

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8067 HOUSE RESOURCES

332

HB

447

File 1

HOUSE COMMITTEE REPORT

(9)

Date Referred: February 4, 1994

FURTHER REFERRALS:

Finance

Date of Committee Action: 3/11/94

The RESOURCES Committee considered:

HB 447

HOUSE BILL NO. 447

ESTABLISH AFOGNAK ISLAND STATE PARK

"An Act establishing the Afognak Island State Park."

RECOMMENDATIONS:

be replaced with _____

CS HB 447 (RES)

the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal impact DNR

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) P.S.; law 2/4/94

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Bill Hudson</i>	<input checked="" type="checkbox"/>				
<i>Scott Johnson</i>	<input checked="" type="checkbox"/>				
<i>Kenneth Johnson</i>	<input checked="" type="checkbox"/>				
<i>John P. Miller</i>	<input checked="" type="checkbox"/>				
<i>Jim Quinn</i>	<input checked="" type="checkbox"/>				
<i>Allen White</i>	<input checked="" type="checkbox"/>				
<i>Ken Boudreau</i>	<input checked="" type="checkbox"/>				
<i>W.F. Williams</i>	<input checked="" type="checkbox"/>				
<i>Joseph ...</i>	<input checked="" type="checkbox"/>				

W.F. Williams
 CHAIRMAN'S SIGNATURE

8-GH2025\E
Luckhaupt
3/10/94

CS FOR HOUSE BILL NO. 447(RES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing the Afognak Island State Park."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1. AS 41.21 is amended by adding new sections to read:**

4 Sec. 41.21.185. PURPOSE OF AS 41.21.185 - 41.21.189. (a) The purpose
5 of AS 41.21.185 - 41.21.189 is to establish, subject to valid existing rights including
6 those rights created by the Afognak Island Road Use Agreement executed on July 24,
7 1991, and as amended from time to time, the state-owned or acquired land and water
8 described in AS 41.21.186 as the Afognak Island State Park. The primary purposes
9 of establishing the Afognak Island State Park are to protect the area's recreational and
10 scenic resources; to protect the area's fish and wildlife habitat; to preserve and enhance
11 the continued use of the area for sport and subsistence hunting and fishing, personal
12 use fishing, trapping, recreational activities, and commercial fishing; and to restore and
13 enhance resources and services injured by the Exxon Valdez oil spill.

14 (b) Under the provisions of AS 38.05.300, state land, water, or land and water

1 containing more than 640 acres may be closed to multiple purpose use only by act of
2 the legislature. Because the area described in AS 41.21.186 exceeds 640 acres,
3 AS 41.21.185 - 41.21.189 are intended to close the described land and water to
4 multiple purpose use in conformity with AS 38.05.300 and to dedicate them as a
5 special purpose site in accordance with art. VIII, sec. 7, Constitution of the State of
6 Alaska.

7 (c) The legislature recognizes the rights of the owners of the private land that
8 adjoins the Afognak Island State Park established in AS 41.21.185 - 41.21.189. The
9 status of the land as a park will not impair the uses to which private land that adjoins
10 the park may be put in the future.

11 Sec. 41.21.186. AFOGNAK ISLAND STATE PARK ESTABLISHED. The
12 upland, shoreland, tideland, land underlying tidally influenced inland water, and water
13 overlying this land, including both the surface and subsurface estate, owned or
14 acquired by the state within the following described parcels are established as the
15 Afognak Island State Park:

16 (1) Township 21 South, Range 16 West, Seward Meridian according
17 to the United States of America, Department of the Interior, Bureau of Land
18 Management plat accepted December 6, 1989, and filed December 22, 1989

19 Section 19: Lots 1 - 3

20 Sections 30 - 31: (fractional) all;

21 (2) Township 22 South, Range 16 West, Seward Meridian according
22 to the United States of America, Department of the Interior, Bureau of Land
23 Management plat accepted December 6, 1989, and filed December 22, 1989

24 Section 6: (fractional) all

25 Section 7: Lots 1 - 2

26 Sections 18 - 19: (fractional) all

27 Section 31: (fractional) all;

28 (3) Township 20 South, Range 17 West, Seward Meridian according
29 to the United States of America, Department of the Interior, Bureau of Land
30 Management plat accepted December 6, 1989, and filed December 22, 1989

31 Section 32: (fractional) all;

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(4) Township 21 South, Range 17 West, Seward Meridian according to the United States of America, Department of the Interior, Bureau of Land Management plat accepted December 6, 1989, and filed December 22, 1989

- Sections 6 - 8: (fractional) all
- Section 13: (fractional) all
- Section 17: (fractional) all
- Section 18: all
- Sections 19 - 20: (fractional) all
- Sections 23 - 24: (fractional) all
- Section 25: all
- Section 26: (fractional) all
- Sections 29 - 31: (fractional) all
- Sections 33 - 35: (fractional) all
- Section 36: all;

(5) Township 22 South, Range 17 West, Seward Meridian according to the United States of America, Department of the Interior, Bureau of Land Management plat accepted December 6, 1989, and filed December 22, 1989

- Section 1: all
- Sections 2 - 5: (fractional) all
- Sections 8 - 9: (fractional) all
- Section 11: all
- Section 12: (fractional) all
- Sections 13 - 14: all
- Section 17: (fractional) all
- Sections 19 - 20: (fractional) all
- Section 23: all
- Sections 24 - 25: (fractional) all
- Sections 26 - 29: all
- Sections 30 - 31: (fractional) all
- Sections 32 - 35: all
- Section 36: (fractional) all;

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(6) All of Township 23 South, Range 17 West, Seward Meridian according to the United States of America, Department of the Interior, Bureau of Land Management plat accepted December 6, 1989, and filed December 22, 1989; and the supplemental plat for Section 3 accepted April 11, 1990, and filed April 19, 1990, and the supplemental plat for Section 19 accepted November 9, 1990, and filed November 23, 1990;

(7) Township 21 South, Range 18 West, Seward Meridian according to the United States of America, Department of the Interior, Bureau of Land Management plat accepted December 6, 1989, and filed December 22, 1989

Section 1: Lots 1 - 3

Sections 11 - 12: (fractional) all

Section 13: all

Section 14: (fractional) all

Section 15: Lots 1 and 2

Section 16: Lots 1 and 2

Section 17: Lot 1, excepting the property described as follows:

Commencing at the monument set for the northwest corner of Section 6, Township 21, South, Range 18 West, Seward Meridian, proceed South a distance of 10,560 feet along the westerly boundaries of Sections 6 and 7; thence proceed East along the section line common to sections 7 and 18 a distance of 4999 feet, more or less, to the protracted section corner common to sections 7, 8, 17, and 18, said corner being the True Point of Beginning; thence continuing East a distance of 1320 feet along the north boundary of Lot 1 of section 17; thence South a distance of 2640 feet; thence West a distance of 1320 feet, more or less, to the westerly boundary of Lot 1 of section 17; thence North a distance of 2640 feet, more or less, along the westerly boundary of said Lot 1 of section 17 to the True Point of Beginning; The foregoing exception having an area of 80 acres, more or less

Section 17: Lot 2: all

Sections 20 - 22: (fractional) all

Sections 23 - 29: all

1 Sections 31 - 36: all;

2 (8) Township 22 South, Range 18 West, Seward Meridian according
3 to the United States of America, Department of the Interior, Bureau of Land
4 Management plat accepted December 6, 1989, and filed December 22, 1989

5 Section 36: Lot 2;

6 (9) Township 23 South, Range 18 West, Seward Meridian according
7 to the United States of America, Department of the Interior, Bureau of Land
8 Management plat accepted December 6, 1989, and filed December 22, 1989

9 Section 1: Lot 1

10 Section 12: Lot 1

11 Section 13: Lots 1, 2, and 3

12 Sections 24 - 25: (fractional) all;

13 (10) Township 21 South, Range 19 West, Seward Meridian according
14 to the United States of America, Department of the Interior, Bureau of Land
15 Management plat accepted December 6, 1989, and filed December 22, 1989

16 Sections 35 - 36: all

17 All of plat no. 93-40 within portions of Sections 26, 27, and 34,
18 as filed in the Kodiak Recording District October 19, 1993;

19 (11) All of Alaska Tideland Survey No. 1474.

20 Sec. 41.21.187. DESIGNATION OF MANAGEMENT RESPONSIBILITY.

21 (a) The state land and water described in AS 41.21.186 is assigned to the department
22 as a unit of the state park system for control, maintenance, and development consistent
23 with the purposes and provisions of AS 41.21.185 - 41.21.139.

24 (b) The Department of Fish and Game is responsible for the management of
25 fish and game resources in the Afognak Island State Park, consistent with the sustained
26 yield principle and the purposes and provisions of this chapter. The Board of
27 Fisheries, the Board of Game, and the commissioner of fish and game are responsible
28 for adopting regulations governing uses of fish and game in accordance with AS 16.
29 The fish and game habitat and breeding areas shall be managed to ensure that the fish
30 and game resources of the park and habitat are maintained or enhanced.

31 (c) The Department of Natural Resources shall consult with the Department

1 of Fish and Game before adoption of regulations governing public use of the Afognak
2 Island State Park.

3 (d) The Board of Fisheries, the Board of Game, and the commissioner of fish
4 and game shall consult with the Department of Natural Resources before adoption of
5 regulations governing fish and game use in the Afognak Island State Park.

6 (e) Regulations under this section shall be adopted under AS 44.62
7 (Administrative Procedure Act).

8 (f) The Department of Public Safety and the Department of Fish and Game
9 shall have necessary access to the Afognak Island State Park for fish and game
10 management, research, and enforcement purposes.

11 Sec. 41.21.188. INCOMPATIBLE USES. (a) The commissioner may
12 designate by regulation incompatible uses within the land and water of the Afognak
13 Island State Park.

14 (b) Lawful use of a weapon in the Afognak Island State Park shall be allowed
15 except in areas that may be closed for purposes of public safety by regulation by the
16 commissioner.

17 (c) The regulations governing public use of the Afognak Island State Park
18 must provide reasonable access for lawful sport and subsistence hunting and fishing,
19 personal use fishing, trapping, recreational uses, and commercial fishing. Except to
20 protect public safety, the commissioner may not restrict the exercise of sport or
21 subsistence hunting or fishing, personal use fishing, trapping, or commercial fishing
22 permitted under law or under a regulation of the Board of Fisheries or the Board of
23 Game within the Afognak Island State Park.

24 Sec. 41.21.189. ADDITIONS TO PARK. Land and water outside of the
25 boundaries established under AS 41.21.186 may be added to the Afognak Island State
26 Park only by an act of the legislature. The commissioner may acquire land and water
27 within the boundaries of the Afognak Island State Park except by eminent domain.

FISCAL NOTE

STATE OF ALASKA 1994 LEGISLATIVE SESSION

Revision Date: 2/24/94 Department Affected: Natural Resources
 Title: Establish Afognak Island State Park BRU: Parks and Recreation Management
 Component: Park Management
 Sponsor: Governor
 Requestor: Governor Component Serial No. 452

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	12.0	12.0	12.0	12.0	12.0	12.0
TRAVEL	5.0	5.0	5.0	5.0	5.0	5.0
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	17.0	17.0	17.0	17.0	17.0	17.0

CAPITAL						
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REVENUE fund source:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	17.0	17.0	17.0	17.0	17.0	17.0
1005 GF/Program Receipts						
1008 GF/MHTIA						
Other						
TOTAL	17.0	17.0	17.0	17.0	17.0	17.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) Impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

The legislation will add 41,000 acres to the State Park System. This remote unit will be passively managed - permanent staff will make occasional visits based on need. Volunteers in Parks (VIPs) will provide seasonal monitoring of public use of area and development of a resource inventory. This information will be used by the permanent staff to develop a master plan for Afognak Island State Park.

Prepared by: Neil C. Johannsen Phone: 762-2600
 Division: Parks and Outdoor Recreation Date: 2/24/94
 Approved by Commissioner: Harry A. Noon Date: _____
 Agency: Department of Natural Resources

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
For more information call the Governor's Legislative Office

FISCAL NOTE

Bill Version HB 447

(H) Publish Date: 2/4/94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Revision Date: January 7, 1994

Department Affected: Department of Law

Title: "An Act establishing the Afognak Island State Park."

BRU: Legal Services

Sponsor: Rules Committee/Request of the Governor

Component: Operations

Requestor: Governor's Office/OMB

COMPONENT SERIAL NO. 0093

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
Please see the attached analysis.

Prepared by: Richard I. Pegues, Director

Phone: 465-3672

Division: Administrative Services Division

Date: January 7, 1994

Approved by Commissioner: Bruce M. Botelho, Acting Attorney General

Agency: Department of Law

Date: January 7, 1994

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COMMITTEE COPY

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. _____

ANALYSIS CONTINUATION:

This bill would establish the Afognak Island State Park by incorporating the approximately 41,549 acres at Seal Bay and Tonki Cape for inclusion in the state park system. Monies for the purchase of these lands were provided by the Exxon Valdez Trustee Council and the subsequent expenditure to execute the purchase was approved by the Legislative Budget and Audit Committee on November 23, 1993. Any subsequent activities would require little, if any, involvement by the Department of Law and there should not be a fiscal impact for the department.

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Bill Version: HB 447

(H) Publish Date: 2/4/94

Revision Date: _____ Dept. Affected: Public Safety

Title: "An Act establishing the Afognak BRU: Fish & Wildlife Protection

Island State Park" Component: Enforcement & ISU

Sponsor: Rules

Requestor: Governor COMPONENT SERIAL NO. 490

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE:						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0	0	0	0	0	0

Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact upon the Division of Fish & Wildlife Protection is anticipated.

Prepared By: Capt. Ted Ruddell Phone: 269-5589

Division: Fish & Wildlife Protection Date: 01/06/94

Approved by Commissioner: *Richard L. Burton* Date: 01/06/94

Agency: Richard L. Burton, Dept. of Public Safety

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COMMITTEE COPY

FISCAL NOTE

Bill Version: HB 447
 (H) Publish Date: 2/4/94

STATE OF ALASKA

BILL

1994 LEGISLATIVE SESSION

Revision Date: 14-Jan-94 Dept Affected: Natural Resources
 Title: Establish Afognak Island State Park BRU: Parks and Recreation Management
 Component: Parks Management
 Sponsor: Rules Committee
 Requirer: Governor Component Serial No. 452

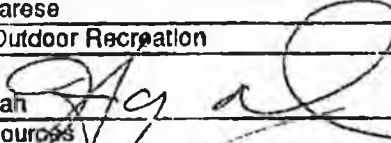
Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	12.0	12.0	12.0	12.0	12.0	12.0
TRAVEL	10.0	10.0	10.0	10.0	10.0	10.0
CONTRACTUAL						
SUPPLIES	3.0	2.0	1.0	1.0	1.0	1.0
EQUIPMENT	8.0					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	33.0	24.0	23.0	23.0	23.0	23.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF	33.0	24.0	23.0	23.0	23.0	23.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	33.0	24.0	23.0	23.0	23.0	23.0

Estimate of any current year (FY94) cost: \$ None

POSITIONS	FY95	FY96	FY97	FY98	FY99	FY00
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)
 The legislation will add 41,000 acres to the State Parks System. This remote unit will be passively managed - permanent staff will make occasional visits based on need. Volunteers in parks (VIPs) will provide seasonal monitoring of public use of area and development of resource inventory. This information will be used by the permanent staff to develop a master plan for Afognak Island State Park.

