquisition of timber rights to protect habitat important to many of the resources and services injured by the oil spill.

Negotiations with the Tatitlek Corporation resulted in the protection of over 70,000 acres; 33,981 acres as a fee simple purchase and 38,148 acres using a variety of conservation easements that allowed Tatitlek shareholders to retain ownership and use of Bligh Island, an area valued for its cultural significance and subsistence value as well as other areas.

In the western portion of the Sound, negotiations with the Chenega Corporation resulted in the protection of 60,000 acres managed by the US Forest Service and the State of Alaska. A combination of fee simple acquisition and conservation easements were used to achieve the Council's objectives yet provide opportunities for Chenega to develop ecotourism and lodge sites in the immediate area.

Small Parcel efforts in Prince William Sound were pursued by the US Forest Service and the State of Alaska. Small parcel acquisitions as well as components of the large parcel acquisition packages complement the State Marine Park System. Parcels were acquired in Valdez, at Ellamar, near Tatitlek, and at Horseshoe Bay

⁹*Report of the Executive Director concerning Habitat Acquisitions, November 28, 1994, p. 15.*

Prince William Sound Summary Information

Parcel ID	Landowner/Parcel	Total Acreage	Acreage Fee	Acreage Conservn. Easem't	Mgmt. Easem't	Enforcem't Easem't	Cost	From EVOS Trust	From other Sources
LARGE PARCELS									
	Chenega/Federal	43,711.4	21,414.0	22,297.4	USFS	ADNR	\$34,000,000	\$24,000,000	\$10,000,000
	Chenega/State	16,289.3	16,289.3	0.0	ADNR	USFS			
	Eyak/Orca Narrows	2,052.0	0.0	2,052.0	USFS	ADNR	\$3,450,000	\$3,450,000	\$0
	Eyak/Federal	71,755.0	50,853.0	20,902.0	USFS	ADNR	\$45,126,704	\$45,126,704	\$0
	Eyak/State	4,330.7	4,330.7	0.0	ADNR	USFS			
	Tatitlek/Federal	67,627.0	29,479.0	38,148.0	USFS	ADNR	\$34,719,461	\$24,719,461	\$10,000,000
	Tatitlek/State	4,502.3	4,502.3	0.0	ADNR	USFS			
SMALL PARCELS									
PWS 6	Valdez Duck Flats	25.0	25.0	0.0	ADFG	BLM	\$100,000	\$100,000	\$0
PWS 11	Horseshoe Bay, PWS	315.0	315.0	0.0	ADNR	BLM	\$475,000	\$475,000	\$0
PWS 17	Ellamar Subd., PWS	33.4	33.4	0.0	ADNR	USFS	\$655,500	\$655,500	\$0
PWS 52	Hayward Parcel, Valdez	9.5	9.5	0.0	ADFG	BLM	\$150,000	\$150,000	\$0
PWS 1010	Jack Bay	942.0	942.0	0.0	USFS	ADNR	\$1,130,000	\$1,130,000	\$0
PWS 1056	Blondeau, Valdez	92.0	92.0	0.0	ADNR	BLM	\$626,800	\$626,800	\$0
PWS 1056	City of Valdez	50.0	50.0	0.0	ADNR	BLM	\$0	\$0	donation



Chenega

In June 1997, the Chenega Corporation transferred to the U.S. Forest Service surface title to 21,414 acres of land and a conservation easement on an additional 22,297 acres. The corporation also transferred to the State of Alaska surface title to 16,289 acres of land in Prince William Sound. A total of 60,001 acres were protected with this package. Public access is allowed on all the land within the conservation easements except for 3,330 acres on the southern portion of Chenega Island in the vicinity of the original Chenega village site. The Council contributed \$24 million to this acquisition and the federal government contributed an additional \$10 million from the federal restitution fund, for a total purchase price of \$34 million.

