

COMMITTEE REPORT

HOUSE

FURTHER:

(11)

Date: 6/17/83

5/19/83

Mr. Speaker:

The Committee on FINANCE has had CSB (Finance)

"An Act relating to soil and water conservation; and providing for an effective date"

under consideration and reports it back as follows:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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CHAIRMAN

Original sponsor: Kertrula by request

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 120 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to soil and water conservation; and  
7 providing for an effective date."

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

9 \* Section 1. AS 41.10.030 is amended to read:

10 Sec. 41.10.030. PURPOSE OF CHAPTER [DISTRICT]. The purpose of  
11 this chapter [THE DISTRICT] is to provide for the orderly development  
12 of land [LANDS], for guiding settlement, and for conserving soil and  
13 water and soil resources and controlling and preventing soil erosion.

14 \* Sec. 2. AS 41.10.040 is amended to read:

15 Sec. 41.10.040. SOIL AND WATER CONSERVATION BOARD. The [DIS-  
16 TRICT IS GOVERNED BY THE] Alaska Soil and Water Conservation Board is  
17 composed of five [THREE] members. The commissioner of natural re-  
18 sources or, in the absence of the commissioner, the director of agri-  
19 culture, serves ex officio but without a vote on the board.

20 \* Sec. 3. AS 41.10 is amended by adding a new section to read:

21 Sec. 41.10.045. EXECUTIVE DIRECTOR. The commissioner of natural  
22 resources shall appoint an executive director and clerical staff to  
23 assist the board.

24 \* Sec. 4. AS 41.10.060 is amended to read:

25 Sec. 41.10.060. QUALIFICATIONS OF BOARD MEMBERS. Members of the  
26 board shall be resident bona fide users of land [FARMERS] selected  
27 from the five major land [FARMING] areas of the state.

28 \* Sec. 5. AS 41.10 is amended by adding a new section to read:

29 Sec. 41.10.065. MAJOR LAND AREAS OF THE STATE. The five major

1 land areas of the state are:

- 2 (1) the Arctic and northwest Alaska;
- 3 (2) the Yukon and Tanana Valleys;
- 4 (3) southwest Alaska and the Kenai Peninsula;
- 5 (4) southcentral Alaska; and
- 6 (5) southeast Alaska.

7 \* Sec. 6. AS 41.10.070 is amended to read:

8 Sec. 41.10.070. TERM OF OFFICE. The term of office of members  
9 is three years [, EXCEPT THAT INITIAL APPOINTMENTS SHALL BE FOR TERMS  
10 OF ONE, TWO, AND THREE YEARS, RESPECTIVELY].

11 \* Sec. 7. AS 41.10 is amended by adding a new section to read:

12 Sec. 41.10.075. BOARD MEETINGS. The board shall hold one regu-  
13 lar meeting annually at the state capital and one or more additional  
14 meetings at a time and place in the state selected by the board.

15 \* Sec. 8. AS 41.10.100 is amended to read:

16 Sec. 41.10.100. DUTY OF BOARD TO ADVISE COMMISSIONER OF NATURAL  
17 RESOURCES. (a) At the request of the commissioner of natural re-  
18 sources, the board shall meet and advise the commissioner [HIM] in the  
19 exercise of the [HIS] powers, duties, and functions of the commis-  
20 sioner.

21 \* Sec. 9. AS 41.10.100 is amended by adding a new subsection to read:

22 (b) The board shall also

23 (1) receive and review reports concerning the use of soil  
24 resources of the state;

25 (2) hold public hearings and meetings to determine whether  
26 land in the state is being used in a manner consistent with sound soil  
27 and water conservation practices;

28 (3) make recommendations for specific action necessary to  
29 provide for the effective and orderly development of agricultural,

1 forest, and grazing land in the state;

2 (4) review an appeal by an applicant or lessee from a  
3 decision of the director of the division of land and water management  
4 concerning a sale or lease of state agricultural or grazing land and  
5 submit its recommendations to the commissioner or hearing officer;

6 (5) act in an advisory capacity to the soil and water  
7 conservation districts in the state;

8 (6) act in an advisory capacity to the commissioner of  
9 natural resources and director of the division of agriculture in the  
10 review of farm conservation plans for all state agricultural land  
11 sales in the Alaska District.