Prepared by: Pete J. Panarese Phone: 762-2603
 Division: Parks and Outdoor Recreation Date: 14-Jan-94
 Approved by Commissioner:  Date: 14-Jan-94
 Agency: Natural Resources

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

P.O. BOX 110300 - STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 463-5295

February 22, 1994

The Honorable Bill Williams
Chairman
House Resources Committee
Room 128
State Capitol
Juneau, Alaska 99801-1182

Re: House Bill 447

Dear Representative Williams:

House Bill 447, An Act Establishing the Afognak Island State Park, has been assigned to the House Resources Committee. I urge you to schedule this bill for a prompt hearing.

The purpose of House Bill 447 is to create the Afognak Island State Park thus assuring that management of lands at Seal Bay and Tonki Cape on Afognak Island will rest with the State of Alaska rather than the United States. The acquisition of these lands was undertaken with funds from the EXXON VALDEZ oil spill civil settlement pursuant to a resolution of the Trustee Council adopted in August 1993. The Trustee Council resolution provided that these lands would be conveyed to the State only if the State designates them as a state park within one year of purchase. The purchase of these lands was completed November 23, 1993. Under the terms of the purchase agreement, if these lands are not designated a state park prior to November 23, 1994, in effect this legislative session, they will be conveyed to the federal government for inclusion in a federal conservation unit such as a national wildlife refuge or national park.

The lands are valuable habitat for harlequin ducks, black oystercatchers, river otters, and bald eagles. The lands contain eight documented anadromous streams. Sea otters are common in the near shore waters and there are numerous harbor seal haul outs along the shoreline. All of these species were injured by the oil spill.

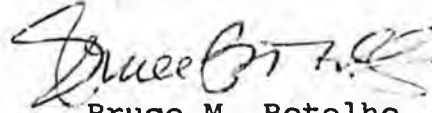
These lands have traditionally been used for hunting, boating, fishing, and related activities. House Bill 447 guarantees the rights of Alaskans to continue to be able to use these lands for these kinds of activities. The bill specifically protects sport and subsistence hunting and fishing, personal use fishing, trapping, recreational activities, and commercial fishing

The Honorable Bill Williams, Chairman
House Resources Committee

February 22, 1994
Page 2

in the park and, by placing management in the hands of Alaskans,
helps to assure that these protective measures are implemented
fairly and sensibly.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bruce M. Botelho". The signature is fluid and cursive, with the first name "Bruce" being the most prominent.

Bruce M. Botelho
Attorney General

BMB:CT:tg

DEPARTMENT OF FISH AND GAME POSITION PAPER

BILL NO: Senate Bill 280 / HB 447

SPONSOR: Senate Rules

DIVISION: Habitat and Restoration

DEPARTMENT POSITION:

The Department of Fish and Game supports passage of Senate Bill 280 creating the Afognak Island State Park. This bill will enhance public access to and use of valuable fish and wildlife resources on Afognak Island and will help to maintain the habitat needed to restore resources and services injured by the Exxon Valdez oil spill (EVOS).

The uplands contained in the proposed park were acquired by the EVOS Trustee Council to restore injured resources and services including pink salmon, Dolly Varden, herring, harbor seals, river otters, harlequin ducks, marbled murrelets, bald eagles, black oystercatchers, pigeon guillemot, and sea otters. Moreover, the lands and waters included in the proposed park support additional valuable fish and wildlife resources including elk, deer, brown bear, fox, and coho salmon. The proposed park is important for recreational and commercial fishing, hunting, trapping, and wildlife viewing and has a high potential to support increased public uses in the future.

Designation of the lands as a unit of state park system will ensure that the land and its resources will be managed in the long term interests of the state. Pursuant to the purchase agreement adopted by the EVOS Trustee Council, a failure to legislatively protect the lands in 1994 will result in transfer of the title to the Federal government. Federal management would likely precipitate more restrictive access provisions and federal management of fish and wildlife on this land.

COMMISSIONER'S SIGNATURE

Carl A. Rosen

DATE

2/25/94

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FAX: (907) 465-3886

February 8, 1994

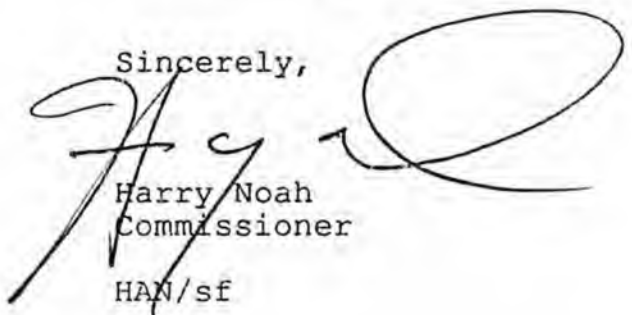
The Honorable Bill Williams
Chairman
House Resources Committee
Alaska State Capitol, Room 102
Juneau, Alaska 99801

Dear Representative Williams:

I respectfully request that you schedule a Resources Committee hearing on HB 447, a bill creating Afognak Island State Park. The creation of this state park is facilitated by the acquisition of this land by the Exxon Valdez Oil Spill Trustee Council. Under the terms of the purchase agreement, this land must be placed in a state park unit by November 23, 1994 or the property will be transferred to the federal government for placement in a federal conservation unit.

Thank you for your consideration of this matter.

Sincerely,



Harry Noah
Commissioner

HAN/sf

cc: Raya Elim, Legislative Liaison
Office of the Governor



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 4, 1994

The Honorable Rick Halford
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

HB447

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill creating the Afognak Island State Park.

On August 23, 1993, the Exxon Valdez Oil Spill Trustee Council (council) adopted a resolution approving, for restoration purposes, acquisition of approximately 41,549 acres of land in Alaska on the northeast corner of Afognak Island, including Seal Bay and Tonki Cape. Although the federal government initially expressed a desire to include this property within the Kodiak National Wildlife Refuge, portions of which are located nearby, the state trustees on the council persuaded the council as a whole that this property has a more logical connection with Shuyak State Park, located on an island immediately to the north of the Seal Bay property. Thus, the resolution adopted by the council provided the state the first opportunity to acquire title to this irreplaceable Alaska property. The resolution further provided that, to fulfill the council's restoration obligations, the property was to be included in a state park and commercial timber harvest was not to be permitted. The resolution specifically allowed limited commercial use as well as sport, personal use, and subsistence hunting and fishing, trapping, and recreational uses, insofar as they are permitted under law or regulations of the Board of Fisheries or Board of Game. Only if the state was unwilling or unable to establish a state park was the federal government to take title to this property.

Based on the council's resolution, the state entered into a purchase agreement on November 4, 1993 with the Seal Bay Timber Company, owner of the property, and The Nature Conservancy. The agreement provided for title to the property to first go to The Nature Conservancy to hold until the state has an opportunity to establish a park to accept the property.

Under AS 37.07.080(h) and AS 37.14.450, the Legislative Budget and Audit Committee approved the expenditure of EXXON VALDEZ civil trust money for the purchase at its November 5, 1993 meeting. The purchase was completed on November 23, 1993 when title to the property passed to The Nature Conservancy.

The Honorable Rick Halford
February 4, 1994
Page 2

In accordance with the purchase agreement, The Nature Conservancy will convey the property to the state for placement in a state park if the park is created by November 23, 1994, one year from the date of purchase. Otherwise, the property must be conveyed to the federal government for placement in a federal conservation unit. The purpose of this bill is to create that required state park.

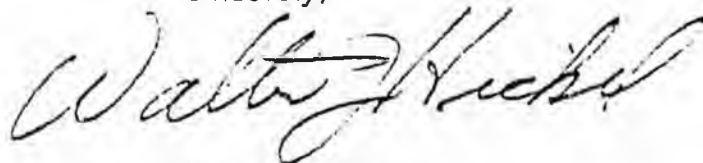
The acquisition and protection of this land in a state park has widespread and nearly unanimous public support. Expressions of support for the acquisition have come from such diverse groups as the Kodiak Island Borough mayor and assembly, City of Kodiak, Kodiak Chamber of Commerce, various commercial fishing groups, local tour operators, and environmental organizations.

Seal Bay has historically supported high value wilderness-based recreation such as hunting, boating, and fishing. The area has high scenic value and excellent wildlife viewing. It contains important habitat for several species of wildlife for which significant injury resulting from the oil spill has been documented, including marbled murrelets, harlequin ducks, black oyster catchers, and river otters. Harbor seal haulouts and intertidal and subtidal biota are all found in substantial numbers along the shoreline. Concentrations of sea otters exist in this area. Anadromous streams and bald eagle nests are found on this property. Protection of this property will aid recovery of these injured resources and services.

The proposed park would include all lands acquired from Seal Bay Timber Company as well as tidelands. Submerged lands would not be included except those lying within lagoons on the property. The Department of Fish and Game would be responsible for the management of fish and game resources in the park, consistent with the principle of sustained yield. Sport and subsistence hunting and fishing, personal use fishing, trapping, recreational activities, and commercial fishing would be permitted in the park. These are the purposes for which Alaskans have traditionally used these lands. By creating a state park for this property, we will ensure that future generations will be able to continue to use and enjoy this magnificent part of our state.

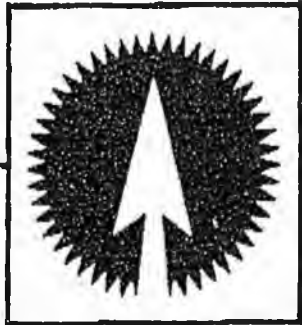
I urge your prompt consideration and passage of this bill.

Sincerely,



Walter J. Hickel
Governor

Alaska Forest Association, Inc.



111 STEDMAN SUITE 20J
KETCHIKAN, ALASKA 99901-8599
Phone 907-225-8114
FAX 907-225-6920

STATEMENT OF SUPPORT OF HB447 & SB280
CREATION OF AFOGNAK ISLAND STATE PARK
BY THE
ALASKA FOREST ASSOCIATION

MARCH 11, 1994

The Alaska Forest Association is an association of over 350 members concerned about timber supply. It is the mission of AFA to promote a significant and stable timber supply regardless of ownership. It is this mission which brings AFA before you today.

AFA is in support of SB280 and HB447 with the technical amendments proposed by Kincor Forest Products. We believe it is very important the State of Alaska obtain title to this land rather than the federal government. Past events have shown that the federal government is far less responsive or willing to be responsive to the needs of Alaskans.

This legislation is important to the timber supply issue because access must be provided to adjacent ownerships if they are to contribute to the overall timber supply situation. AFA supports the recognition of the rights of adjacent landowners.

Access across the proposed state park is vital for management of adjacent lands. Not only is it important for reaching the timber, but also access to deep water ports for shipping. These needs will be better addressed by state rather than the federal government.

AFA urges passage of these important bills with the proposed amendments.



* PLEASE PRINT AND *
 INCLUDE COMPLETE MAILING ADDRESS

HOUSE RESOURCES COMMITTEE

DATE: 3/11/94

PLACE: Capitol, Room 124

SUBJECT OF MEETING:
 HB 447 - ESTABLISHING THE
 AFOGNAK ISLAND STATE
 PARK

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Craig Tillery	Dept. of Law	1031 W. 4th Ave Anch	99501		269-5274	<input checked="" type="radio"/>	<input type="radio"/>	HB 447
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
						<input type="radio"/>	<input type="radio"/>	
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HB

447

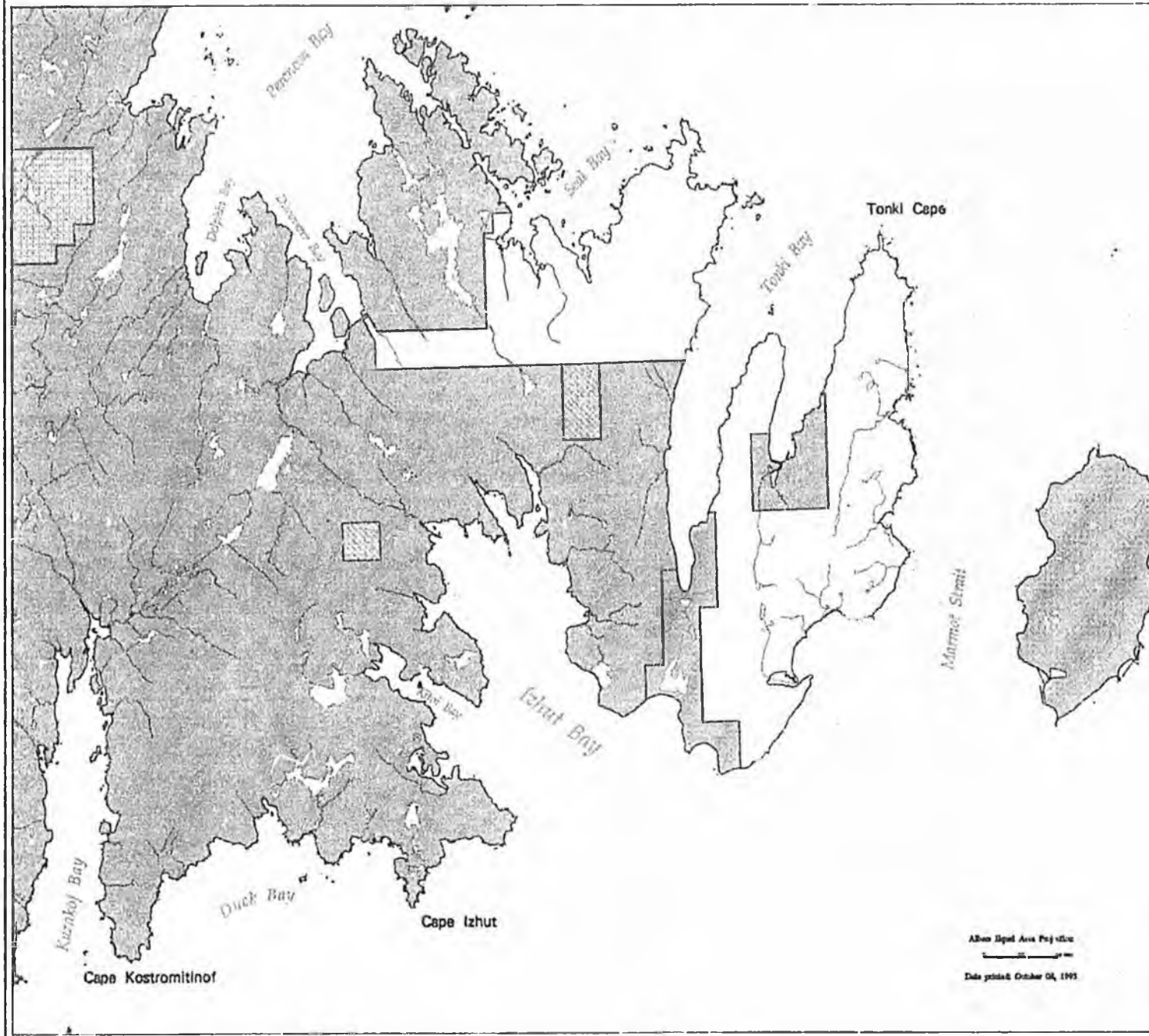
File 2

HABITAT PROTECTION ACQUISITION FOR SEAL BAY AND TONKI BAY

EASTERN AFOGNAK ISLAND, ALASKA



Prepared by:
Alaska Department of Natural Resources
Land Records Information Section



LEGEND

Acquisition Area

LAND STATUS

- National Forest
- National Wildlife Refuges
- State and Borough Lands
- Native or Private Lands
- Native Selected

OTHER

- Streams
- Anadromous Streams

SOURCES:
Land status provided by ADNR,
Land Records Information
Section, 1993.