The Chenega lands are located in Western Prince William Sound and include parts of Evans, Latouche, Flemming and Knight Islands as well as significant areas on the mainland on the west side of Dangerous Passage, the body of water located between Chenega Island and the mainland. The area is characterized by mountains with elevations to 2,500 feet. The lower slopes of this area adjacent to lakes, streams, and bays are forested with old growth Sitka spruce and western hemlock. In the Eshamy and Jackpot Bay area there are 22 anadromous streams. Jackpot and Eshamy Bays contain important sockeye salmon spawning and rearing habitat, and support sport fishing, commercial fishing, subsistence, and recreation. In addition, Eshamy Bay has the highest population of cutthroat trout in western Prince William Sound and is the northern and westernmost extent of that species' range. The Eshamy/Jackpot area also supports strong populations of Dolly Varden and had fourteen documented bald eagle nests and important feeding areas. Jackpot Bay has a large colony of pigeon guillemots immediately adjacent to the parcel. Eshamy Bay also has high concentrations (based on pre-spill observations) of river otters.¹⁰ Two parcels acquired in fee, the Eshamy Bay and Jackpot Bay parcels, are among the highest ranked parcels in the oil spill area.

These lands are managed by the Chugach National Forest and the State of Alaska to ensure public access and preserve and protect injured resources in perpetuity. As part of this package commercial recreation development sites were identified and retained by Chenega in order to preserve economic opportunities for the corporation and local residents.

¹⁰ *Habitat Working Group, Benefits Reports, Chenega Lands, November 2, 1994.*

Restoration Benefits identified for:

- *Sockeye salmon*
- *Pink salmon*
- *Dolly Varden*
- *Cutthroat trout*
- *Pacific herring*
- *Bald eagles*
- *Black oystercatchers*
- *Common murre*s
- *Harbor seals*
- *Harlequin ducks*
- *Intertidal and sub-tidal resources*
- *Marbled murrelets*
- *Pigeon guillemots*
- *River otters*
- *Sea otters*
- *Cultural resources*
- *Recreation*
- *Wilderness*
- *Subsistence*

The Chenega Acquisition At a Glance:

Total Acreage:	60,001 acres
Surface estate in fee:	37,703 acres
Conservation Easement:	22,297 acres
Land Management:	US Forest Service: 21,414 acres between Paddy and Jackpot Bays. A variety of conservation easements on an additional 22,297 acres on Chenega Island, Bainbridge and Knight Islands. An enforcement easement is held by the State of Alaska.
	State of Alaska, Division of Parks: 16,289 acres located between Eshamy and Paddy Bays. An enforcement easement is held by the US Forest Service.
	Chenega Corporation: 22,297 acres of Chenega lands where a Conservation Easement was acquired by USFS.
Appraised Value:	\$8,854,400. Note that the appraisal does not include timber values that were significant but subject to dispute.
Cost:	\$34,000,000
Funding Sources:	\$24,000,000 from EVOS Trust, \$10,000,000 other.
Evaluation Parcels:	CHE 01, 02, 03, 04, 05, 06, 07, 08, 11 ¹¹

Resolutions:

December 2, 1994
 February 22, 1995
 May 31, 1996
 February 14, 1997

Court Request:

February 26, 1997



¹¹Large Parcel Evaluation and Ranking, Vol. II, pp. 23-66.

EVOS TRUSTEE COUNCIL HABITAT PROTECTION PROJECT

CHENEGA CORPORATION ACQUISITION

WESTERN PRINCE WILLIAM SOUND, ALASKA

Scale 1:63,360
Universal Transverse Mercator, Zone 6

Acquisitions

- [Blue Stippled] STATE LAND - Surface Estate acquired by State.
- [Green Stippled] FEDERAL LAND - Surface Estate acquired by U.S.
- [Red Diagonal Lines /] NATIVE LAND - Conservation Easement with permitted public access
- [Green Horizontal Lines] NATIVE LAND - Conservation Easement with No public access
- [Red Diagonal Lines \] NATIVE LAND - Timber Easement
- [Green Checkered] NATIVE LAND - Timber Easement with permitted public access
- [Small Blue Circle] Small Parcels - State
- [Small Green Circle] Small Parcels - Federal

