

ATTACHMENT #4

Transfer of Land from Southeast Alaska Land Trust to the State of Alaska To Fulfill a Condition of *ADL 107380 (Tideland Conveyance to City and Borough of Juneau) and Real Estate Contingency Agreement* For the Juneau Airport Expansion Project

In March 2009, the Alaska Department of Natural Resources (ADNR), with Alaska Department of Fish & Game (ADFG) approval, issued a *Final Findings and Decision* to convey 4.76 acres of State of Alaska tidelands within the Mendenhall Wetlands State Game Refuge (MWSGR) to the City and Borough of Juneau (CBJ) to accommodate the expansion of the Juneau International Airport. Further, the *MWSGR Management Plan* (1990) requires that land taken from the Refuge be replaced.

Under the conditions of the DNR decision and the accompanying *Real Estate Contingency Agreement* (RECA), executed 2/4/2009 by ADFG (Habitat Division) and the Juneau International Airport (JIA), the CBJ agreed to provide land to the State to replace those acres conveyed. The CBJ agreed to provide replacement land within or adjacent to the Refuge having the equivalent “functional capacity units” (FCU) to the lands conveyed to CBJ for Juneau Airport expansion. The FCUs are a measure of the biological productivity and other values of the wetlands and was the wetlands “currency” identified as part of the mitigation plan for the Juneau International Airport project (Corps Permit POA-1981-320-M22).

Under the terms of the RECA and the Juneau Airport project mitigation plan, Southeast Alaska Land Trust (SEAL Trust) was tasked with acquisition of the replacement lands on behalf of the CBJ and as part of SEAL Trust’s overall responsibility as the In-lieu Fee sponsor that assumed CBJ’s Juneau Airport project mitigation debt. The timeframe for action was identified in the RECA as five (5) years from the issuance date of the DNR Early Entry Permit (April 15, 2009). The action required is the actual transfer of the replacement lands to the State, or SEAL Trust has “substantially progressed toward State ownership in accordance with DNR procedures” (§ 5 RECA, page 2).

At this time, SEAL Trust proposes to transfer to the State a 6.45 acre parcel of accreted land on the Mendenhall Peninsula as replacement land for the 2009 conveyance to CBJ. The SEAL Trust has fee-simple title to “Wigeon Ponds Lot 2” which also carries a deed restriction establishing it as a Conservation Lot with a prohibition on building development of any kind.¹ The “Wigeon Ponds Lot 2” parcel meets the above-identified conditions, as follows:

1. Wigeon Ponds Lot 2 is located adjacent to the MWSGR, which is immediately to the east across Casa del Sol Creek and also to the north (U.S. Survey 4573 Lot 1).

¹ The legal description is: Lot 2, Wigeon Ponds Subdivision, (a subdivision of Lot 2E1 within U.S. Survey 2901), according to Plat 2010-7, Juneau Recording district, First Judicial district, State of Alaska.

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2. SEAL Trust used In-lieu Fee mitigation monies from the Juneau Airport project to acquire fee-simple title to Wigeon Ponds Lot 2.
3. The U.S. Army Corps of Engineers (Corps) approved acquisition of Wigeon Ponds Lot 2 on 12/3/2009, with the concurrence of the Interagency Review Team in accordance with the federal compensatory mitigation rules. As part of that approval, the Corps recognized the Wigeon Ponds Lot 2 parcel as having 100% equivalent wetlands that provide on-site and in-kind mitigation for the wetlands impacted by Juneau Airport project. Therefore, the parcel provides the FCU equivalent of 6.45 acres of wetlands, which is 136% of the replacement land requirement established in the 2009 actions.

Action Needed: Table 1 identifies the tasks to be accomplished and the responsible parties to complete the proposed transfer of Wigeon Ponds Lot 2 to the State of Alaska in order to fulfill the CBJ/JIA obligation under the RECA.

At this time, SEAL Trust seeks the concurrence of ADNR, ADFG, and CBJ/JIA that:

- Wigeon Ponds Lot 2 is an appropriate parcel to transfer to the State, and
- Table 1 adequately identifies the tasks to be taken and parties involved in the foreseeable future to complete the land transfer and satisfy the 2009 RECA.

With the parties concurrence, SEAL Trust will work with the ADNR and ADFG, and subsequently submit information to the Corps for its review and approval prior to executing the land transfer.