Eagle information collected
and provided by US Fish and
Wildlife Service.

Streams were automated by
ADNR-LRIS from the USGS
topographic maps (1:63,360).
Anadromous streams classification
was determined by the ADF&G, 1991.

Alaska Department of Natural Resources

Date printed: October 04, 1995

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

March 9, 1994

Representative Bill H. Williams
House Resources, Chairman
Room 128, Capitol
Juneau, AK 99801-1182

Re: SB 280

Dear Representative Williams:

On August 23, 1993, the Exxon Valdez Settlement Trustee Council adopted a resolution approving, for restoration purposes, acquisition of approximately 42,000 acres of land on the northeast corner of Afognak Island, including Seal Bay and Tonki Cape. Although the federal government initially expressed a desire to include this land within the Kodiak National Wildlife Refuge, portions of which are located nearby, the State Trustees persuaded them that this land has a more logical connection with Shuyak Island State Park, located immediately to the north. Thus, the resolution adopted by the Trustee Council provided the State the first opportunity to acquire title to this invaluable property. The resolution further provided that, to fulfill its restoration purposes, the Seal Bay land was to be included in a state park and commercial timber harvest was not to be permitted. At the request of the State Trustees, the resolution specifically allowed limited commercial use as well as sport, personal use, and subsistence hunting, fishing, trapping and recreational uses insofar as they are permitted under law or regulation of the Board of Fisheries or Board of Game. Only if the State was unwilling or unable to meet these requirements, was the United States to take title.

Based on this resolution, the State entered into a purchase agreement with the owners of the property, Seal Bay Timber Company. The agreement provides for title to the property to first go to The Nature Conservancy to hold until the State has had an opportunity to establish a park to accept the property. Using the third party device to hold the land was adopted in order to avoid running afoul of mental health lands trust issues. The Nature Conservancy has signed the agreement, and title was transferred to it on November 23, 1993. The Governor has requested introduction of SB 280 and HB 447 to create the legislatively designated area needed for this land. Each of these proposed bills specifically provides for the continued use of these lands for hunting, fishing, trapping and other traditional activities. In the interim,

WALTER J. HICKEL, GOVERNOR

PLEASE REPLY TO:

1031 WEST 4TH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501-1994
PHONE: (907) 269-5100
FAX: (907) 276-3697

KEY BANK BUILDING
100 CUSHMAN ST., SUITE 400
FAIRBANKS, ALASKA 99701-4679
PHONE: (907) 451-2811
FAX: (907) 451-2846

P.O. BOX 110300 - STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 465-6735

although title will reside with The Nature Conservancy, management will be by the State.

To assist you in your consideration of this legislation, we are providing the attached package of information.

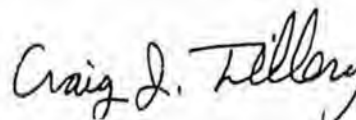
- (1) SE 280 and HB 447 and Governor's letters of transmittal
- (2) Map of the general area of the acquisition
- (3) Map of the specific acquisition
- (4) Trustee Council Resolution approving acquisition
- (5) Trustee Council Resolution requesting funds from the Court
- (6) Purchase Agreement
- (7) Ownership Agreement
- (8) Habitat analysis
- (9) Photographs of the area
- (10) Letter from the seller explaining what it intends to do with the proceeds from the sale
- (11) Letters from the Kodiak Island Borough, Kodiak Chamber of Commerce and others expressing their support for this acquisition
- (12) Appraisal of the surface estate for Seal Bay
- (13) Appraisal of the surface estate for Tonki Cape

I hope this information will be sufficient to answer any questions that may arise within the committee with regard to this bill. If you have further questions, please contact me. Thank you for your attention and I appreciate your earliest consideration of this matter.

Very truly yours,

BRUCE M. BOTELHO
ATTORNEY GENERAL

By:



Craig J. Tillery
Assistant Attorney General

CJT:vo

WALTER J. HICKEL
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

P. O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500

Law 2003
HB 447

February 4, 1994

The Honorable Ramona L. Barnes
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Barnes:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill creating the Afognak Island State Park.

On August 23, 1993, the Exxon Valdez Oil Spill Trustee Council (council) adopted a resolution approving, for restoration purposes, acquisition of approximately 41,549 acres of land in Alaska on the northeast corner of Afognak Island, including Seal Bay and Tonki Cape. Although the federal government initially expressed a desire to include this property within the Kodiak National Wildlife Refuge, portions of which are located nearby, the state trustees on the council persuaded the council as a whole that this property has a more logical connection with Shuyak State Park, located on an island immediately to the north of the Seal Bay property. Thus, the resolution adopted by the council provided the state the first opportunity to acquire title to this invaluable Alaska property. The resolution further provided that, to fulfill the council's restoration obligations, the property was to be included in a state park and commercial timber harvest was not to be permitted. The resolution specifically allowed limited commercial use as well as sport, personal use, and subsistence hunting and fishing, trapping, and recreational uses, insofar as they are permitted under law or regulations of the Board of Fisheries or Board of Game. Only if the state was unwilling or unable to establish a state park was the federal government to take title to this property.

Based on the council's resolution, the state entered into a purchase agreement on November 4, 1993 with the Seal Bay Timber Company, owner of the property, and The Nature Conservancy. The agreement provided for title to the property to first go to The Nature Conservancy to hold until the state has an opportunity to establish a park to accept the property.

Under AS 37.07.080(h) and AS 37.14.450, the Legislative Budget and Audit Committee approved the expenditure of EXXON VALDEZ civil trust money for the purchase at its November 5, 1993 meeting. The purchase was completed on November 23, 1993 when title to the property passed to The Nature Conservancy.

The Honorable Ramona Barnes
February 4, 1994
Page 2

In accordance with the purchase agreement, The Nature Conservancy will convey the property to the state for placement in a state park if the park is created by November 23, 1994, one year from the date of purchase. Otherwise, the property must be conveyed to the federal government for placement in a federal conservation unit. The purpose of this bill is to create that required state park.

The acquisition and protection of this land in a state park has widespread and nearly unanimous public support. Expressions of support for the acquisition have come from such diverse groups as the Kodiak Island Borough mayor and assembly, City of Kodiak, Kodiak Chamber of Commerce, various commercial fishing groups, local tour operators, and environmental organizations.

Seal Bay has historically supported high value wilderness-based recreation such as hunting, boating, and fishing. The area has high scenic value and excellent wildlife viewing. It contains important habitat for several species of wildlife for which significant injury resulting from the oil spill has been documented, including marbled murrelets, harlequin ducks, black oyster catchers, and river otters. Harbor seal haulouts and intertidal and subtidal biota are all found in substantial numbers along the shoreline. Concentrations of sea otters exist in this area. Anadromous streams and bald eagle nests are found on this property. Protection of this property will aid recovery of these injured resources and services.

The proposed park would include all lands acquired from Seal Bay Timber Company as well as tidelands. Submerged lands would not be included except those lying within lagoons on the property. The Department of Fish and Game would be responsible for the management of fish and game resources in the park, consistent with the principle of sustained yield. Sport and subsistence hunting and fishing, personal use fishing, trapping, recreational activities, and commercial fishing would be permitted in the park. These are the purposes for which Alaskans have traditionally used these lands. By creating a state park for this property, we will ensure that future generations will be able to continue to use and enjoy this magnificent part of our state.

I urge your prompt consideration and passage of this bill.

Sincerely,



Walter J. Hickel
Governor

Walter J. Hickel
WALTER J. HICKEL
GOVERNOR



122-2025
P. O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500
SB 200

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 4, 1994

The Honorable Rick Halford
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill creating the Afognak Island State Park.

On August 23, 1993, the Exxon Valdez Oil Spill Trustee Council (council) adopted a resolution approving, for restoration purposes, acquisition of approximately 41,549 acres of land in Alaska on the northeast corner of Afognak Island, including Seal Bay and Tonki Cape. Although the federal government initially expressed a desire to include this property within the Kodiak National Wildlife Refuge, portions of which are located nearby, the state trustees on the council persuaded the council as a whole that this property has a more logical connection with Shuyak State Park, located on an island immediately to the north of the Seal Bay property. Thus, the resolution adopted by the council provided the state the first opportunity to acquire title to this invaluable Alaska property. The resolution further provided that, to fulfill the council's restoration obligations, the property was to be included in a state park and commercial timber harvest was not to be permitted. The resolution specifically allowed limited commercial use as well as sport, personal use, and subsistence hunting and fishing, trapping, and recreational uses, insofar as they are permitted under law or regulations of the Board of Fisheries or Board of Game. Only if the state was unwilling or unable to establish a state park was the federal government to take title to this property.

Based on the council's resolution, the state entered into a purchase agreement on November 4, 1993 with the Seal Bay Timber Company, owner of the property, and The Nature Conservancy. The agreement provided for title to the property to first go to The Nature Conservancy to hold until the state has an opportunity to establish a park to accept the property.

Under AS 37.07.080(h) and AS 37.14.450, the Legislative Budget and Audit Committee approved the expenditure of EXXON VALDEZ civil trust money for the purchase at its November 5, 1993 meeting. The purchase was completed on November 23, 1993 when title to the property passed to The Nature Conservancy.

The Honorable Dick Halford
February 4, 1994
Page 2

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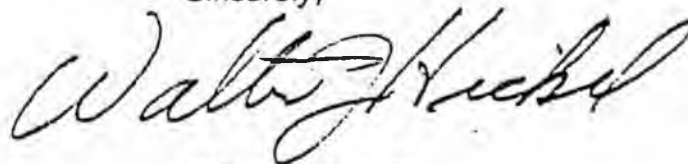
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Seal Bay has historically supported high value wilderness-based recreation such as hunting, boating, and fishing. The area has high scenic value and excellent wildlife viewing. It contains important habitat for several species of wildlife for which significant injury resulting from the oil spill has been documented, including marbled murrelets, harlequin ducks, black oyster catchers, and river otters. Harbor seal haulouts and intertidal and subtidal biota are all found in substantial numbers along the shoreline. Concentrations of sea otters exist in this area. Anadromous streams and bald eagle nests are found on this property. Protection of this property will aid recovery of these injured resources and services.

The proposed park would include all lands acquired from Seal Bay Timber Company as well as tidelands. Submerged lands would not be included except those lying within lagoons on the property. The Department of Fish and Game would be responsible for the management of fish and game resources in the park, consistent with the principle of sustained yield. Sport and subsistence hunting and fishing, personal use fishing, trapping, recreational activities, and commercial fishing would be permitted in the park. These are the purposes for which Alaskans have traditionally used these lands. By creating a state park for this property, we will ensure that future generations will be able to continue to use and enjoy this magnificent part of our state.

I urge your prompt consideration and passage of this bill.

Sincerely,



Walter J. Hickel
Governor

8-GH2025.A

HOUSE BILL NO. 447

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/4/94

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing the Afognak Island State Park."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 41.21 is amended by adding new sections to read:

4 Sec. 41.21.184. PURPOSE OF AS 41.21.184 - 41.21.188. (a) The purpose
5 of AS 41.21.184 - 41.21.188 is to establish, subject to valid existing rights, the state-
6 owned or acquired land and water described in AS 41.21.185 as the Afognak Island
7 State Park. The primary purposes of establishing the Afognak Island State Park are
8 to protect the area's recreational and scenic resources; to protect the area's fish and
9 wildlife habitat; to preserve and enhance the continued use of the area for sport and
10 subsistence hunting and fishing, personal use fishing, trapping, recreational activities,
11 and commercial fishing; and to restore and enhance resources and services injured by
12 the EXXON VALDEZ oil spill.

13 (b) Under the provisions of AS 38.05.300, state land, water, or land and water
14 containing more than 640 acres may be closed to multiple purpose use only by act of

1 the legislature. Because the area described in AS 41.21.185 exceeds 640 acres,
2 AS 41.21.184 - 41.21.188 are intended to close the described land and water to
3 multiple purpose use in conformity with AS 38.05.300 and to dedicate them as a
4 special purpose site in accordance with art. VIII, sec. 7, Constitution of the State of
5 Alaska.

6 Sec. 41.21.185. AFOGNAK ISLAND STATE PARK ESTABLISHED. The
7 upland, shoreland, tideland, land underlying tidally influenced inland water, and water
8 overlying these lands owned or acquired by the state within the following described
9 parcels are established as the Afognak Island State Park:

10 Township 21 South, Range 16 West, Seward Meridian according to the
11 United States of America, Department of the Interior, Bureau of Land Management
12 plat accepted December 6, 1989, and filed December 22, 1989

13 Section 19: Lots 1, 2, and 3

14 Sections 30 and 31: (fractional) all

15 Township 22 South, Range 16 West, Seward Meridian according to the
16 United States of America, Department of the Interior, Bureau of Land Management
17 plat accepted December 6, 1989, and filed December 22, 1989

18 Section 6: (fractional) all

19 Section 7: Lots 1 and 2

20 Sections 18, 19, and 31: (fractional) all

21 Township 20 South, Range 17 West, Seward Meridian according to the
22 United States of America, Department of the Interior, Bureau of Land Management
23 plat accepted December 6, 1989, and filed December 22, 1989

24 Section 32: (fractional) all

25 Township 21 South, Range 17 West, Seward Meridian according to the
26 United States of America, Department of the Interior, Bureau of Land Management
27 plat accepted December 6, 1989, and filed December 22, 1989

28 Sections 6, 7, 8, 13, and 17: (fractional) all

29 Section 18: all

30 Sections 19, 20, 23, and 24: (fractional) all

31 Section 25: all

1 Sections 26, 29, 30, 31, 33, 34, and 35: (fractional) all
 2 Section 36: all
 3 Township 22 South, Range 17 West, Seward Meridian according to the
 4 United States of America, Department of the Interior, Bureau of Land Management
 5 plat accepted December 6, 1989, and filed December 22, 1989
 6 Section 1: all
 7 Sections 2, 3, 4, 5, 8, and 9: (fractional) all
 8 Section 11: all
 9 Section 12: (fractional) all
 10 Sections 13 and 14: all
 11 Sections 17, 19, and 20: (fractional) all
 12 Section 23: all
 13 Sections 24 and 25: (fractional) all
 14 Sections 26, 27, 28, and 29: all
 15 Sections 30 and 31: (fractional) all
 16 Sections 32, 33, 34, and 35: all
 17 Section 36: (fractional) all
 18 All of Township 23 South, Range 17 West, Seward Meridian according
 19 to the United States of America, Department of the Interior, Bureau of Land
 20 Management plat accepted December 6, 1989, and filed December 22, 1989; and the
 21 supplemental plat for Section 3 accepted April 11, 1990, and filed April 19, 1990 and
 22 the supplemental plat for Section 19 accepted November 9, 1990, and filed
 23 November 23, 1990
 24 Township 21 South, Range 18 West, Seward Meridian according to the
 25 United States of America, Department of the Interior, Bureau of Land Management
 26 plat accepted December 6, 1989, and filed December 22, 1989
 27 Section 1: Lots 1, 2, and 3
 28 Sections 11 and 12: (fractional) all
 29 Section 13: all
 30 Section 14: (fractional) all
 31 Section 15: Lots 1 and 2

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Section 16: Lots 1 and 2

Section 17: Lot 1, excepting the property described as follows:

Commencing at the monument set for the northwest corner of Section 6, Township 21, South, Range 18 West, Seward Meridian, proceed South a distance of 10,560 feet along the westerly boundaries of Sections 6 and 7; thence proceed East along the section line common to sections 7 and 18 a distance of 4999 feet, more or less, to the protracted section corner common to sections 7, 8, 17, and 18, said corner being the True Point of Beginning; thence continuing East a distance of 1320 feet along the north boundary of Lot 1 of section 17; thence South a distance of 2640 feet; thence West a distance of 1320 feet, more or less, to the westerly boundary of Lot 1 of section 17; thence North a distance of 2640 feet, more or less, along the westerly boundary of said Lot 1 of section 17 to the True Point of Beginning; The foregoing exception having an area of 80 acres, more or less

Section 17, Lot 2: all

Sections 20, 21, and 22: (fractional) all

Sections 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36:

all

Township 22 South, Range 18 West, Seward Meridian according to the United States of America, Department of the Interior, Bureau of Land Management plat accepted December 6, 1989, and filed December 22, 1989

Section 36: Lot 2

Township 23 South, Range 18 West, Seward Meridian according to the United States of America, Department of the Interior, Bureau of Land Management plat accepted December 6, 1989, and filed December 22, 1989

Section 1: Lot 1

Section 12: Lot 1

Section 13: Lots 1, 2, and 3

Sections 24 and 25: (fractional) all

Township 21 South, Range 19 West, Seward Meridian according to the United States of America, Department of the Interior, Bureau of Land Management

1 plat accepted December 6, 1989, and filed December 22, 1989

2 Sections 35 and 36: all

3 All of plat no. 93-40 within portions of Sections 26, 27, and 34,
4 as filed in the Kodiak Recording District October 19, 1993

5 All of Alaska Tideland Survey No. 1474

6 Sec. 41.21.186. DESIGNATION OF MANAGEMENT RESPONSIBILITY.

7 (a) The state land and water described in AS 41.21.185 is assigned to the Department
8 of Natural Resources as a unit of the state park system for control, maintenance, and
9 development consistent with the purposes and provisions of AS 41.21.184 - 41.21.188.