Exclusions

- [Yellow Box] Shareholder Land Use Lease Program - Retained Lands
- [Yellow Triangle] Commercial Recreation Sites
- [Blue Triangle] Bear Viewing Site
- [Red Triangle] Miscellaneous Uses

Land Status

[Light Blue Box] State Patented or Tentatively Approved	[Light Green Box] National Wildlife Refuges
[Orange Box] Eyak	[Dark Green Box] National Park System
[Brown Box] Chugach Alaska Corporation	[Medium Green Box] National Forests and Monuments & National Recreation and Conservation Areas
[Tan Box] Titletek	[White Box] Bureau of Land Management
[Light Orange Box] Chenega	[Blue Box] State Selected
[Grey Box] Other	[Brown Box] Chugach Alaska Corporation Selected
	[Dark Orange Box] Eyak Selected

This map is a representation of habitat protection areas as they specifically designated under the Act and is not intended to represent actual land ownership or jurisdiction. It is not a legal document and should not be used for legal purposes.

Produced by:
Alaska Dept. of Natural Resources
Land Records Information Section
Date Printed: March 12, 1999

BACK OF CHENEGA MAP



Eyak

In January 1995, the federal government purchased from the Eyak Corporation commercial timber rights on 2,052 acres of land in Orca Narrows. This parcel is near Cordova in Prince William Sound and contains anadromous fish streams, active bald eagle nests and favorable habitat for marbled murrelet nesting. The Council authorized \$3.45 million for this Imminent Threat Acquisition under the Opportunities for Habitat Protection component of the Habitat Program.

In July 1997, the Council authorized \$45 million to purchase an additional 76,086 acres from the Eyak Corporation. The agreement included surface title to 55,184 acres of land in eastern Prince William Sound, conservation easements on an additional 8,315 acres and timber easements on 12,587 acres. The cost of this package over a multiyear period was \$45,126,704. The package protects habitat in the wooded shoreline areas of Nelson Bay, Eyak Lake and Hawkins Island, much of it visible from the City of Cordova. The package also includes Port Gravina, Sheep Bay and Windy Bay, which are considered among the most valuable parcels in Prince William Sound for recovery of species injured by the spill. Most of the land will be administered as part of the Chugach National Forest. One small tract is managed by the State within the legislatively designated Canoe Passage State Marine Park.

The lands in this area of Eastern Prince William Sound are characterized by a less rugged coast line, with low forested hills dissected by streams, low marsh lands and tidal flats with muskeg bogs, and large areas of boreal forest covering entire hillsides extending to 2,000 feet in elevation. Over 30 anadromous streams have been documented that provide important spawning habitat for pink and sockeye salmon, Cutthroat trout and Dolly Varden. Pacific herring occasionally spawn in several of the bays in this area. The mature forests provide important habitat for bald eagles and marbled murrelets. Harlequin ducks feed and molt along the shorelines and nearshore rocks with potential nesting areas along anadromous streams. River otters feed along the shoreline and most likely den in this area as well. Sea otter use is also high. Much of this area supports wilderness based recreation including hunting, fishing, sea-kayaking and camping and is of high importance to the community of Cordova for subsistence, recreation, tourism, scenic and cultural values, and watershed protection.¹²

¹² *Habitat Work Group, Benefits Report, Eyak Lands, November 2, 1994.*

Restoration Benefits identified for:

- *Sockeye salmon*
- *Pink salmon*
- *Dolly Varden*
- *Cutthroat trout*
- *Pacific herring*
- *Bald eagles*
- *Black oystercatchers*
- *Common murre*s
- *Harbor seals*
- *Harlequin ducks*
- *Intertidal and sub-tidal resources*
- *Marbled murrelets*
- *Pigeon guillemots*
- *River otters*
- *Sea otters*
- *Cultural resources*
- *Recreation*
- *Wilderness*
- *Subsistence*

The Eyak Acquisition At a Glance:

Total Acreage:	78,138 acres
Surface estate in fee:	55,184 acres
Conservation Easement:	8,315 acres
Timber Rights:	14,639 acres
Land Management:	<p>US Forest Service: 50,853 acres in Port Gravina, Sheep Bay, Simpson Bay, Nelson Bay and Orca Narrows. An enforcement easement is held by the State of Alaska.</p> <p>State of Alaska, Division of Parks: 4,331 acres within Canoe Passage Marine Park. An enforcement easement is held by the US Forest Service.</p> <p>Eyak Corporation: 22,954 acres, Eyak lands where a Conservation Easement or timber rights have been acquired by USFS.</p>
Appraised Value:	<p>Orca Narrows: 3,100,000 with an additional \$350,000 adjustment.</p> <p>\$11,800,000 for Core Lands. The range of timber values (\$5 million - \$30 million) was significant but not considered the highest and best use.¹³</p>
Cost:	\$48,576,704, includes Orca Narrows initial purchase
Funding Source:	\$48,576,704 from EVOS Trust paid out over a period of several years.
Evaluation Parcels:	EYA 01, 02, 03, 05, 06, 07, 11, 12, 13 ¹⁴

Resolutions:

May 6, 1994
 April 1994
 December 2, 1994
 January 5, 1995
 February 22, 1995
 March 1, 1995
 March 3, 1995
 February 29, 1996
 July 2, 1997
 August 13, 1998
 September 4, 1998
 November 30, 1998
 September 13, 1999

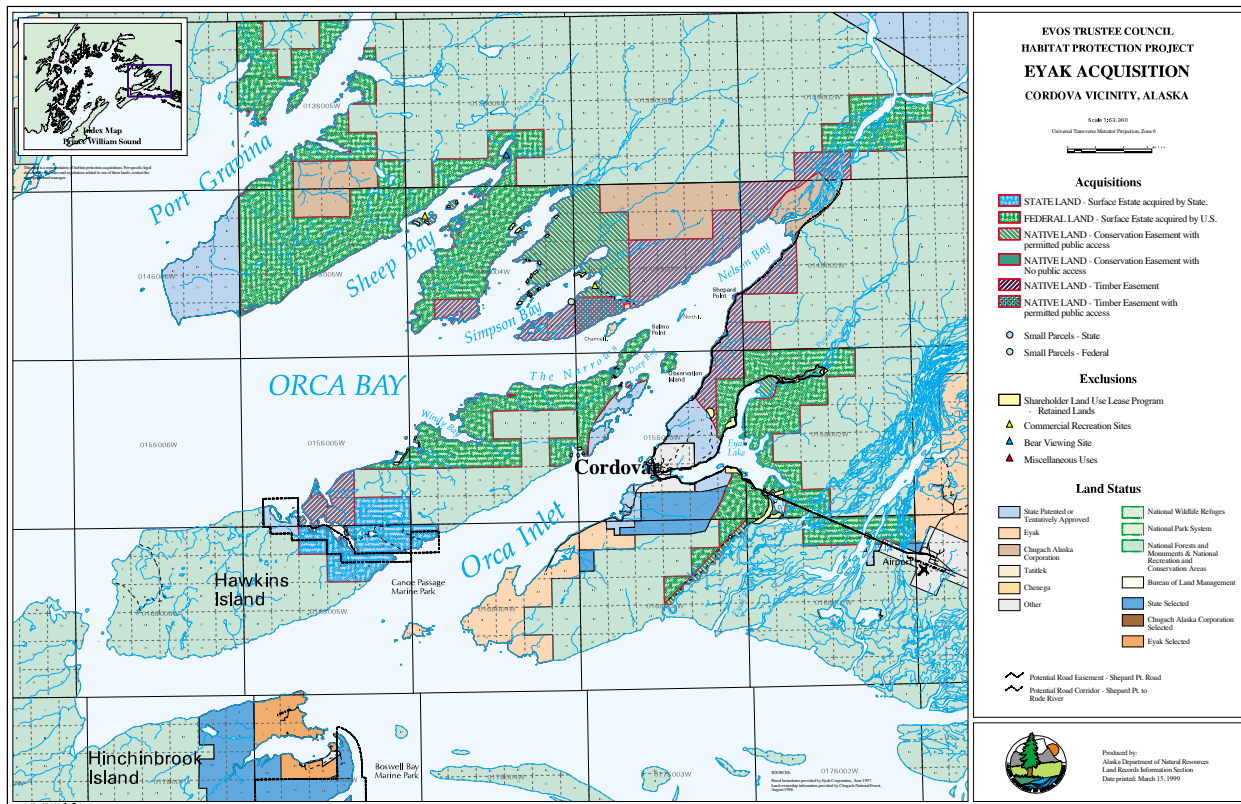
Court Requests:

January 6, 1995
 April 4, 1995
 December 11, 1998
 September 14, 1999
 February 16, 2000
 August 28, 2000
 August 31, 2001
 August 23, 2002



¹³Trustee Council Resolutions, July 2, 1997

¹⁴Large Parcel Evaluation and Ranking Vol. II, pp. 67-118.



BACK OF EYAK MAP



Tatitlek

In three separate resolutions in 1996 and 1997, the Council authorized \$24,550,000 (plus an additional sum in lieu of interest between the initial date of closing and October 1, 1998) authorizing the purchase of approximately 67,000 acres from Tatitlek Corporation. An additional \$10 million came from the federal restitution fund, for a total of \$34,719,461. The final acquisition package includes the acquisition of surface title to 33,981.3 acres of land and conservation easements on 38,148 acres. Two of the parcels, Bligh Island and Two Moon Bay, were respectively the third and fourth highest ranked parcels in Prince William Sound. The package includes timber-only conservation easements on 16,381.2 acres on the north shore of Port Fidalgo and at Sunny Bay. The first closing occurred in June 1998 and resulted in the purchase of rights on 57,436 acres for \$24,150,000. Subsequent closings in 1998 and 2000 completed the acquisition ultimately totaling 72,130 acres.

As part of the offer, the Council designated the homesite lots located in the Two Moon Bay and Snug Corner Cove subdivisions as parcels meriting special consideration under the Council's small parcel process. If the United States or the State of Alaska acquires any block of six or more homesite lots from willing sellers, the Tatitlek Corporation agreed to convey, at no cost, the surface fee estate in an equivalent area behind the block of homesites.

Tatitlek lands acquired in Eastern Prince William sound extend from smaller parcels located near Valdez in Sawmill Bay to Hell's Hole located north of port Gravina between Knowles Bay and St. Matthews Bay. These parcels have historically supported high value wilderness based subsistence food gathering and recreation including hunting, boating and fishing.

The Sawmill Bay parcel has a rocky shoreline heavy with kelp beds, eelgrass and invertebrates that support feeding harlequin ducks and marbled murrelets as well as black oystercatchers and pigeon guillemots. Marbled murrelets may also nest in these areas. There is also a high potential of recovery benefits for river otters and sea otters, which feed along the shoreline. Pacific herring spawn near this shoreline.

Hells Hole is another unique component of this acquisition package that provides important habitat for bald eagles, black oystercatchers marbled murrelets and pigeon guillemots. Harbor seals feed and haul out on these beaches. This area also provides salmon spawning and cutthroat trout spawning and rearing habitat. Twenty-eight anadromous streams were documented on this parcel. Because of the resource values of this area, recreation-based services such as sport fishing, sea kayaking, and camping were also expected to benefit from acquisition.¹⁵

Other parcels in Galena Bay, Two Moon Bay, Snug Corner Cove, and Bligh Island have similar resource values and anticipated contributions to the recovery of injured resources and services. The Tatitlek parcels provide feeding, nesting, molting and wintering habitat for harlequin ducks, bald eagles, black oystercatchers, marbled murrelets, and pigeon guillemots. The highest nesting concentrations of pigeon guillemots in Prince William Sound occur on Bligh Island. Harbor Seal haulouts and rich intertidal and subtidal biota are found along these shorelines. The parcels also provide shelter and feeding areas for river otters and sea otters. This area has high scenic values and supports high value wilderness-based recreation including hunting, fishing, subsistence, sea-kayaking and camping. In addition, the Tatitlek lands were noted for high values subsistence and cultural resources.¹⁶