12 \* Sec. 10. AS 41.10.110 is amended to read:

13 Sec. 41.10.110. POWERS OF COMMISSIONER OF NATURAL RESOURCES  
14 RELATING TO SOIL AND WATER CONSERVATION. The commissioner of natural  
15 resources has the power to

16 (1) conduct land capability surveys and investigations of  
17 potential agricultural areas and of soil conservation and erosion  
18 control, including necessary preventative and control measures, in the  
19 state; to publish the results of these surveys and investigations and  
20 to disseminate information concerning the results of the surveys and  
21 investigations to prospective settlers and the general public;

22 (2) make technical guidance and other assistance available  
23 to settlers of new land to assure the development of the land in a  
24 manner that will permit it to be used in accordance with its capabili-  
25 ties and treated in accordance with its needs;

26 (3) carry out measures for soil conservation and erosion  
27 control within the state [DISTRICT], including engineering operations,  
28 methods of cultivation, the growing of vegetation, and changes in use  
29 of land, with the consent and cooperation of the land user [OCCUPIER]

1 or agency having jurisdiction of the land;

2 (4) cooperate with, furnish assistance to, and enter into  
3 agreements with, a user [AN OCCUPIER] of land or agency within the  
4 state [DISTRICT, SUBJECT TO THE CONDITIONS AS THE BOARD CONSIDERS  
5 NECESSARY TO ADVANCE THE PURPOSES OF THIS CHAPTER];

6 (5) construct, improve, and maintain soil erosion control  
7 and conservation structures as are necessary and practical for carry-  
8 ing out the purposes of this chapter;

9 (6) develop comprehensive plans for the conservation of  
10 soil and control of soil erosion within the state [DISTRICT], cropping  
11 programs, tillage practices and changes in land use, and publish plans  
12 and information and bring them to the attention of users [OCCUPIERS]  
13 of land [LANDS] within the state [DISTRICT];

14 (7) accept contributions in money, services, materials, or  
15 equipment from the United States or its agencies, from an agency of  
16 the state, and from any other source, for use in carrying out the  
17 purposes of this chapter.

18 \* Sec. 11. AS 41.10.120 is amended to read:

19 Sec. 41.10.120. LAND USER [OCCUPIER] SHALL APPROVE PLANS, ETC.  
20 A [NO] survey, investigation or plan for land may not [SHALL] be  
21 undertaken by the commissioner of natural resources and [DISTRICT, NOR  
22 SHALL] measures for soil conservation and erosion control may not  
23 carried out [,] without the prior approval of the user [OCCUPIER] of  
24 the land.

25 \* Sec. 12. AS 41.10.130 is amended to read:

26 Sec. 41.10.130. CREATION AND BOUNDARIES OF SOIL AND WATER CON-  
27 SERVATION DISTRICTS [OF SUBDISTRICTS]. (a) The commissioner of  
28 natural resources may, on the recommendation of the board, create soil  
29 and water conservation districts in the state [SUBDISTRICTS OF THE

1 SOIL CONSERVATION DISTRICT OF ALASKA,) upon petition signed by 25 or  
2 more land users [OCCUPIERS] setting out the proposed boundaries of the  
3 proposed district [SUBDISTRICT]. The commissioner shall fix a time  
4 for and give notice of a public hearing based on the petition at a  
5 convenient location or locations within the boundaries of the proposed  
6 district [SUBDISTRICT]. The commissioner may fix the boundaries of  
7 the district [SUBDISTRICT] created, supervise the election of, pre-  
8 scribe the duties of, and install a governing body of five land users  
9 [OCCUPIERS] to be known as district supervisors for each district  
10 [SUBDISTRICT] created, and delegate to the district supervisors powers  
11 as the commissioner considers necessary to accomplish the purposes of  
12 this chapter within the district [SUBDISTRICT] boundaries.