10 (b) The Department of Fish and Game is responsible for the management of
11 fish and game resources in the Afognak Island State Park, consistent with the sustained
12 yield principle and the purposes and provisions of this chapter. The Board of
13 Fisheries, the Board of Game, and the commissioner of fish and game are responsible
14 for adopting regulations governing uses of fish and game in accordance with AS 16.
15 The fish and game habitat and breeding areas shall be managed to ensure that the fish
16 and game resources of the park and habitat are maintained or enhanced.

17 (c) The Department of Natural Resources shall consult with the Department
18 of Fish and Game before adoption of regulations governing public use of the Afognak
19 Island State Park.

20 (d) The Board of Fisheries, the Board of Game, and the commissioner of fish
21 and game shall consult with the Department of Natural Resources before adoption of
22 regulations governing fish and game use in the Afognak Island State Park.

23 (e) Regulations under this section must be adopted in accordance with
24 AS 44.62 (Administrative Procedure Act).

25 (f) The Department of Public Safety and the Department of Fish and Game
26 shall have necessary access to the Afognak Island State Park for fish and game
27 management, research, and enforcement purposes.

28 Sec. 41.21.187. INCOMPATIBLE USES. (a) The commissioner of natural
29 resources may designate by regulation incompatible uses within the land and water of
30 the Afognak Island State Park.

31 (b) Lawful use of a weapon in the Afognak Island State Park shall be allowed

1 except in areas that may be closed for purposes of public safety by regulation by the
2 commissioner of natural resources.

3 (c) The regulations governing public use of the Afognak Island State Park shall
4 provide reasonable access for lawful sport and subsistence hunting and fishing,
5 personal use fishing, trapping, recreational uses, and commercial fishing. Except to
6 protect public safety, the commissioner of natural resources may not restrict the
7 exercise of sport or subsistence hunting or fishing, personal use fishing, trapping, or
8 commercial fishing permitted under law or under a regulation of the Board of Fisheries
9 or the Board of Game within the Afognak Island State Park.

10 Sec. 41.21.188. ADDITIONS TO PARK. Land may be added to the Afognak
11 Island State Park only by an act of legislature. The commissioner of natural resources
12 may not acquire land within the boundaries of the Afognak Island State Park by
13 eminent domain.

SENATE BILL NO. 280

IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/4/94
Referred: STA, RES, JUD, FIN

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing the Afognak Island State Park."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 41.21 is amended by adding new sections to read:

4 Sec. 41.21.184. PURPOSE OF AS 41.21.184 - 41.21.188. (a) The purpose
5 of AS 41.21.184 - 41.21.188 is to establish, subject to valid existing rights, the state-
6 owned or acquired land and water described in AS 41.21.185 as the Afognak Island
7 State Park. The primary purposes of establishing the Afognak Island State Park are
8 to protect the area's recreational and scenic resources; to protect the area's fish and
9 wildlife habitat; to preserve and enhance the continued use of the area for sport and
10 subsistence hunting and fishing, personal use fishing, trapping, recreational activities,
11 and commercial fishing; and to restore and enhance resources and services injured by
12 the EXXON VALDEZ oil spill.

13 (b) Under the provisions of AS 38.05.300, state land, water, or land and water
14 containing more than 640 acres may be closed to multiple purpose use only by act of

1 the legislature. Because the area described in AS 41.21.185 exceeds 640 acres,
2 AS 41.21.184 - 41.21.188 are intended to close the described land and water to
3 multiple purpose use in conformity with AS 38.05.300 and to dedicate them as a
4 special purpose site in accordance with art. VIII, sec. 7, Constitution of the State of
5 Alaska.

6 Sec. 41.21.185. AFOGNAK ISLAND STATE PARK ESTABLISHED The
7 upland, shoreland, tideland, land underlying tidally influenced inland water, and water
8 overlying these lands owned or acquired by the state within the following described
9 parcels are established as the Afognak Island State Park:

10 Township 21 South, Range 16 West, Seward Meridian according to the
11 United States of America, Department of the Interior, Bureau of Land Management
12 plat accepted December 6, 1989, and filed December 22, 1989

13 Section 19: Lots 1, 2, and 3

14 Sections 30 and 31: (fractional) all

15 Township 22 South, Range 16 West, Seward Meridian according to the
16 United States of America, Department of the Interior, Bureau of Land Management
17 plat accepted December 6, 1989, and filed December 22, 1989

18 Section 6: (fractional) all

19 Section 7: Lots 1 and 2

20 Sections 18, 19, and 31: (fractional) all

21 Township 20 South, Range 17 West, Seward Meridian according to the
22 United States of America, Department of the Interior, Bureau of Land Management
23 plat accepted December 6, 1989, and filed December 22, 1989

24 Section 32: (fractional) all

25 Township 21 South, Range 17 West, Seward Meridian according to the
26 United States of America, Department of the Interior, Bureau of Land Management
27 plat accepted December 6, 1989, and filed December 22, 1989

28 Sections 6, 7, 8, 13, and 17: (fractional) all

29 Section 18: all

30 Sections 19, 20, 23, and 24: (fractional) all

31 Section 25: all

- 1 Sections 26, 29, 30, 31, 33, 34, and 35: (fractional) all
2 Section 36: all
3 Township 22 South, Range 17 West, Seward Meridian according to the
4 United States of America, Department of the Interior, Bureau of Land Management
5 plat accepted December 6, 1989, and filed December 22, 1989
6 Section 1: all
7 Sections 2, 3, 4, 5, 8, and 9: (fractional) all
8 Section 11: all
9 Section 12: (fractional) all
10 Sections 13 and 14: all
11 Sections 17, 19, and 20: (fractional) all
12 Section 23: all
13 Sections 24 and 25: (fractional) all
14 Sections 26, 27, 28, and 29: all
15 Sections 30 and 31: (fractional) all
16 Sections 32, 33, 34, and 35: all
17 Section 36: (fractional) all
18 All of Township 23 South, Range 17 West, Seward Meridian according
19 to the United States of America, Department of the Interior, Bureau of Land
20 Management plat accepted December 6, 1989, and filed December 22, 1989; and the
21 supplemental plat for Section 3 accepted April 11, 1990, and filed April 19, 1990 and
22 the supplemental plat for Section 19 accepted November 9, 1990, and filed
23 November 23, 1990
24 Township 21 South, Range 18 West, Seward Meridian according to the
25 United States of America, Department of the Interior, Bureau of Land Management
26 plat accepted December 6, 1989, and filed December 22, 1989
27 Section 1: Lots 1, 2, and 3
28 Sections 11 and 12: (fractional) all
29 Section 13: all
30 Section 14: (fractional) all
31 Section 15: Lots 1 and 2

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Section 16: Lots 1 and 2

Section 17: Lot 1, excepting the property described as follows:

Commencing at the monument set for the northwest corner of Section 6, Township 21, South, Range 18 West, Seward Meridian, proceed South a distance of 10,560 feet along the westerly boundaries of Sections 6 and 7; thence proceed East along the section line common to sections 7 and 18 a distance of 4999 feet, more or less, to the protracted section corner common to sections 7, 8, 17, and 18, said corner being the True Point of Beginning; thence continuing East a distance of 1320 feet along the north boundary of Lot 1 of section 17; thence South a distance of 2640 feet; thence West a distance of 1320 feet, more or less, to the westerly boundary of Lot 1 of section 17; thence North a distance of 2640 feet, more or less, along the westerly boundary of said Lot 1 of section 17 to the True Point of Beginning; The foregoing exception having an area of 80 acres, more or less

Section 17, Lot 2: all

Sections 20, 21, and 22: (fractional) all

Sections 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36:

all

Township 22 South, Range 18 West, Seward Meridian according to the United States of America, Department of the Interior, Bureau of Land Management plat accepted December 6, 1989, and filed December 22, 1989

Section 36: Lot 2

Township 23 South, Range 18 West, Seward Meridian according to the United States of America, Department of the Interior, Bureau of Land Management plat accepted December 6, 1989, and filed December 22, 1989

Section 1: Lot 1

Section 12: Lot 1

Section 13: Lots 1, 2, and 3

Sections 24 and 25: (fractional) all

Township 21 South, Range 19 West, Seward Meridian according to the United States of America, Department of the Interior, Bureau of Land Management

1 plat accepted December 6, 1989, and filed December 22, 1989

2 Sections 35 and 36: all

3 All of plat no. 93-40 within portions of Sections 26, 27, and 34,
4 as filed in the Kodiak Recording District October 19, 1993

5 All of Alaska Tideland Survey No. 1474

6 Sec. 41.21.186. DESIGNATION OF MANAGEMENT RESPONSIBILITY.

7 (a) The state land and water described in AS 41.21.185 is assigned to the Department
8 of Natural Resources as a unit of the state park system for control, maintenance, and
9 development consistent with the purposes and provisions of AS 41.21.184 - 41.21.188.

10 (b) The Department of Fish and Game is responsible for the management of
11 fish and game resources in the Afognak Island State Park, consistent with the sustained
12 yield principle and the purposes and provisions of this chapter. The Board of
13 Fisheries, the Board of Game, and the commissioner of fish and game are responsible
14 for adopting regulations governing uses of fish and game in accordance with AS 16.
15 The fish and game habitat and breeding areas shall be managed to ensure that the fish
16 and game resources of the park and habitat are maintained or enhanced.

17 (c) The Department of Natural Resources shall consult with the Department
18 of Fish and Game before adoption of regulations governing public use of the Afognak
19 Island State Park.

20 (d) The Board of Fisheries, the Board of Game, and the commissioner of fish
21 and game shall consult with the Department of Natural Resources before adoption of
22 regulations governing fish and game use in the Afognak Island State Park.

23 (e) Regulations under this section must be adopted in accordance with
24 AS 44.62 (Administrative Procedure Act).

25 (f) The Department of Public Safety and the Department of Fish and Game
26 shall have necessary access to the Afognak Island State Park for fish and game
27 management, research, and enforcement purposes.

28 Sec. 41.21.187. INCOMPATIBLE USES. (a) The commissioner of natural
29 resources may designate by regulation incompatible uses within the land and water of
30 the Afognak Island State Park.

31 (b) Lawful use of a weapon in the Afognak Island State Park shall be allowed

1 except in areas that may be closed for purposes of public safety by regulation by the
2 commissioner of natural resources.

3 (c) The regulations governing public use of the Afognak Island State Park shall
4 provide reasonable access for lawful sport and subsistence hunting and fishing,
5 personal use fishing, trapping, recreational uses, and commercial fishing. Except to
6 protect public safety, the commissioner of natural resources may not restrict the
7 exercise of sport or subsistence hunting or fishing, personal use fishing, trapping, or
8 commercial fishing permitted under law or under a regulation of the Board of Fisheries
9 or the Board of Game within the Afognak Island State Park.

10 Sec. 41.21.188. ADDITIONS TO PARK. Land may be added to the Afognak
11 Island State Park only by an act of legislature. The commissioner of natural resources
12 may not acquire land within the boundaries of the Afognak Island State Park by
13 eminent domain.

CS FOR SENATE BILL NO. 280(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 3/3/94
 Referred: RES, JUD, FIN

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing the Afognak Island State Park."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 41.21 is amended by adding new sections to read:

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 8 to protect the area's recreational and scenic resources; to protect the area's fish and
 9 wildlife habitat; to preserve and enhance the continued use of the area for sport and
 10 subsistence hunting and fishing, personal use fishing, trapping, recreational activities,
 11 and commercial fishing; and to restore and enhance resources and services injured by
 12 the Exxon Valdez oil spill.

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 14 containing more than 640 acres may be closed to multiple purpose use only by act of

1 the legislature. Because the area described in AS 41.21.186 exceeds 640 acres,
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3 multiple purpose use in conformity with AS 38.05.300 and to dedicate them as a
4 special purpose site in accordance with art. VIII, sec. 7, Constitution of the State of
5 Alaska.

