

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2016-34

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AUTHORIZING THE TRANSFER OF THE CITY AND BOROUGH OF SITKA'S "BOOMER PROPERTY", COMPOSED OF 48 ACRES LOCATED WITHIN THE WEST CHICHAGOF-YAKOBI WILDERNESS AREA (WILDERNESS AREA), AND ALSO KNOWN AS "US MINERAL SURVEY 1453 & 1587", TO THE US FOREST SERVICE FOR INCORPORATION INTO THE WILDERNESS AREA

1. **CLASSIFICATION.** This ordinance is not of a permanent nature and is not intended to become a part of the Sitka General Code.

2. **SEVERABILITY.** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstances shall not be affected.

3. **PURPOSE.** Completion of the Blue Lake Project Expansion (Project) resulted in unavoidable impacts to lands within the Project Area, including inundation of 362 acres of National Forest Lands and loss of 0.055 acres of waters of the United States. Pursuant to the project license amendment that approved the Project, the City and Borough of Sitka was required to negotiate measures to mitigate unavoidable impacts from the Project's construction with the US Forest Service and stakeholders. On May 24, 2011, the Assembly authorized the Utility Director to negotiate mitigation measures for the Project based on Assembly direction, including the potential transfer of municipal lands. A Final Mitigation Plan was filed by the City and Borough of Sitka with the Federal Energy Regulatory Commission (FERC) on October 11, 2012, and approved on October 17, 2013. The Final Mitigation Plan included the donation of the Boomer Property, plus certain actions related to improving the area.

This ordinance authorizes the land transfer and ensures that the City and Borough of Sitka meets the conditions of the Blue Lake FERC License No 2230, as well as the conditions of the Department of the Army Permit Number POA-2012-0441.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that:

- A. The donation of the Boomer Property from the City and Borough of Sitka to the United States of America is hereby authorized.
- B. The Boomer Property shall be incorporated into the Wilderness Area within 5 years of the time of donation.
- C. If the title does not meet Department of Justice Title Standards for federal land acquisition, the City and Borough of Sitka will work to remove title conditions and exceptions that are unacceptable to the United States of America, acting by and through the Forest Service.
- D. Upon the acceptance of the donation, the Municipal Administrator is authorized to execute documents necessary to convey the Boomer Property to the United States of America, acting by and through the Forest Service.

5. **EFFECTIVE DATE.** This ordinance shall become effective on the day after the date of its

55 passage.

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57 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka,
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Matthew Hunter, Deputy Mayor

63 **ATTEST:**

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Sara Peterson, CMC

66 Municipal Clerk

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