13 (b) The area of the state that is not located within a district  
14 organized under (a) of this section shall be governed by the board.

15 \* Sec. 13. AS 41.10.140 is repealed and reenacted to read:

16 Sec. 41.10.140. DEFINITIONS. In this chapter

17 (1) "board" means the Alaska Soil and Water Conservation  
18 Board;

19 (2) "land user" or "user of land" means a person who

20 (A) is a producer of renewable resources, including  
21 farming and forestry; and

22 (B) has a current cooperative agreement with a soil  
23 and water conservation district.

24 \* Sec. 14. AS 41.10.020 and AS 41.10.150 are repealed.

25 \* Sec. 15. The terms of the members of the Alaska Soil Conservation  
26 Board terminate on the effective date of this Act. The initial members of  
27 the Soil and Water Conservation Board appointed under this Act shall be  
28 appointed for the following terms: two members shall serve for three-year  
29 terms; two members shall serve for two-year terms; and one member shall

1 serve for a one-year term. Until soil and water conservation districts  
2 have been created under AS 41.10.130 as enacted in sec. 12 of this bill, a  
3 "land user" includes a person who would have been qualified for appointment  
4 to the Alaska Soil Conservation Board.

5 \* Sec. 16. This Act takes effect July 1, 1983.  
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THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST  
 Bill/Resolution No. HCS CS SB 120  
 Title Relating to soil and water conservation  
 Requested by House Finance Committee Date 6/15/83

II. FISCAL DETAIL  
 Agency Affected Department of Natural Resources  
 Program Category Affected \_\_\_\_\_  
 BRU, Program, Or Subprogram(s) Affected \_\_\_\_\_  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		0				

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

No additional funding is necessary to implement this legislation at this time.

IV. DATE 6/15/83 PREPARED BY Al Adams, Chair *APA*  
 AGENCY House Finance Committee  
 Original: Legislative Finance PHONE 465-3706  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 33-001 (Rev. 12/82)

The following individuals may testify on SB 120:

Senator Kerttula (or staff), sponsor

A representative of the Department of Natural Resources

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A representative of the Department of Natural Resources

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Senator Kerttula (or staff), sponsor

A representative of the Department of Natural Resources

to and providing for the systematic collection, recording, and distribution of data on the water of the state. (§ 3 ch 41 SLA 1977)

**Sec. 41.08.040. Cooperation with other agencies.** The state geologist, with the consent of the commissioner, may enter into cooperative agreements with federal, state, and local governmental agencies to perform geological and geophysical surveys, studies, investigations, and services. (§ 1 ch 93 SLA 1972)

**Chapter 10. Soil Conservation District Law.**

Section	Section
10. Declaration of policy	100. Duty of board to advise commissioner of natural resources
20. Creation and boundaries of soil conservation district	110. Powers of commissioner of natural resources relating to soil conservation
30. Purpose of district	120. Land occupier shall approve plans, etc.
40. Soil conservation board	130. Creation of subdistricts
50. Appointment	140. "Land occupier" defined
60. Qualifications of board members	150. Short title
70. Term of office	
80. Vacancies	
90. Compensation and per diem	

**Sec. 41.10.010. Declaration of policy.** The farm, forest and grazing lands of the state are basic assets of the state. It is the policy of this chapter, in the interest of the health, safety, and general welfare of the people of the state, to provide for the development, use and conservation of these lands in accordance with their capabilities. (§ 47-4-2 ACLA 1949)

Am. Jur. and C.J.S. references. — 2 Am. Jur., Constitutional Law, §§ 424, 701; 37 Am. Jur., Agriculture, §§ 12, 19, 50, 217; 11 Am. Jur., Municipal Corporations, § 6. Jur., Constitutional Law, § 276; 12 Am. 3 C.J.S. Agriculture §§ 7 to 10.