6 Sec. 41.21.186. AFOGNAK ISLAND STATE PARK ESTABLISHED. The
7 upland, shoreland, tideland, land underlying tidally influenced inland water, and water
8 overlying this land, including both the surface and subsurface estate, owned or
9 acquired by the state within the following described parcels are established as the
10 Afognak Island State Park:

11 (1) Township 21 South, Range 16 West, Seward Meridian according
12 to the United States of America, Department of the Interior, Bureau of Land
13 Management plat accepted December 6, 1989, and filed December 22, 1989

14 Section 19: Lots 1 - 3

15 Sections 30 - 31: (fractional) all;

16 (2) Township 22 South, Range 16 West, Seward Meridian according
17 to the United States of America, Department of the Interior, Bureau of Land
18 Management plat accepted December 6, 1989, and filed December 22, 1989

19 Section 6: (fractional) all

20 Section 7: Lots 1 - 2

21 Sections 18 - 19: (fractional) all

22 Section 31: (fractional) all;

23 (3) Township 20 South, Range 17 West, Seward Meridian according
24 to the United States of America, Department of the Interior, Bureau of Land
25 Management plat accepted December 6, 1989, and filed December 22, 1989

26 Section 32: (fractional) all;

27 (4) Township 21 South, Range 17 West, Seward Meridian according
28 to the United States of America, Department of the Interior, Bureau of Land
29 Management plat accepted December 6, 1989, and filed December 22, 1989

30 Sections 6 - 8: (fractional) all

31 Section 13: (fractional) all

1 Section 17: (fractional) all
2 Section 18: all
3 Sections 19 - 20: (fractional) all
4 Sections 23 - 24: (fractional) all
5 Section 25: all
6 Section 26: (fractional) all
7 Sections 29 - 30: (fractional) all
8 Section 31: (fractional) all
9 Sections 33 - 35: (fractional) all
10 Section 36: all;

11 (5) Township 22 South, Range 17 West, Seward Meridian according
12 to the United States of America, Department of the Interior, Bureau of Land
13 Management plat accepted December 6, 1989, and filed December 22, 1989

14 Section 1: all
15 Sections 2 - 5: (fractional) all
16 Sections 8 - 9: (fractional) all
17 Section 11: all
18 Section 12: (fractional) all
19 Sections 13 - 14: all
20 Sections 17: (fractional) all
21 Sections 19 - 20: (fractional) all
22 Section 23: all
23 Sections 24 - 25: (fractional) all
24 Sections 26 - 29: all
25 Sections 30 - 31: (fractional) all
26 Sections 32 - 35: all
27 Section 36: (fractional) all;

28 (6) All of Township 23 South, Range 17 West, Seward Meridian
29 according to the United States of America, Department of the Interior, Bureau of Land
30 Management plat accepted December 6, 1989, and filed December 22, 1989; and the
31 supplemental plat for Section 3 accepted April 11, 1990, and filed April 19, 1990, and

1 the supplemental plat for Section 19 accepted November 9, 1990, and filed
2 November 23, 1990;

3 (7) Township 21 South, Range 18 West, Seward Meridian according
4 to the United States of America, Department of the Interior, Bureau of Land
5 Management plat accepted December 6, 1989, and filed December 22, 1989

6 Section 1: Lots 1 - 3

7 Sections 11 - 12: (fractional) all

8 Section 13: all

9 Section 14: (fractional) all

10 Section 15: Lots 1 and 2

11 Section 16: Lots 1 and 2

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19 thence continuing East a distance of 1320 feet along the north boundary of
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22 section 17; thence North a distance of 2640 feet, more or less, along the
23 westerly boundary of said Lot 1 of section 17 to the True Point of Beginning;
24 The foregoing exception having an area of 80 acres, more or less

25 Section 17: Lot 2: all

26 Sections 20 - 22: (fractional) all

27 Sections 23 - 29: all

28 Sections 31 - 36: all;

29 (8) Township 22 South, Range 18 West, Seward Meridian according
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Section 36: Lot 2;

(9) Township 23 South, Range 18 West, Seward Meridian according to the United States of America, Department of the Interior, Bureau of Land Management plat accepted December 6, 1989, and filed December 22, 1989

Section 1: Lot 1

Section 12: Lot 1

Section 13: Lots 1, 2, and 3

Sections 24 - 25: (fractional) all;

(10) Township 21 South, Range 19 West, Seward Meridian according to the United States of America, Department of the Interior, Bureau of Land Management plat accepted December 6, 1989, and filed December 22, 1989

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All of plat no. 93-40 within portions of Sections 26, 27, and 34, as filed in the Kodiak Recording District October 19, 1993

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3 (Administrative Procedure Act).

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17 subsistence hunting or fishing, personal use fishing, trapping, or commercial fishing
18 permitted under law or under a regulation of the Board of Fisheries or the Board of
19 Game within the Afognak Island State Park.

20 Sec. 41.21.189. ADDITIONS TO PARK. Land and water outside the
21 boundaries established under AS 41.21.186 may be added to the Afognak Island State
22 Park only by an act of the legislature. The commissioner may acquire land and water
23 within the boundaries of the Afognak Island State Park except by eminent domain.

**THE FOLLOWING DOCUMENT
HAS NOT BEEN FILMED
BUT IS AVAILABLE IN THE
ORIGINAL FILE**

HABITAT PROTECTION ACQUISITION FOR SEAL BAY AND TONKI BAY

Afognak Island, Alaska



Alaska Department of Fish and Game
Wildlife Resources Division

LEGEND

Acquisition Area

LAND STATUS

- National Forest
- National Wildlife Refuge
- State and Borough Lands
- State Parks
- Native or Private Lands
- Native Selected

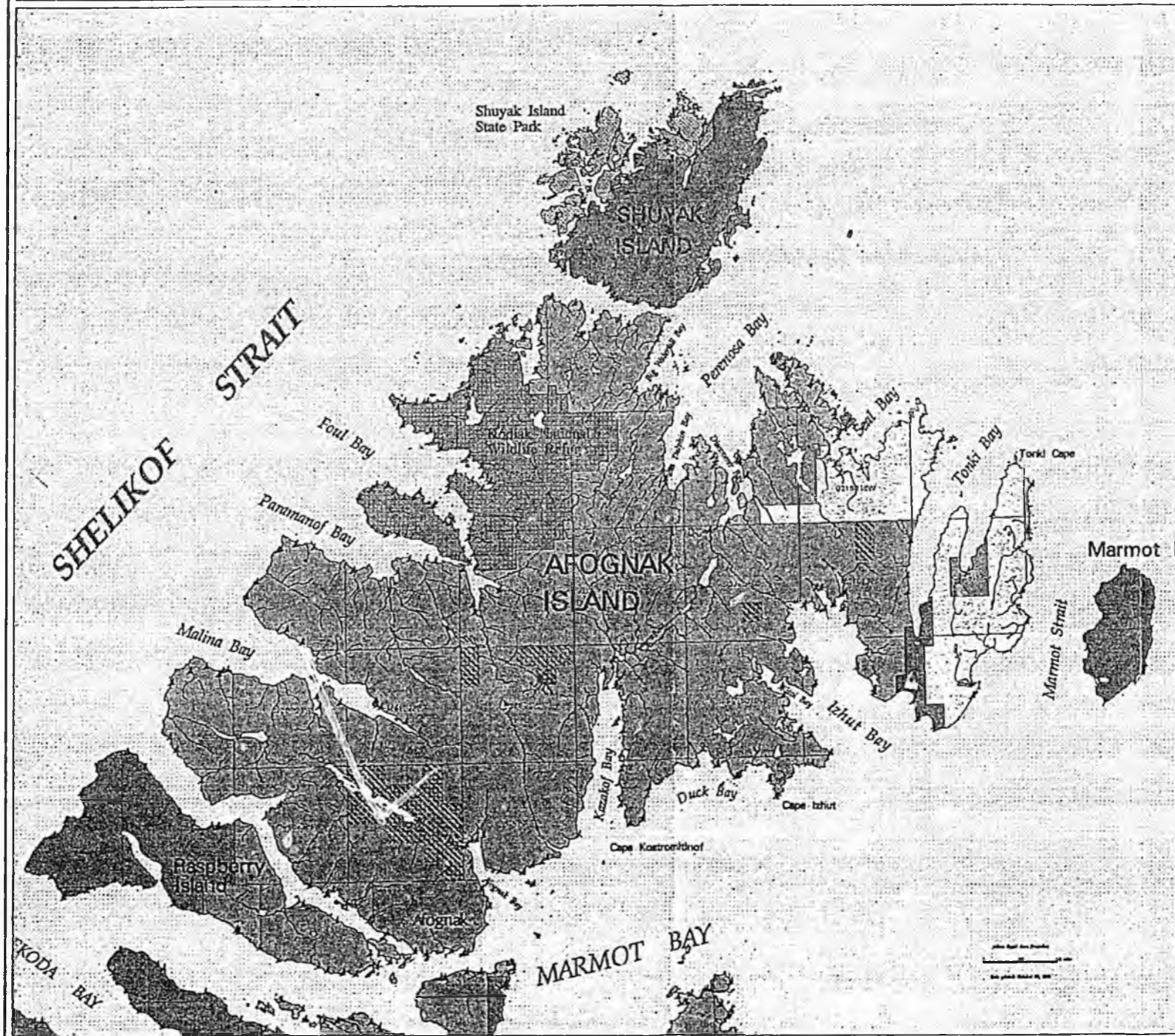
OTHER

- Streams
- Anadromous Streams
- Eagle Nests

SOURCES:
Land status provided by ADNR,
Land Records Information
Section, 1983.

Eagle information collected
and provided by IJS Fish and
Wildlife Service.

Streams were automated by
ADNR-LRIS from the USGS
topographic maps (1:63,360).
Anadromous streams classification
was determined by the ADF&G, 1991.



HABITAT PROTECTION ACQUISITION FOR SEAL BAY AND TONKI BAY

Afognak Island, Alaska



Alaska Department of Fish and Game
Land Records Information Section

LEGEND

Acquisition Area

LAND STATUS

- National Forest
- National Wildlife Refuges
- State and Borough Lands
- State Parks
- Native or Private Lands
- Native Selected

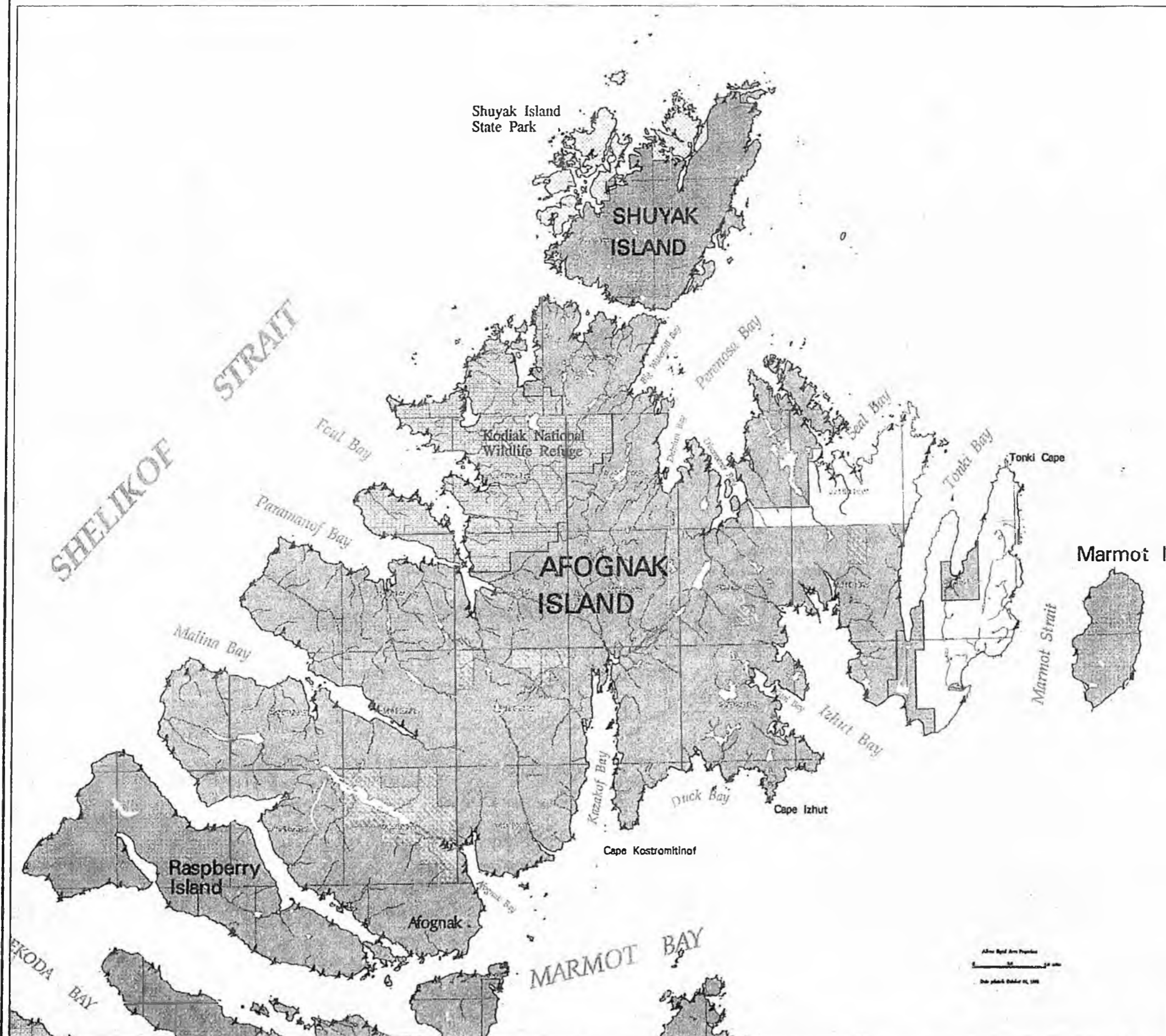
OTHER

- Streams
- Anadromous Streams
- Eagle Nests

SOURCES:
Land status provided by ADNR,
Land Records Information
Section, 1993.

Eagle information collected
and provided by US Fish and
Wildlife Service.

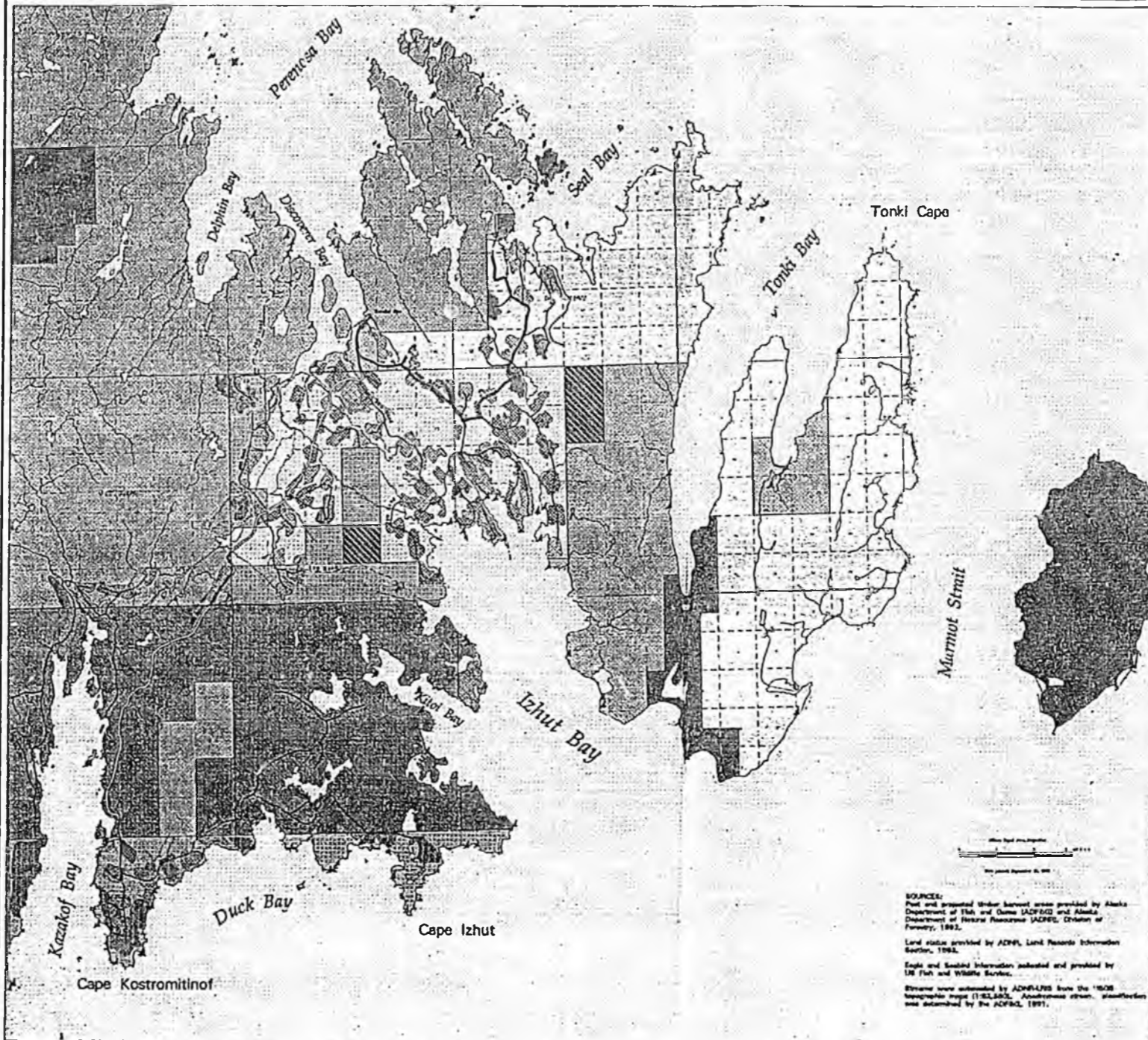
Streams were automated by
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topographic maps (1:63,360).
Anadromous streams classification
was determined by the ADF&G, 1991.