Attachments:

1. ADNR ADL 107480 - *Final Finding & Decision for Juneau Airport Expansion (includes Preliminary Finding & Real Estate Contingency Agreement)*
2. ADNR/DMLW/SERO *Land Use Permit for Early Entry - Permit # ADL 107380*
3. Wigeon Ponds Lot 2 – Location Map (Note: the ADFG 2010 base map is outdated, as the western boundary of MWSGR is farther east at MHW where several landowners including SEAL Trust now own accretions along the Mendenhall Peninsula.)
4. Wigeon Ponds Lot 2 – Plat 2010-7 and Deed Restriction
5. Status Map of SEAL Trust properties and current projects along Mendenhall Peninsula
6. SEAL Trust's *Mendenhall Wetlands Management Plan for the Mendenhall Peninsula & Amendment #1 Wigeon Ponds Lot 2 (2013)*
7. Excerpt - *Instrument Between the Southeast Alaska Land Trust and the U.S. Army Corps of Engineers, Alaska District for the Southeast Alaska Land Trust In-lieu Fee Program (2011) §VIII. Responsibilities & Financial Arrangements for Long-Term Management*

Provided to:

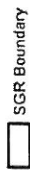
- ADNR: Jerri Sansome, Steve Winker, Ashlee Adoko
- ADFG: Mark Fink, Jackie Timothy
- Jnu Airport: Patty de LaBruere
- Corps: Randy Vigil

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Table 1. Actions, Lead Entity and Responsible Parties to Transfer an In-lieu Fee-acquired Parcel to the State of Alaska for Inclusion in the Mendenhall Wetlands State Game Refuge

TASK	ACTION	Lead & Responsible Parties
1	Establish concurrence that Wigeon Ponds Lot 2 satisfies the requirement for replacement land under the 2009 DNR decision and RECA	SEAL Trust, ADNR/Realty, ADFG/Wildlife Cons & Habitat, CBJ/JIA
2	Identify DNR procedures for SEAL Trust transfer of parcel to the State	ADNR/Realty; SEAL Trust
3	Prepare Deed Restriction to Wigeon Ponds Lot 2 that identifies the In-lieu Fee funding, mitigation, preservation purpose, and Corps 60-day notice requirement	SEAL Trust, ADNR/Realty, ADFG/Wildlife Cons., Corps
4	Determine whether the State wants SEAL Trust to provide on-site monitoring or other management services for Wigeon Ponds Lot 2, on an interim basis under SEAL Trust's <i>Management Plan for Mendenhall Peninsula</i> , until all ILF-funded accreted parcels on Mendenhall Peninsula are acquired and transferred to the State	ADFG/Wildlife Conservation, ADNR/Realty, SEAL Trust
5	Provide formal, 60-day advance notice to the Corps and obtain Corps approval before action taken to transfer title to the State, in accordance with 33 CFR 332.7(a)(3) & <i>SEAL Trust & Corps ILF Instrument (2011)</i>	SEAL Trust, Corps of Engineers
6	Execute the land transfer to the State	SEAL Trust, ADNR/Realty
7	Execute an Interagency Land Management Assignment to allow ADFG management of Wigeon Ponds Lot 2 until formally designated as part of the MWSGR by Legislative action	ADNR/DMLW- SE Region; ADFG/Wildlife Conservation
8	Depending on outcome of Task #4, execute the transfer of Wigeon Ponds Lot 2 ILF Management Fee for deposit in ADFG's Fish & Game Fund for a special purpose of managing Wigeon Ponds Lot 2	SEAL Trust, ADFG/Wildlife Conservation
9	Execute letter/agreement documenting that CBJ/JIA has fulfilled its obligation under the 2009 RECA to replace 4.76 acres conveyed to CBJ for the Juneau Airport project.	CBJ/JIA, ADFG/Admin
10	Obtain Legislative designation of Wigeon Ponds Lot 2 as part of MWSGR	ADNR, ADFG/Wildlife Conservation

Mendenhall Wetlands State Game Refuge



Federal

BLM

USCG

FAA

State

State

MHT

Other

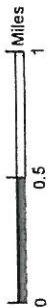
CBJ

Native

Private

Wetlands

Unverified



Map Produced by Alaska Department
of Fish & Game Division of Sport Fish
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