**Sec. 41.10.020. Creation and boundaries of soil conservation district.** The Soil Conservation District of Alaska is created. The district is composed of the area of the state. (§ 47-4-3 ACLA 1949)

**Sec. 41.10.030. Purpose of district.** The purpose of the district is to provide for the orderly development of lands, for guiding settlement, and for conserving soil and soil resources and controlling and preventing soil erosion. (§ 47-4-3 ACLA 1949)

**Sec. 41.10.040. Soil conservation board.** The district is governed by the Alaska Soil Conservation Board composed of three members. (§ 47-4-4 ACLA 1949; am § 1 ch 82 SLA 1960)

**Sec. 41.10.050. Appointment.** The governor shall appoint members of the board subject to confirmation by a majority of the members of the legislature in joint session. (§ 47-4-4 ACLA 1949; am § 1 ch 82 SLA 1960)

**Sec. 41.10.060. Qualifications of board members.** Members of the

board shall be resident bona fide farmers selected from the major farming areas of the state. (§ 47-4-4 ACLA 1949; am § 1 ch 82 SLA 1960)

**Sec. 41.10.070. Term of office.** The term of office of members is three years, except that initial appointments shall be for terms of one, two, and three years, respectively. (§ 47-4-4 ACLA 1949; am § 1 ch 82 SLA 1960)

**Sec. 41.10.080. Vacancies.** The governor shall fill vacancies by appointment for the unexpired term. (§ 47-4-4 ACLA 1949; am § 1 ch 82 SLA 1960)

**Sec. 41.10.090. Compensation and per diem.** Members receive no salary but receive the same per diem and travel expenses authorized for members of state boards. (§ 47-4-4 ACLA 1949; am § 1 ch 82 SLA 1960)

**Sec. 41.10.100. Duty of board to advise commissioner of natural resources.** At the request of the commissioner of natural resources, the board shall meet and advise him in the exercise of his powers, duties, and functions. (§ 47-4-4 ACLA 1949; am § 1 ch 82 SLA 1960)

**Sec. 41.10.110. Powers of commissioner of natural resources relating to soil conservation.** The commissioner of natural resources has the power to

(1) conduct land capability surveys and investigations of potential agricultural areas and of soil conservation and erosion control, including necessary preventative and control measures, in the state; to publish the results of these surveys and investigations and to disseminate information concerning the results of the surveys and investigations to prospective settlers and the general public;

(2) make technical guidance and other assistance available to settlers of new land to assure the development of the land in a manner that will permit it to be used in accordance with its capabilities and treated in accordance with its needs;

(3) carry out measures for soil conservation and erosion control within the district, including engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land, with the consent and cooperation of the land occupier or agency having jurisdiction of the land;

(4) cooperate with, furnish assistance to, and enter into agreements with, an occupier of land or agency within the district, subject to the conditions as the board considers necessary to advance the purposes of this chapter;

(5) construct, improve, and maintain soil erosion control and conservation structures as are necessary and practical for carrying out the purposes of this chapter;

(6) develop comprehensive plans for the conservation of soil and control of soil erosion within the district, cropping programs, tillage

practices and changes in land use, and publish plans and information and bring them to the attention of occupiers of lands within the district;

(7) accept contributions in money, services, materials, or equipment from the United States or its agencies, from an agency of the state, and from any other source, for use in carrying out the purposes of this chapter. (§ 47-4-5 (1 — 7) ACLA 1949; am §§ 2, 3 ch 82 SLA 1960)

**Sec. 41.10.120. Land occupier shall approve plans, etc.** No survey, investigation or plan for land shall be undertaken by the district, nor shall measures for soil conservation and erosion control be carried out, without the prior approval of the occupier of the land. (§ 47-4-5(8) ACLA 1949)

**Sec. 41.10.130. Creation of subdistricts.** The commissioner of natural resources may create subdistricts of the Soil Conservation District of Alaska, upon petition signed by 25 or more land occupiers setting out the proposed boundaries of the subdistrict. The commissioner shall fix a time for and give notice of a public hearing based on the petition at a convenient location or locations within the boundaries of the proposed subdistrict. The commissioner may fix the boundaries of the subdistrict created, supervise the election of, prescribe the duties of, and install a governing body of five land occupiers to be known as district supervisors for each subdistrict created, and delegate to the district supervisors powers as the commissioner considers necessary to accomplish the purposes of this chapter within the subdistrict boundaries. (§ 47-4-5(9) ACLA 1949; am § 3 ch 82 SLA 1960)