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HABITAT PROTECTION ACQUISITION FOR SEAL BAY AND TONKI BAY

Land Status Including Native Ownership



LEGEND

- Acquisition Area
- LAND STATUS**
- National Forest
- National Wildlife Refuges
- State and Borough Lands
- Afognak Joint Venture
- Natives of Kodiak, Incorporated
- Natives of Afognak, Incorporated
- Ouzinkie Native Corporation
- Native Selected

TIMBER HARVEST

- Proposed Timber Harvest
- 1983 - 1992
- 1977 - 1982

OTHER

- Streams
- Anadromous Streams
- Eagle Nests
- ANCSA 17B Roads
- ANILCA Roads
- Private Roads
- Roads of Unknown Status
- Proposed Roads

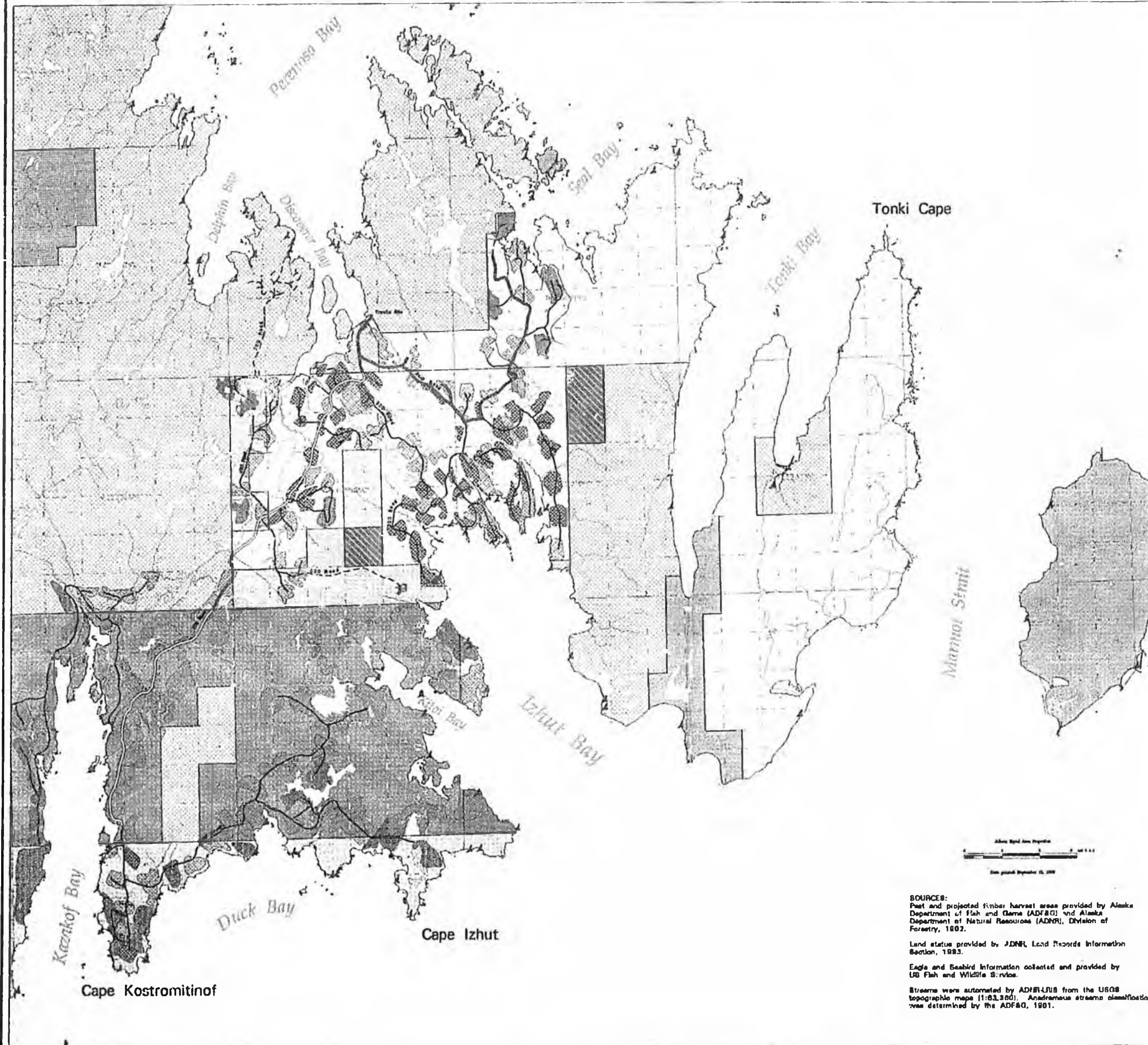
SOURCES:
 Post and proposed timber harvest areas provided by Alaska Department of Fish and Game (ADF&G) and Alaska Department of Natural Resources (ADNR), Division of Forestry, 1993.
 Land status provided by ADNR, Land Records Information Section, 1993.
 Eagle and Nesting information collected and provided by US Fish and Wildlife Service.
 Stream were submitted by ADNR/USFS from the 1978 topographic map (1:50,000). Anadromous stream classification was determined by the ADF&G, 1991.

HABITAT PROTECTION ACQUISITION FOR SEAL BAY AND TONKI BAY

Land Status Including Native Ownership



Published by
Alaska Department of Fish and Game
Land Status Information Section



SOURCES:
Past and projected timber harvest areas provided by Alaska Department of Fish and Game (ADF&G) and Alaska Department of Natural Resources (ADNR), Division of Forestry, 1992.
Land status provided by ADNR, Land Records Information Section, 1993.
Eagle and Seabird information collected and provided by US Fish and Wildlife Service.
Streams were automated by ADNR-LRS from the USGS topographic maps (1:63,300). Anadromous stream classification was determined by the ADF&G, 1991.

LEGEND

- Acquisition Area
- LAND STATUS**
- National Forest
- National Wildlife Refuges
- State and Borough Lands
- Afognak Joint Venture
- Natives of Kodiak, Incorporated
- Natives of Afognak, Incorporated
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- TIMBER HARVEST**
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- 1983 - 1992
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- Streams
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- ANCSA 17B Roads
- ANILCA Roads
- Private Roads
- Roads of Unknown Status
- Proposed Roads

RESOLUTION OF THE
EXXON VALDEZ SETTLEMENT TRUSTEE COUNCIL

We, the undersigned, duly authorized members of the Exxon Valdez Settlement Trustee Council, after extensive review and after consideration of the views of the public, find as follows:

1. Seal Bay Timber Company ("Seller") owns the surface estate of lands on Afognak Island, including timber rights and consisting of approximately 41,549 acres, more or less, in two parcels, the Seal Bay parcel consisting of approximately 17,166 acres, more or less ("Seal Bay parcel") and the Tonki Cape parcel consisting of approximately 24,383 acres, more or less ("Tonki Cape parcel") (together the "Lands"), more particularly described in Attachment A. These Lands were selected pursuant to the Alaska Native Claims Settlement Act. The subsurface rights are held by Koniag, Inc.

2. The Lands are within the oil spill affected area and the tidelands adjoining the Lands were oiled in 1989.

3. A substantial portion of the Seal Bay parcel is threatened with imminent clearcut logging. Approximately 1158 acres have been logged, logging operations were ongoing on additional acreage until the Trustee Council resolved to purchase the Lands, and permits have been secured or are pending for the logging of additional acreage. The majority of the commercial timber in the Seal Bay parcel is slated for harvest by clearcut logging over the next few years.

4. The Lands include important habitat for several species of wildlife for which significant injury resulting from the oil spill has been documented. There is substantial evidence that the Lands are important marbled murrelet nesting areas. The extent to which marbled murrelets are naturally recovering from the oil spill is unknown. Harlequin ducks, a species that continues to suffer injury, are believed to nest in both parcels and forage on nearshore rocks and beaches adjacent to both parcels. Logging may directly affect these foraging and nesting activities and hence the rehabilitation of these two species. Restoration of black oyster catchers and river otters, which utilize the shore adjacent to uplands slated for logging, may be impacted by logging activities. River otters forage, rest, and may den on uplands. Harbor seal haul outs and intertidal and subtidal biota are all found in substantial quantity along the shore line in the threatened areas and could be impacted. There are known concentrations of sea otters off Tolstoi Point as well as otters that feed in the near shore waters of Seal Bay and Tonki Cape. Sea otters were injured by the oil spill. There are six documented anadromous streams in the Seal Bay parcel and two in the Tonki Cape parcel. There are ten documented bald eagle nests in Seal Bay with feeding and roosting along the shoreline and seven documented nests in the Tonki Cape parcel. Seal Bay has historically supported high value wilderness-based recreation such as hunting, boating and fishing. The area has high scenic value.

5. Existing laws and regulations, including but not limited to the Alaska Forest Practices Act, the Anadromous Fish Protection Act, the Clean Water Act, the Alaska Coastal Management Act, the Bald Eagle Protection Act and the Marine Mammals Protection Act, are intended, under normal circumstances, to protect resources from serious adverse affects from logging and other developmental activities. However, restoration, replacement and enhancement of resources injured by the EXXON VALDEZ oil spill present a unique situation. Without passing on the adequacy or inadequacy of existing law and regulation to protect resources, biologists, scientists and other resource specialists agree that, in their best professional judgment, protection of habitat in the spill affected area to levels above and beyond that provided by existing law and regulation will likely have a beneficial affect on recovery of injured resources and lost or diminished services provided by these resources.

6. There has been widespread public support for the acquisition of the Lands.

7. The purchase of the Lands is an appropriate means to restore a portion of the injured resources and services in the oil spill area.

THEREFORE, we resolve to accept the Seller's proposal to sell the Seal Bay parcel consisting of approximately 17,166 acres, more or less, and the Tonki Cape parcel consisting of approximately 24,383 acres, more or less, including timber rights for both parcels, for \$38,700,000 pursuant to the following conditions:

(a) the appraised value of the Seal Bay parcel and the Tonki Cape parcel combined is not less than \$38,700,000. If the appraised value of the Lands is less than \$38,700,000 Seller may exercise an option to sell and the Trustee Council agrees to provide the funds for purchase of the Lands at the appraised value. If the appraised value of the Seal Bay parcel alone is greater than \$38,700,000 but less than \$42,000,000, the sale of the Lands will proceed at \$38,700,000. If the appraised value of the Seal Bay parcel is greater than \$42,000,000, Seller may elect not to proceed with the sale of the Lands, or Seller may exercise an option to sell at \$38,700,000 and the sale of the Lands shall proceed at \$38,700,000. The appraised value will be determined by an appraiser to be selected by the Trustee Council. The appraisal will determine the fair market value of the Lands as of May 14, 1993;

(b) Seller will be paid \$29,950,000 at the time of closing. The balance will be paid in three annual equal installments with interest accruing on the unpaid balance at a rate equal to the fifty-two week United States treasury bill rate, with the rate to be adjusted annually and compounded annually. The final payment will be contingent upon the extinction, including final adjudication, of any claims or potential claims pursuant to sections 14(c) and (g) of the Alaska Native Claims Settlement Act;

(c) a satisfactory hazardous substances survey is completed;

(d) there is satisfactory compliance with the National Environmental Policy Act.

(e) a satisfactory title search is completed and Seller is able to convey fee simple title by warranty deed to the surface estate for the Lands;

(f) no timber harvesting or further road development will be done on these Lands by Seller prior to closing;

(g) the appraisal, National Environmental Policy Act compliance, and title search will be completed within 90 days after May 13, 1993 or as soon thereafter as the parties may agree;

(h) Seller agrees to promptly undertake all measures necessary to comply with the applicable requirements of AS 41.17 concerning reforestation, revegetation, brush, slash, and debris, salvage of trees, and soil erosion and wasting of logged lands and roads. Seller will place water bars, pull culverts and bridges, and hydroseed roads in accordance with a plan to be developed in cooperation with the Trustee Council. This plan will include compliance by Seller with the applicable road closure requirements of 11 AAC 95.320 and the applicable reforestation requirements of 11 AAC 95.375-390.

To facilitate protection of this key habitat and to eliminate the potential for encumbrances on the Lands, title to the Lands shall initially be conveyed to The Nature Conservancy ("TNC") which shall convey title to the State of Alaska at such time as the Lands have been designated by the Alaska legislature as a state park. The State and TNC will enter into an appropriate agreement

for the management of the Lands consistent with the this Resolution. If these Lands have not been so designated within 12 months of the date of conveyance to TNC, TNC shall, upon acceptance by the United States, convey title to the Lands to the United States of America for inclusion in an appropriate federal conservation system unit as defined at section 102 of the Alaska National Interest Lands Conservation Act, Public Law 96-487 ("Conservation System Unit") and having restrictions consistent with Paragraphs (i) through (k) of this Resolution. During the time that title is held by TNC the Lands shall be managed by the State of Alaska consistent with the terms of this Resolution.

Title to the Lands shall be conveyed to the State of Alaska or the United States subject to the following conditions:

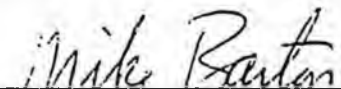
(i) there shall be no commercial timber harvest on these Lands nor any other commercial use of these Lands excepting such limited commercial use as may be consistent with state and federal law and the goals of restoration to its prespill condition of any natural resource injured, lost, or destroyed as a result of the EXXON VALDEZ oil spill 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;

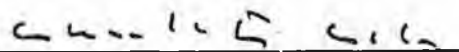
(j) if the Lands are designated as a state park, public use of the Lands shall include sport, personal use, and subsistence hunting, fishing, trapping, and recreational uses insofar as

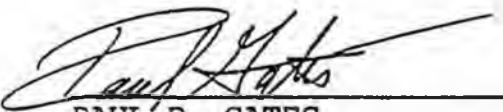
consistent with public safety and permitted under law or under a regulation of the Board of Fisheries or Board of Game.


(k) once the Lands have been conveyed to the State of Alaska or the United States of America, they may not be conveyed to any other entity for any purpose, and in the event that there is an attempt by the State to convey the Lands to any entity, in lieu of that conveyance, title to the Lands shall revert to TNC and as soon thereafter as possible, upon acceptance by the United States, be conveyed to the United States of America for inclusion in an appropriate federal conservation system unit as defined at section 102 of the Alaska National Interest Lands Conservation Act, Public Law 96-487 ("Conservation System Unit") and having restrictions consistent with Paragraphs (i) through (k) of this Resolution.