¹⁵ *Habitat Work Group, Restoration Benefits Report, Tatitlek Lands November 2, 1994.*

¹⁶ *Trustee Council Resolution, December 2, 1994.*

Restoration Benefits identified for:

- *Sockeye salmon*
- *Pink salmon*
- *Dolly Varden*
- *Cutthroat trout*
- *Pacific herring*
- *Bald eagles*
- *Black oystercatchers*
- *Common murre*s
- *Harbor seals*
- *Harlequin ducks*
- *Intertidal and sub-tidal resources*
- *Marbled murrelets*
- *Pigeon guillemots*
- *River otters*
- *Sea otters*
- *Cultural resources*
- *Recreation*
- *Wilderness*
- *Subsistence*

The Tatitlek Acquisition At a Glance:

Total Acreage:	72,130 acres
Surface estate in fee:	33,981 acres
Conservation Easement:	38,148 acres
Timber Rights	16,381 acres
Land Management:	<p>US Forest Service: 29,479 acres along both shores of Port Fidalgo, Landlocked Bay, and Galena Bay. An enforcement easement is held by the State of Alaska.</p> <p>State of Alaska, Division of Parks: 4,502 acres in small parcels scattered from Landlocked Bay to Galena Bay, Sawmill Bay and Heather Bay. An enforcement easement is held by the US Forest Service.</p> <p>Tatitlek Corporation: 38,148 acres of Tatitlek lands where a Conservation Easement or timber rights have been acquired by the US Forest Service.</p>
Appraised Value:	\$41,223,000 (The appraisal included lands not in the proposed acquisition package and the acquisition package included lands not in the appraisal. The federal review appraiser estimated value at \$33,000,000)
Cost:	\$34,719,461
Funding Source:	\$24,719,461 from EVOS Trust, \$10,000,000 from other.
Evaluation Parcels:	TAT 01, 02, 03, 04, 05, 06, 07 ¹⁷

Resolutions:

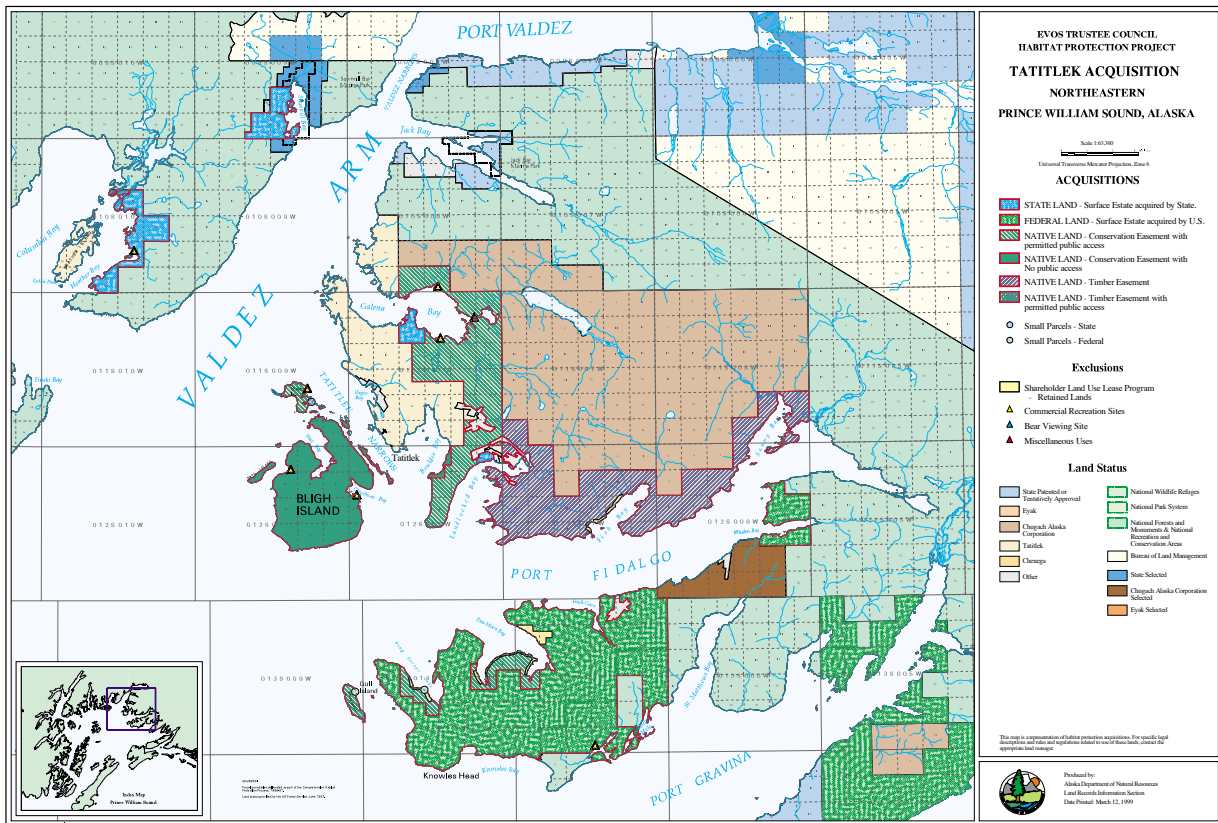
December 2, 1994
 February 22, 1995
 August 29, 1996
 December 6, 1996
 December 23, 1997

Court Requests:

May 18, 1998
 September 4, 1998



¹⁷Large Parcel Evaluation and Ranking, Vol. II, pp. 119-120, and 1994 Supplement S29-52.



BACK OF TATITLEK MAP

Prince William Sound Small Parcels



Small parcels were acquired in Valdez, Jack Bay, Ellamar and Horseshoe Bay and enhance the State of Alaska Marine Park System as well as providing important restoration benefits to the resources and residents of Prince William Sound. Strategically located small parcels have helped to preserve the high value habitat provided by the Valdez Duck Flats and have protected important riparian habitat essential for anadromous fish.

Valdez Parcels

The **Valdez Duck Flats** parcel and the **Hayward** parcel contain important high value intertidal/subtidal habitat of the Valdez Duck Flats. The Duck Flats are a large and unique complex of intertidal mud flats and salt marsh flooded regularly by incoming tides that mix with freshwater streams that create a productive estuary environment. Millions of salmon fry from these streams and the nearby Salmon Gulch Hatchery feed and rear throughout the Duck Flats. The Duck Flats also provide nesting, molting, and staging habitat for 52 species of marine birds, 8 species of waterfowl, 18 species of shorebirds and other passerines and raptors. Harbor seals and sea otters also forage throughout this area. The mid- to lower-intertidal habitats at the mouth of the flats support mussels, which were heavily impacted by the spill and constitute an important food source for other injured resources such as harlequin ducks and black oystercatchers. The acquisition of these small parcels protect intertidal habitat used by these injured resources and mitigate increasing development occurring on the periphery of the Duck Flats. The Council also supported the acquisition of another 33-acre parcel on the Duck Flats but negotiations with the landowner were not successful.¹⁸

The **Blondeau** parcel at Mineral Creek was strongly supported by the City of Valdez for its contribution to restoration of injured resources and local recreational services. The City of Valdez further supported this acquisition by donating an additional 50 acres of city land to this package. The Blondeau parcel is located at the mouth of Mineral Creek, an anadromous stream providing spawning and rearing habitat for pink and sockeye salmon. The parcel contains extensive wetlands and several bald eagle nests. These attributes and the location of the parcel provide opportunities for the residents of Valdez to enjoy recreational activities such as bird and wildlife viewing, hiking, wild food gathering, and much needed beach access.¹⁹