**Sec. 41.10.140. "Land occupier" defined.** In this chapter "land occupier" or "occupier of land" means a person who holds title to, or is in possession of, three or more acres of land in the state, whether as owner, lessee, renter, tenant, or otherwise. (§ 47-4-5(9) ACLA 1949; am § 3 ch 82 SLA 1960)

**Sec. 41.10.150. Short title.** This chapter may be cited as the Soil Conservation District Law. (§ 47-4-1 ACLA 1949)

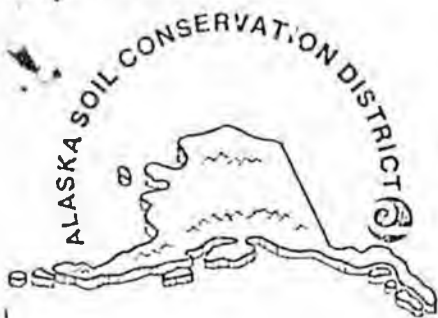
**Chapter 12. Western Interstate Nuclear Compact.**

Section	Section
10. Entry into compact	40. Filing copies of bylaws
20. Appointment of board member	50. Workmen's compensation coverage
30. Appointment of deputy or assistant board member	

**Sec. 41.12.010. Entry into compact.** The Western Interstate Nuclear Compact, hereinafter called "the compact," is hereby enacted into law and entered into with all other states legally joining therein, in the form substantially as follows:

**ARTICLE I. POLICY AND PURPOSE.**

The party states recognize that the proper employment of scientific



Alaska Soil Conservation District  
Pouch A • Wasilla, Alaska 99687 • (907) 376-FARM

August 30, 1982

#### EXECUTIVE SUMMARY

The Alaska Soil Conservation District and its nine Soil Conservation Subdistricts are an entity of the state government which is poorly understood and therefore, relatively unknown. Our purpose is to promote positive growth through wise land use and conservation planning. This is a goal which will touch the life of every Alaskan and we have remained dedicated to this cause for the past 35 years.

In 1982 our support of federal programs has been responsible for approximately \$195,000 worth of cost shared conservation practices on more than 15,000 acres of land in Alaska. Recent Soil Conservation Service records indicate 5,595,222 acres of land in Alaska which is adequately treated as a result of conservation planning. The Alaska Soil Conservation District has been active in the acquisition of approximately \$500,000 of state and federal funds to help support the National Cooperative Soil Survey program in Alaska. In 1981 this money was used to fund soil and range surveys in the Susitna Valley, Copper River Valley, Delta, Fairbanks, Kenai Peninsula, and the Seward Peninsula. A recent Memorandum of Understanding with the Alaska Division of Forestry establishes a working relationship for conservation planning with regard to privately owned timber resources. The Department of Environmental Conservation also recognizes the ability of the District to address non-point source pollution on agricultural lands for the protection of Alaska's water quality.


Our counterparts throughout the lower 48 states and Hawaii are considered a vital unit within the state government. As a result, they are recognized in many cases as a division within the Department of Natural Resources and receive substantial political and financial backing from their respective legislatures. In 1981 the Idaho legislature appropriated \$400,000 to begin implementing a state conservation cost-share program. In June 1982 Maryland funded \$5,000,000 from the sale of state bonds under the 1974 Water Quality Loan Act for the purpose of establishing a cost-share program for certain projects to control non-point source, agriculturally related water pollution caused by sediment loss, animal waste and chemicals. In June of 1982 the Minnesota legislature authorized the State Conservation Board to allocate funds to share the cost of implementing any systems or practices for erosion or sedimentation control for water quality improvement. Last year, New Jersey funded \$50,000,000 for grants to be administered by the State Conser-

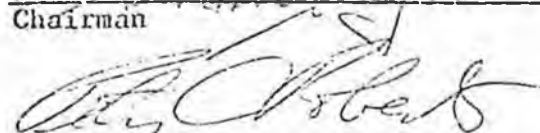
vation Board to land owners for soil and water conservation projects whether they involved farmland, forest, urban, or recreational areas. The list goes on for similar programs sponsored by the Soil Conservation Districts of North Carolina, South Carolina, Oklahoma, Nebraska, etc.