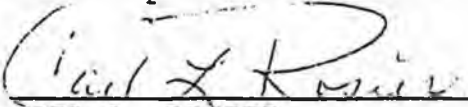
Dated this 23 day of August, 1993 at Anchorage, Alaska.

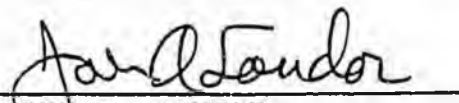

MICHAEL A. BARTON
Regional Forester
Alaska Region
USDA Forest Service


CHARLES E. COLE
Attorney General
State of Alaska


PAUL D. GATES
Regional Environmental Officer
for Alaska
U.S. Department of the Interior


STEVEN PENNOYER
Director, Alaska Region
National Marine
Fisheries Service


CARL L. ROSIER
Commissioner
Alaska Department of
Fish and Game


JOHN A. SANDOR
Commissioner
Alaska Department of
Environmental Conservation

RESOLUTION OF THE
EXXON VALDEZ SETTLEMENT TRUSTEE COUNCIL

We, the undersigned, duly authorized members of the Exxon Valdez Settlement Trustee Council, after review and after consideration of the views of the public, find as follows:

1. The State of Alaska should proceed to acquire the lands held by the Seal Bay Timber Company at Seal Bay and Tonki Bay on Afognak Island, Alaska as set forth in the Resolution of the EXXON VALDEZ Settlement Trustee Council adopted at the May 13, 1993 meeting of the Trustee Council and then executed in writing August 23, 1993.

2. Pursuant to the above referenced Resolution of the Trustee Council and consistent with the appraisal prepared by International Forestry Consultants, Inc., \$38,700,000 will be the purchase price for the lands.

THEREFORE, we request the Attorney General of the State of Alaska and the Assistant Attorney General of the Environmental and Natural Resources Division of the United States Department of Justice to petition the United States District Court for the District of Alaska for withdrawal of the sum of \$29,950,000 from the EXXON VALDEZ Oil Spill Settlement Account established in the Court Registry Investment System as a result of the governments' settlement with the Exxon companies. These funds shall be paid into an interest bearing account of the State of Alaska and used to purchase fee simple title to the above described lands in the

manner described in the Resolution of Trustee Council dated August 23, 1993.

Dated this 16th day of September 1993 at Anchorage, Alaska.

James A. Wolfe
for MICHAEL A. BARTON
Regional Forester
Alaska Region
USDA Forest Service

Charles E. Cole
CHARLES E. COLE
Attorney General
State of Alaska

George Traphy
PAUL D. GATES
Regional Environmental Officer
for Alaska
U.S. Department of the Interior

Steven Pennoyer
STEVEN PENNOYER
Director, Alaska Region
National Marine Fisheries
Service

Carl L. Rosier
CARL L. ROSIER
Commissioner
Alaska Department of
Fish and Game

John A. Sandor
JOHN A. SANDOR
Commissioner
Alaska Department of
Environmental Conservation

AGREEMENT FOR SALE AND PURCHASE OF LANDS AND INTERESTS ON
AFOGNAK ISLAND

THIS AGREEMENT is made by and between the Seal Bay Timber Company ("Seller"), The Nature Conservancy ("TNC"), and the State of Alaska ("State") (collectively, the "Parties").

1. SALE OF PROPERTY. Seller hereby agrees to sell all Seller's property rights on Afognak Island, Alaska, consisting of 17,166 acres, more or less, at Seal Bay ("Seal Bay parcel") and 24,383 acres, more or less, at Tonki Bay ("Tonki Cape parcel"), as more particularly described in Exhibit A ("the Property"), such sale to be made in accordance with the terms and conditions of this Agreement.

2. PAYMENT OF PURCHASE PRICE. The EXXON VALDEZ Oil Spill Trustee Council ("Trustee Council") has resolved to provide for payment of the purchase price in accordance with the terms and conditions of the resolution attached as Exhibit B.

3. INTEREST CONVEYED. The Seller does hereby warrant and represent to the Trustee Council, the State, and the United States as follows: (1) that the Seller is vested with title to the surface estate to the Property, (2) that all rights which may have been created by Section 14 of the Alaska Native Claims Settlement Act will be extinguished prior to final payment, and (3) that no liens, encumbrances, defects or third party interests have been granted by Seller in the Property except for a deed of trust and security interest to Koncor Forest Products Company, which deed of trust and security interest will be released at closing. At closing, Seller shall execute and deliver to TNC warranty deeds to the Property ("the Deeds"), in substantially the form attached hereto as Exhibits C and D, which exhibits are incorporated herein by reference. The Deeds shall convey the Property free and clear of all claims, liens and encumbrances other than the noted exceptions. In addition, Seller shall execute and deliver to TNC at closing such assignment documents as may be necessary to convey Seller's other interests in the Property to TNC.

4. TERMS OF SALE. Seller will be paid \$29,950,000 at the time of closing. The balance of the purchase price (\$8,750,000) will be paid in three annual equal installments of \$2,916,666.67, plus interest accruing on the unpaid balance at a rate equal to the fifty-two week United States treasury bill rate compounded and adjusted annually. The final payment will be contingent upon the extinction, including final adjudication, of any claims or potential claims pursuant to Section 14 of the Alaska Native Claims Settlement Act.

5. CONDITIONS OF SALE. Prior to closing the following conditions must be satisfied: (a) a completed hazardous substance survey must establish that there are no hazardous substances on the Property, and (b) there must be satisfactory compliance with the National Environmental Policy Act. Seller agrees to promptly undertake all measures necessary to comply with the applicable requirements of AS 41.17 concerning reforestation, revegetation, brush, slash, and debris, salvage of trees, and soil erosion and wasting of logged lands and roads. Seller will place water bars, pull culverts and bridges, and hydroseed roads in accordance with a plan to be developed in cooperation with the Trustee Council. This plan will include compliance by Seller with the applicable road closure requirements of 11 AAC 95.320 and the applicable reforestation requirements of 11 AAC 95.375-390.

6. FURTHER CONVEYANCE. TNC shall convey title to the Property to the State at such time as the Property has been designated by the Alaska legislature as a state park. If the Property has not been so designated within 12 months of the date of conveyance to TNC, TNC shall, upon acceptance by the United States, convey title to the Property to the United States for inclusion in an appropriate federal conservation system unit as defined at Section 102 of the Alaska National Interest Lands Conservation Act, Public Law 96-487 ("Conservation System Unit") and having restrictions consistent with Paragraph 6(a). Title to the Property shall be conveyed to the State or the United States subject to the following conditions:

(a) there shall be no commercial timber harvest on the Property nor any other commercial use of the Property excepting such limited commercial use as may be consistent with state law and the goals of restoration to its pre-spill condition of any natural resource injured, lost, or destroyed as a result of the EXXON VALDEZ oil spill 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 entered August 28, 1991;

(b) once the Property has been conveyed to the State or the United States, the Property may not be conveyed to any other entity for any purpose, and in the event that there is an attempt by the State to convey the Property to any entity, in lieu of that conveyance, title to the Property shall revert to TNC and as soon thereafter as possible, be conveyed to the United States for inclusion in a federal Conservation System Unit, and shall be subject to the conditions of subparagraph (a).

7. RIGHT TO ENTER PROPERTY. Seller agrees that from the date this Agreement is fully executed by the Parties, the Trustee Council, the State and the United States and their agents, upon reasonable notice, shall have the right to enter the Property for all lawful purposes in connection with this Agreement, including environmental audit purposes.

8. CLOSING PLACE AND DATE. The Parties agree to endeavor in good faith to close on or before 10 days after \$29,950,000, the funds for the initial payment to Seller, have been provided by the Trustee Council and are available for lawful expenditure by the State, and all documents that are required to be provided or completed and executed by the Parties have been tendered. The date, time and location of closing shall be set by the State in concurrence with Seller and TNC.

9. OTHER AGREEMENTS AND ACTIONS. The Parties agree to take other action or enter into other agreements reasonably necessary to the exercise and closing of this Agreement.

10. SIGNATURE AUTHORITY. Each signatory to this Agreement represents that he has the authority to bind his principal to this Agreement.

11. NOTICE. Written notices shall be provided to the parties at the following addresses:

State of Alaska
Department of Natural Resources
Director, Division of Land
P.O. Box 107005
Anchorage, AK 99510-7005

State of Alaska
Craig Tillery
Attorney General's Office
1031 West 4th Avenue, Suite 200
Anchorage, AK 99501

The Nature Conservancy
Attn: Steve Planchon
601 West 5th Avenue, Suite 500
Anchorage, AK 99501

Seal Bay Timber Company
P.O. Box 71
Old Harbor, AK 99643

James K. Wilkens, Esq.
Bliss, Riordan
431 W. 7th Avenue, Suite 201
Anchorage, AK 99501

C. Walter Ebell, Esq.
Jamin, Ebell, Bolger & Gentry
300 Mutual Life Building
605 First Avenue
Seattle, WA 98104

STATE OF ALASKA

By: Charles C. C. C.

Its: Attorney General

Date: 9/17/93

SEAL BAY TIMBER COMPANY

By: Emil Christensen

Its: PRESIDENT

Date: 9-17-93

THE NATURE CONSERVANCY

By: _____

Its: _____

Date: _____

527708D.025

SEAL BAY TIMBER COMPANY

PARCEL ONE: Property situated in the Kodiak Recording District, Third Judicial District, State of Alaska, more fully described as follows:

Seward Meridian

T.20 S., R. 17 W
Sec. 32

T.21 S., R. 16 W
Sec. 19
Sec. 30 and 31

T.21 S., R. 17 W.
Sec. 6, 7 and 8
Sec. 13
Sec. 17 to 20
Sec. 23 to 26
Sec. 29, 30 and 31
Sec. 33 and 34
Sec. 35 and 36

T.21 S., R. 18 W.
Sec. 1
Sec. 11 to 16
Sec. 17 S 1/2; NE 1/4; NW 1/4, E 1/2
Sec. 20 to 29
Sec. 31 to 36

T. 21 S., R. 19 W.
Sec. 35 and 36

T. 22 S., R. 16 W.
Sec. 6 and 7
Sec. 18 and 19
Sec. 31

T.22 S., R. 17 W.
Sec. 1 to 5
Sec. 8 and 9
Sec. 11 to 14
Sec. 17
Sec. 19 and 20
Sec. 23 to 29

EXHIBIT A

Sec. 32 to 35
Sec. 36

T.23 S., R. 17 W.

Sec. 1
Sec. 2 to 5
Sec. 6, SE 1/4
Sec. 7, E 1/2
Sec. 8 to 10
Sec. 15 to 17
Sec. 18, E 1/2
Sec. 19, NE 1/4
Sec. 20, E 1/2; NW 1/4
Sec. 21 to 22
Sec. 28
Sec. 29, E 1/2

PARCEL TWO: Property situated in Sections 26, 27 and 34, Township 21 South, Range 17 West, Seward Meridian, situated Southwest of Mallard Creek on Afognak Island, in the Kodiak Recording District, Third Judicial District, State of Alaska, more fully described as follows:

Commencing at the intersection of the easterly boundary of the Ouzinkie log storage site and the southerly edge of the 1100 Road, this point being the true point of beginning and being Cor. No. 1 for this description, bears S. 36°00' E. a dist. of 219.36 ft. from the mean high water line of Discoverer Bay. (This distance is a portion of the easterly boundary of the Ouzinkie log storage site.)

THENCE along the southerly edge of the 1100 Road on the following courses:

N. 63°00' E. a dist. of 127.38 ft.
N. 55°00' E. a dist. of 175.00 ft.
N. 46°30' E. a dist. of 404.00 ft.
N. 29°00' E. a dist. of 117.00 ft.
N. 07°45' E. a dist. of 83.00 ft.
N. 01°15' E. a dist. of 265.00 ft. to Cor. No. 2,

THENCE S. 28°45' E. a dist. of 2892.99 ft. to Cor. No. 3, this line traversing westerly near Mallard Creek,

EXHIBIT A

THENCE West along the section line between Secs. 26 and 35, a dist. of 374.00 ft. to Cor. No. 4, which is the section corner common to Secs. 26, 27, 34, and 35 of said township and range,

THENCE S. $00^{\circ}02'48''$ E. along the section line between Secs. 34 and 35, a dist. of 1316.70 ft. to Cor. No. 5,

THENCE N. $28^{\circ}45'$ W. a dist. of 2204.16 ft. to Cor. No. 6, marking a point on the southerly boundary of Ouzinkie log storage yard,

THENCE N. $54^{\circ}00'$ E. along the southerly boundary of the Ouzinkie log storage yard, a dist. of 137.41 ft. to Cor. No. 7,

THENCE N. $36^{\circ}00'$ W. along the easterly boundary of the Ouzinkie log storage yard, an approx. dist. of 1179.25 ft. to Cor. No. 1, the true point of beginning.

This parcel contains approximately 58.96 acres.

COPY

RESOLUTION OF THE
EKKON VALDEZ SETTLEMENT TRUSTEE COUNCIL

We, the undersigned, duly authorized members of the Exxon Valdez Settlement Trustee Council, after extensive review and after consideration of the views of the public, find as follows:

1. Seal Bay Timber Company ("Seller") owns the surface estate of lands on Afognak Island, including timber rights and consisting of approximately 41,549 acres, more or less, in two parcels, the Seal Bay parcel consisting of approximately 17,166 acres, more or less ("Seal Bay parcel") and the Tonki Cape parcel consisting of approximately 24,383 acres, more or less ("Tonki Cape parcel") (together the "Lands"), more particularly described in Attachment A. These Lands were selected pursuant to the Alaska Native Claims Settlement Act. The subsurface rights are held by Koniag, Inc.

2. The Lands are within the oil spill affected area and the tidelands adjoining the Lands were oiled in 1989.

3. A substantial portion of the Seal Bay parcel is threatened with imminent clearcut logging. Approximately 1158 acres have been logged, logging operations were ongoing on additional acreage until the Trustee Council resolved to purchase the Lands, and permits have been secured or are pending for the logging of additional acreage. The majority of the commercial timber in the Seal Bay parcel is slated for harvest by clearcut logging over the next few years.

4. The Lands include important habitat for several species of wildlife for which significant injury resulting from the oil spill has been documented. There is substantial evidence that the Lands are important marbled murrelet nesting areas. The extent to which marbled murrelets are naturally recovering from the oil spill is unknown. Harlequin ducks, a species that continues to suffer injury, are believed to nest in both parcels and forage on nearshore rocks and beaches adjacent to both parcels. Logging may directly affect these foraging and nesting activities and hence the rehabilitation of these two species. Restoration of black oyster catchers and river otters, which utilize the shore adjacent to uplands slated for logging, may be impacted by logging activities. River otters forage, rest, and may den on uplands. Harbor seal haul outs and intertidal and subtidal biota are all found in substantial quantity along the shore line in the threatened areas and could be impacted. There are known concentrations of sea otters off Tolstoi Point as well as otters that feed in the near shore waters of Seal Bay and Tonki Cape. Sea otters were injured by the oil spill. There are six documented anadromous streams in the Seal Bay parcel and two in the Tonki Cape parcel. There are ten documented bald eagle nests in Seal Bay with feeding and roosting along the shoreline and seven documented nests in the Tonki Cape parcel. Seal Bay has historically supported high value wilderness-based recreation such as hunting, boating and fishing. The area has high scenic value.

