

Original sponsor(s): Resources Committee

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 CS FOR HOUSE BILL NO. 583 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the management of state land
7 within the Yakataga area; and providing for an effective
8 date."

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

10 * Section 1. AREA PLAN AND REPORT TO THE LEGISLATURE. (a) The commis-
11 sioner of natural resources shall undertake and complete an area plan for
12 the Yakataga area, the state land and water located between Icy Bay and
13 Cape Suckling, under AS 38.04.065 and the regulations of the Department of
14 Natural Resources.

15 (b) The commissioner of natural resources shall coordinate the prepa-
16 ration and review of the area plan with the commissioner of fish and game
17 and obtain the concurrence of the commissioner of fish and game on any fish
18 and wildlife habitat protection issues.

19 (c) In developing management options for the areas west and north of
20 Cape Yakataga, including the Yakataga River valley, the commissioner of
21 natural resources shall ensure that each management option fully protects
22 and enhances the fish and wildlife habitat, sport and subsistence hunting
23 and fishing, recreation, tourism, and scientific values.

24 (d) The commissioner of natural resources shall consider the full
25 range of management options on each tract of timber land of the University
26 of Alaska (ADL 223456) under litigation, including and excluding timber
27 harvest.

28 (e) The commissioner of natural resources shall consider the exper-
29 tise of other agencies of the state and the recommendations of the Yakataga

1 Citizens' Advisory Commission established under (f) of this section.

2 (f) The commissioner of natural resources shall convene a nine-member
3 Yakataga Citizens' Advisory Commission to assist in the preparation and
4 review of the area plan. The commissioner shall seek the suggestions and
5 advice from the members of the temporary commission at each stage of the
6 development and review of the area plan. Members of the Yakataga Citizens'
7 Advisory Commission shall be appointed by the governor and shall represent
8 a broad range of interests, including those of affected local communities,
9 the timber industry, the fishing industry, the sport and subsistence fish-
10 ing and hunting community, local landowners, environmental organizations,
11 mining interests, and other interests that are directly affected by re-
12 source use in the Yakataga area. The Yakataga Citizens' Advisory Commis-
13 sion shall select its presiding officer and hold meetings as necessary to
14 provide advice and recommendations to the commissioner. Members of the
15 Yakataga Citizens' Advisory Commission serve without compensation and
16 without the payment of travel or per diem by the state.

17 (g) Representatives of the City of Seward, City of Cordova, and the
18 City of Yakutat shall participate as members of the area planning team.

19 (h) The area plan shall be completed by December 31, 1992, and shall
20 be delivered to the chairs of the Resource Committees of the legislature.
21 The commissioner may include with the area plan recommendations for legis-
22 lation defining a part of the area as a state park, state forest, state
23 game refuge, state critical habitat area, or other special designation.

24 (i) Except as provided in this subsection, the commissioner of natu-
25 ral resources may not conduct timber or timber-related construction activ-
26 ity, including road construction, timber sales, and commercial timber
27 harvests in the Yakataga area, the area between Icy Bay and Cape Suckling,
28 until completion of the area plan required by this section. The commis-
29 sioner may permit the harvest of timber necessary to satisfy a court order

1 issued in Sullivan v. State, if otherwise authorized by law. The commis-
2 sioner may maintain existing timber harvest facilities.

3 * Sec. 2. TIMBER TRACTS OF THE UNIVERSITY OF ALASKA. (a) The commis-
4 sioner of natural resources shall engage in every reasonable effort to
5 achieve a settlement of litigation involving the City of Yakutat v. the
6 Department of Natural Resources (Civil No. 1JU-88-271) that accommodates
7 the rights of the University of Alaska to compensation for university trust
8 land conveyed to the Municipality of Anchorage. The commissioner shall,
9 for the purposes of settlement of the litigation, consider the timber in
10 the tracts transferred as ADL 223456 as the property of the university.
11 Nothing in this subsection affects the claims or rights of a party to the
12 litigation.

13 (b) Within 30 days from the effective date of this Act, the attorney
14 general shall select a qualified timber appraiser to appraise the value of
15 the timber within the parcels of the university described as Tract A148 at
16 Cape Suckling and Tract 20 at Yakataga. The appraiser shall complete the
17 appraisal before January 1, 1991.

18 (c) Regardless of the disposition of City of Yakutat v. the Depart-
19 ment of Natural Resources (Civil No. 1JU-88-271), the legislature intends
20 that the state repurchase from the University of Alaska its interest in
21 Tract A148 at Cape Suckling. The legislature intends to compensate the
22 University of Alaska for Tract A148 based on a new appraisal under (b) of
23 this section that establishes the value of the interest of the university
24 on the effective date of this Act. The compensation will be derived from
25 so much as is necessary of the following appropriations in the following
26 order of priority:

27 (1) an appropriation of \$1,968,511 to the University of Alaska
28 trust fund in the Department of Revenue;

29 (2) if the appraisal under (b) of this section for Tract A148

1 exceeds \$1,968,511, the commissioner of natural resources shall transfer so
2 much of Reed Island (Tract 57, valued at \$1,762,500) or Upper George Inlet
3 (Tract 78, valued at \$206,000) as will compensate the university; and

4 (3) if the appraisal under (b) of this section for Tract A148
5 exceeds amounts available under (1) and (2) of this subsection, the legis-
6 lature intends to appropriate an additional amount from the general fund of
7 the state, to transfer state mortgage contracts, or to transfer other state
8 assets to the university until the university receives the amount required
9 under the appraisal under (b) of this section for Tract A148.

10 (d) Regardless of the disposition of City of Yakutat v. the Depart-
11 ment of Natural Resources (Civil No. 1JU-88-271), the legislature intends
12 that the state repurchase from the University of Alaska its interest in
13 Tract 20 at Yakataga. The legislature intends to compensate the University
14 of Alaska for Tract 20 based on a new appraisal under (b) of this section
15 that establishes the value of the interest of the university on the effec-
16 tive date of this Act. The compensation will be derived from

17 (1) an appropriation of \$396,246 to the University of Alaska
18 trust fund in the Department of Revenue; and

19 (2) if the appraisal under (b) of this section for Tract 20
20 exceeds the amount available under (1) of this subsection, the legislature
21 intends to appropriate an additional amount from the general fund of the
22 state, to transfer state mortgage contracts, or to transfer other state
23 assets to the university until the university receives the amount required
24 under the appraisal under (b) of this section for Tract 20.

25 (e) Subsection (c) of this section is repealed on the date that
26 logging begins on Tract A148 at Cape Suckling. Subsection (d) of this
27 section is repealed on the date that logging begins on Tract 20 at
28 Yakataga. The commissioner of natural resources shall immediately notify
29 the lieutenant governor and the revisor of statutes of the date that

- 1 logging begins on Tract A148 and the date that logging begins on Tract 20.
- 2 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).