Valdez Small Parcel Acquisitions

Parcel	Name	Acreage	Cost	Manager
PWS 06	Valdez Duck Flats	25.0	\$100,000	ADFG
PWS 52	Hayward Parcel, Valdez	9.5	\$150,000	ADFG
PWS 1056	Blondeau, Valdez	92.0	\$626,800	ADNR
PWS 1056	City of Valdez	50.0	donation	ADNR

Tatitlek Area Parcels

The **Jack Bay** parcel is located on the south shore of Jack Bay in Prince William Sound approximately 12 miles from the City of Valdez. The parcel borders Chugach National Forest along the southern boundary and is heavily forested. The shoreline contains a rich intertidal mudflat with mussel beds and eelgrass beds at the mouth of Gregoreoff Creek. The parcel contains two anadromous streams and habitat supporting pink salmon and Dolly Varden. Pacific herring spawn in the

¹⁸ Trustee Council Resolution November 20, 1995, December 14, 2000.

¹⁹ Trustee Council Resolution January 22, 1999.



intertidal area adjacent to the parcel. Bald eagles nest on the parcel. Harlequin ducks forage in Gregoreoff Creek inlet and rest on the intertidal rocks. Breeding female harlequins have also been observed on this parcel. Harbor seals are present in small numbers in Gregoreoff Creek inlet during the spawning season. The parcel is a documented subsistence area as well. Acquisition of this parcel contributes to the restoration of recreation and tourism services as the parcel is viewed by tour boats and the Alaska Marine Ferry passengers entering and leaving the Port of Valdez. This parcel enjoyed strong public support by the City of Valdez and other recreation interests.²⁰

The **Ellamar** package consists of 13 lots conveyed by four landowners located in Ellamar Subdivision on Virgin Bay on the east side of Tatitlek Narrows. The parcels are located approximately 2 miles north of Tatitlek. These parcels were part of a much larger (115 lot) nomination package received by the Trustee Council. Acquisition efforts focused on the lots surrounding Virgin Bay because they were not impacted by development activities and provide a viable protection unit encompassing the mouth of Gladhaugh Creek and a large intertidal area. Gladhaugh Creek, which bisects this group of parcels, provides habitat for pink salmon. Virgin Bay supports heavy concentrations of Pacific herring, intertidal/subtidal organisms, and is a documented sea otter pupping area. These parcels will also ensure public access to the adjacent uplands and provide opportunities for enhancing compatible public recreational opportunities in the future such as installing anchor buoys or other limited facilities. The parcel is located approximately 25 miles from Valdez and provides a protected anchorage for recreational boaters entering the Sound from Valdez. The parcel complements the State Marine Park System already designated within Prince William Sound.²¹

Tatitlek Area Small Parcel Acquisitions

Parcel	Name	Acreage	Cost	Manager
PWS 17	Ellamar Subdivision	33.4	\$655,500	ADNR
PWS 1010	Jack Bay	942.0	\$1,130,000	ADNR

LaTouche Area Parcels

The **Horseshoe Bay** parcel was an inholding in Horseshoe Bay State Marine Park located in western Prince William Sound on Latouche Island. The parcel includes 1,600 feet of Horseshoe Bay frontage including the mouth of an anadromous stream that provides spawning habitat for pink salmon. The parcel is immediately adjacent to the best anchorage in the bay, and acquisition of the parcel provides recreation benefits to residents of Chenega Bay, workers at the nearby San Juan hatchery, and boaters in the western Prince William Sound.²²

LaTouche Area Small Parcel Acquisitions

Parcel	Name	Acreage	Cost	Manager
PWS 11	Horseshoe Bay	315.0	\$475,000	ADNR

²⁰ Trustee Council Resolution November 20, 1995, December 4, 2000.

²¹ Trustee Council Resolution November 20, 1995.

²² Trustee Council Resolution November 20, 1995, February 6, 1996.