5. Existing laws and regulations, including but not limited to the Alaska Forest Practices Act, the Anadromous Fish Protection Act, the Clean Water Act, the Alaska Coastal Management Act, the Bald Eagle Protection Act and the Marine Mammals Protection Act, are intended, under normal circumstances, to protect resources from serious adverse affects from logging and other developmental activities. However, restoration, replacement and enhancement of resources injured by the EXXON VALDEZ oil spill present a unique situation. Without passing on the adequacy or inadequacy of existing law and regulation to protect resources, biologists, scientists and other resource specialists agree that, in their best professional judgment, protection of habitat in the spill affected area to levels above and beyond that provided by existing law and regulation will likely have a beneficial affect on recovery of injured resources and lost or diminished services provided by these resources.

6. There has been widespread public support for the acquisition of the Lands.

7. The purchase of the Lands is an appropriate means to restore a portion of the injured resources and services in the oil spill area.

THEREFORE, we resolve to accept the Seller's proposal to sell the Seal Bay parcel consisting of approximately 17,166 acres, more or less, and the Tonki Cape parcel consisting of approximately 24,333 acres, more or less, including timber rights for both parcels, for \$33,700,000 pursuant to the following conditions:

(a) the appraised value of the Seal Bay parcel and the Tonki Cape parcel combined is not less than \$38,700,000. If the appraised value of the Lands is less than \$38,700,000 Seller may exercise an option to sell and the Trustee Council agrees to provide the funds for purchase of the Lands at the appraised value. If the appraised value of the Seal Bay parcel alone is greater than \$38,700,000 but less than \$42,000,000, the sale of the Lands will proceed at \$38,700,000. If the appraised value of the Seal Bay parcel is greater than \$42,000,000, Seller may elect not to proceed with the sale of the Lands, or Seller may exercise an option to sell at \$38,700,000 and the sale of the Lands shall proceed at \$38,700,000. The appraised value will be determined by an appraiser to be selected by the Trustee Council. The appraisal will determine the fair market value of the Lands as of May 14, 1993;

(b) Seller will be paid \$29,950,000 at the time of closing. The balance will be paid in three annual equal installments with interest accruing on the unpaid balance at a rate equal to the fifty-two week United States treasury bill rate, with the rate to be adjusted annually and compounded annually. The final payment will be contingent upon the extinction, including final adjudication, of any claims or potential claims pursuant to sections 14(c) and (g) of the Alaska Native Claims Settlement Act;

(c) a satisfactory hazardous substances survey is completed;

(d) there is satisfactory compliance with the National Environmental Policy Act.

(e) a satisfactory title search is completed and Seller is able to convey fee simple title by warranty deed to the surface estate for the Lands;

(f) no timber harvesting or further road development will be done on these Lands by Seller prior to closing;

(g) the appraisal, National Environmental Policy Act compliance, and title search will be completed within 90 days after May 13, 1993 or as soon thereafter as the parties may agree;

(h) Seller agrees to promptly undertake all measures necessary to comply with the applicable requirements of AS 41.17 concerning reforestation, revegetation, brush, slash, and debris, salvage of trees, and soil erosion and wasting of logged lands and roads. Seller will place water bars, pull culverts and bridges, and hydroseed roads in accordance with a plan to be developed in cooperation with the Trustee Council. This plan will include compliance by Seller with the applicable road closure requirements of 11 AAC 95.320 and the applicable reforestation requirements of 11 AAC 95.375-390.

To facilitate protection of this key habitat and to eliminate the potential for encumbrances on the Lands, title to the Lands shall initially be conveyed to The Nature Conservancy ("TNC") which shall convey title to the State of Alaska at such time as the Lands have been designated by the Alaska legislature as a state park. The State and TNC will enter into an appropriate agreement

for the management of the Lands consistent with the this Resolution. If these Lands have not been so designated within 12 months of the date of conveyance to TNC, TNC shall, upon acceptance by the United States, convey title to the Lands to the United States of America for inclusion in an appropriate federal conservation system unit as defined at section 102 of the Alaska National Interest Lands Conservation Act, Public Law 96-487 ("Conservation System Unit") and having restrictions consistent with Paragraphs (i) through (k) of this Resolution. During the time that title is held by TNC the Lands shall be managed by the State of Alaska consistent with the terms of this Resolution.

Title to the Lands shall be conveyed to the State of Alaska or the United States subject to the following conditions:

(i) there shall be no commercial timber harvest on these Lands nor any other commercial use of these Lands excepting such limited commercial use as may be consistent with state and federal law and the goals of restoration to its prespill condition of any natural resource injured, lost, or destroyed as a result of the EXXON VALDEZ oil spill 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 23, 1991;

(j) if the Lands are designated as a state park, public use of the Lands shall include sport, personal use, and subsistence hunting, fishing, trapping, and recreational uses insofar as

COPY

consistent with public safety and permitted under law or under a regulation of the Board of Fisheries or Board of Game.

(k) once the Lands have been conveyed to the State of Alaska or the United States of America, they may not be conveyed to any other entity for any purpose, and in the event that there is an attempt by the State to convey the Lands to any entity, in lieu of that conveyance, title to the Lands shall revert to TNC and as soon thereafter as possible, upon acceptance by the United States, be conveyed to the United States of America for inclusion in an appropriate federal conservation system unit as defined at section 102 of the Alaska National Interest Lands Conservation Act, Public Law 96-487 ("Conservation System Unit") and having restrictions consistent with Paragraphs (i) through (k) of this Resolution.

Dated this 23 day of August, 1993 at Anchorage, Alaska.

Mike Barton
MICHAEL A. BARTON
Regional Forester
Alaska Region
USDA Forest Service

Charles E. Cole
CHARLES E. COLE
Attorney General
State of Alaska

Paul D. Gates
PAUL D. GATES
Regional Environmental Officer
for Alaska
U.S. Department of the Interior

Steven Pennoyer
STEVEN PENNOYER
Director, Alaska Region
National Marine
Fisheries Service

Carl L. Rosier
CARL L. ROSIER
Commissioner
Alaska Department of
Fish and Game

John A. Sandor
JOHN A. SANDOR
Commissioner
Alaska Department of
Environmental Conservation

WARRANTY DEED

GRANTOR Seal Bay Timber Company, whose address is P.O. Box 71, Old Harbor, Alaska 99643, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, grants, conveys and sells to GRANTEE The Nature Conservancy, whose address is 501 West 5th Avenue, Suite 500, Anchorage, Alaska 99501, the following described property situated in the Kodiak Recording District, Third Judicial District, State of Alaska, more fully described as follows:

Seward Meridian

T.20 S., R. 17 W.
Sec. 32

T.21 S., R. 16 W.
Sec. 19
Sec. 30 and 31

T.21 S., R. 17 W.
Sec. 6, 7 and 8
Sec. 13
Sec. 17 to 20
Sec. 23 to 26
Sec. 29, 30 and 31
Sec. 33 and 34
Sec. 35 and 36

T.21 S., R. 18 W.
Sec. 1
Sec. 11 to 16
Sec. 17 S 1/2; NE 1/4; NW 1/4, E 1/2
Sec. 20 to 29
Sec. 31 to 36

T. 21 S., R. 19 W.
Sec. 35 and 36

T. 22 S., R. 16 W.
Sec. 6 and 7
Sec. 18 and 19
Sec. 31

T.22 S., R. 17 W.

Sec. 1 to 5
Sec. 8 and 9
Sec. 11 to 14
Sec. 17
Sec. 19 and 20
Sec. 23 to 29
Sec. 32 to 35
Sec. 36

T.23 S., R. 17 W.

Sec. 1
Sec. 2 to 5
Sec. 6, SE 1/4
Sec. 7, E 1/2
Sec. 8 to 10
Sec. 15 to 17
Sec. 18, E 1/2
Sec. 19, NE 1/4
Sec. 20, E 1/2; NW 1/4
Sec. 21 to 22
Sec. 28
Sec. 29, E 1/2

Together with any and all of the easements and appurtenances thereto, and improvements located thereon ("Property"); and

Subject to any and all easements, restrictions, covenants and encumbrances of record or imposed by law, including but not limited to those contained in Patent No. 50-90-0647 dated September 26, 1990, from the United States of America to Afognak Joint Venture.

Also subject to Afognak Island Road Use Agreement, including the terms and provisions thereof, as disclosed by Memorandum recorded August 6, 1991 in Book 108 at Page 323 in the Kodiak Recording District, Third Judicial District, State of Alaska; and Discoverer Bay Log Transfer Facilities Agreement, including the terms and provisions thereof, as disclosed by Memorandum recorded August 6, 1991 in Book 108 at Page 364 in the Kodiak Recording District, Third Judicial District, State of Alaska.

Grantor warrants that the Property is free and clear of any encumbrances created since the conveyance of the Property to Grantor, except for those encumbrances created by the exercise of federal, state, and local police powers, including building and zoning regulations, and agrees to forever defend the Property as to Grantee, its successors and assigns.

DATED this ____ day of _____, 1993, at _____, Alaska.

GRANTOR:

SEAL BAY TIMBER COMPANY

By: _____
Its: _____

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____, 1993, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared _____, of SEAL BAY TIMBER COMPANY, a joint venture organized and existing under the laws of the State of Alaska, to me known and known to me to be the _____ of said joint venture and acknowledged to me that he signed the foregoing Warranty Deed freely and voluntarily for and on behalf of said joint venture by authority of its Board of Directors for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND and official seal the day and year last above written.

Notary Public in and for Alaska
My Commission Expires: _____

527708D.022

WARRANTY DEED
Page 3

EXHIBIT C

SORT YARD WARRANTY DEED

Grantor Seal Bay Timber Company, whose address is P.O. Box 71, Old Harbor, Alaska 99643 ("Grantor"), for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, grants, conveys and sells to Grantee The Nature Conservancy, whose address is 601 West 5th Avenue, Suite 500, Anchorage, Alaska 99501, the following described property situated in Sections 26, 27 and 34, Township 21 South, Range 19 West, Seward Meridian, situated Southwest of Mallard Creek on Afognak Island, in the Kodiak Recording District, Third Judicial District, State of Alaska, more fully described as follows:

Commencing at the intersection of the easterly boundary of the Ouzinkie log storage site and the southerly edge of the 1100 Road, this point being the true point of beginning and being Cor. No. 1 for this description, bears S. 36°00' E. a dist. of 219.36 ft. from the mean high water line of Discoverer Bay. (This distance is a portion of the easterly boundary of the Ouzinkie log storage site.)

THENCE along the southerly edge of the 1100 Road on the following courses:

N. 63°00' E. a dist. of 127.38 ft.
N. 55°00' E. a dist. of 175.00 ft.
N. 46°30' E. a dist. of 404.00 ft.
N. 29°00' E. a dist. of 117.00 ft.
N. 07°45' E. a dist. of 83.00 ft.
N. 01°15' E. a dist. of 265.00 ft. to Cor. No. 2,

THENCE S. 28°45' E. a dist. of 2892.99 ft. to Cor. No. 3, this line traversing westerly near Mallard Creek,

THENCE West along the section line between Secs. 26 and 35, a dist. of 374.00 ft. to Cor. No. 4, which is the section corner common to Secs. 26, 27, 34, and 35 of said township and range,

THENCE S. 00°02'48" E. along the section line between Secs. 34 and 35, a dist. of 1316.70 ft. to Cor. No. 5,

THENCE N. 23°45' W. a dist. of 2204.16 ft. to Cor. No. 6, marking a point on the southerly boundary of Ouzinkie log storage yard,

THENCE N. 54°00' E. along the southerly boundary of the Ouzinkie log storage yard, a dist. of 137.41 ft. to Cor. No. 7,

THENCE N. 36°00' W. along the easterly boundary of the Ouzinkie log storage yard, an approx. dist. of 1179.25 ft. to Cor. No. 1, the true point of beginning.

This parcel contains approximately 58.96 acres.

Together with any and all of the easements and appurtenances thereto ("Property");
and

Subject to any and all easements, restrictions, covenants and encumbrances of record or imposed by law, including but not limited to those contained in Patent No. 50-90-0647 dated September 26, 1990, from the United States of America to Afognak Joint Venture.

Also subject to Afognak Island Road Use Agreement, including the terms and provisions thereof, as disclosed by Memorandum recorded August 6, 1991 in Book 108 at Page 323 in the Kodiak Recording District, Third Judicial District, State of Alaska; and Discoverer Bay Log Transfer Facilities Agreement, including the terms and provisions thereof, as disclosed by Memorandum recorded August 6, 1991 in Book 108 at Page 364 in the Kodiak Recording District, Third Judicial District, State of Alaska.

Grantor warrants that the Property is free and clear of any encumbrances created since the conveyance of the Property to Grantor, except for those encumbrances created by the exercise of federal, state, and local police powers, including building and zoning regulations, and agrees to forever defend the Property as to Grantee, its successors and assigns.

DATED this ____ day of _____, 1993, at _____, Alaska.

GRANTOR:

SEAL BAY TIMBER COMPANY

By: _____
Its: _____

STATE OF ALASKA)
)
THIRD JUDICIAL DISTRICT) ss.

THIS IS TO CERTIFY that on this ___ day of _____, 1993, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared _____, of SEAL BAY TIMBER COMPANY, a joint venture organized and existing under the laws of the State of Alaska, to me known and known to me to be the _____ of said company and acknowledged to me that he signed the foregoing Warranty Deed freely and voluntarily for and on behalf of said joint venture by authority of its Board of Directors for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND and official seal the day and year last above written.

Notary Public for _____
My commission expires: _____

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SORTYARD WARRANTY DEED - Page 3

EXHIBIT D

OWNERSHIP AGREEMENT
(Afognak Island - Seal Bay)

This AGREEMENT, effective as of November 4, 1993, is entered into by and between THE STATE OF ALASKA ("State"), and THE NATURE CONSERVANCY, a District of Columbia non-profit corporation, whose address is 1815 N. Lynn Street, Arlington, Virginia 22209 (the "Conservancy").

The following Exhibits are attached to this Agreement:

- Exhibit 1 - Resolution of the Exxon Valdez Settlement Trustee Council dated August 23, 1993
- Exhibit 2 - "Agreement for Sale and Purchase of Lands and Interests on Afognak Island"
- Exhibit 3 - Seller's Indemnification, Representations and Warranties Agreement
- Exhibit 4 - Assignment of Warranties
- Exhibit 5 - Form of Invoice

Whereas, the Exxon Valdez Settlement Trustee Council resolved (the "Resolution", attached as Exhibit 1) on August 23, 1993, to acquire from Seal Bay Timber Co. approximately 41,549 acres, more or less, on Afognak Island, Alaska, (the "Property") (more fully described in the attached Exhibit 2), for the purpose of protecting and restoring the natural and recreational values described in the Resolution; and

Whereas, the Resolution provides that the Property will be conveyed to the Conservancy from Seal Bay Timber Co., to be held by the Conservancy for approximately one year, and then conveyed by the Conservancy to the State for inclusion in a state park designated by the Alaska legislature (or, alternatively, to the United States, if the Property is not designated as a state park); and

Whereas, the Conservancy has agreed to enter into an "Agreement for Sale and Purchase of Lands and Interests on Afognak Island" between Seal Bay Timber Co., as Seller, the State and the Conservancy, (the "Purchase Agreement"), a copy of which is attached hereto as Exhibit 2, subject to the terms and conditions of this Agreement;

Whereas, the State shall have full responsibility for payment of all amounts owing to Seal Bay Timber Co. under the Purchase Agreement, and for management of the Property, and for all obligations related to the Property, while the Property is owned by the Conservancy, as provided herein; and