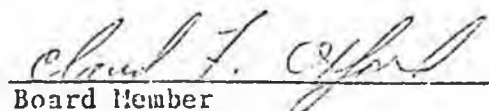
Alaska is unique in the fact that it requires farm conservation plans on any state land disposed for agriculture. However, development of privately owned land through conservation planning is basically voluntary. The Alaska Soil Conservation District is therefore non-regulatory, and implementation of soil and water conservation programs depends on the educational process and reasonable economic incentive.

The state board has requested legislative support in 1971 (SB-177), in 1980 (SB-223), and again in 1981 (HB-456) and was unsuccessful in all three attempts. With the increased rate of resource development experienced in Alaska at this time, it is increasingly difficult to function as a responsible arm of the state government without political and financial support from the legislature and state officials. Our past requests have been quite reasonable when compared to the cost effectiveness of our program. We serve as board members appointed by the governor because we are concerned that Alaska not suffer from the same mistakes made by her sister states as they developed. Other states must function under expensive remedial conservation programs while Alaska has an opportunity to continue a less expensive, preventative program. Without your help, Alaska's conservation program will loose the development race and then we, too, will find ourselves operating under the more expensive remedial programs.

We hope this attempt to gain your attention and inform you of our purpose will prove successful in the upcoming legislative session as we once again request support for our program. It is not a selfish goal but rather one that serves the interests of all Alaskans.

  
Chairman

  
Board Member

  
Board Member

# ALASKA SOIL CONSERVATION DISTRICT

## Long Range Plan

### FOREWORD

The Alaska Soil Conservation District's purpose is to help landowners solve problems involving soil and water conservation and develop additional land with conservation in mind. It is established by Alaska law, with the Commissioner of Natural Resources having power to create subdistricts and plan for the program.

The basic concept of the Alaska Soil Conservation District is that soil and water conservation programs do not deal directly with the land - they deal with people who work with the land. Because most public resource management programs deal with the land base, this fact is frequently misunderstood. However, this program hopes to show that, because this program depends on landowners, its effectiveness is measured by the ability of the District Board to get the landowners to apply conservation techniques.

This Long Range Plan will appraise the resources and establish a preventative program. Most states initiate remedial programs, correcting existing problems. Because we work in a developing state we have the opportunity to install needed conservation practices during the development stages. This plan will also be the foundation of the District's annual plan of operation.

### 1. HISTORY OF DISTRICT AND SUBDISTRICTS

The Soil Conservation District of Alaska was created by an Act of the Legislature of the Territory of Alaska in 1947. The Governor appointed the Alaska Soil Conservation Board to govern the District, and the Conservation Advisory Committee as prescribed by the Act. The Board and Advisory Committee governed the District until the Alaska State Organization Act was approved by the Governor, April 3, 1959.

This legislation vested administration of the Soil Conservation District in the Department of Natural Resources. Administration of the District is delegated to the Director of the Division of Agriculture, who is assisted by an Advisory Committee appointed by the Governor.

Along with this legislation, the Commissioner of the Department of Natural Resources has been given the authority to create subdistricts of the Soil Conservation District of Alaska, upon petition signed by 25 or more land occupiers setting out the proposed boundaries of the Subdistrict. There are presently nine active Subdistricts in Alaska. They are Kodiak, Homer, Kenai-Kasilof, Palmer, Wasilla, Montana, Kenny Lake, Fairbanks, and Salcha-Big Delta.

## II. State Authorities

The "Soil Conservation District Law," Title 41 of the Alaska Statutes, gives the District Board of Directors authority and responsibility to design a Long Range Plan for Alaska. This Statute provides for the development, use, and conservation of farm, forest, and grazing lands. The purpose of the District is to "provide for the orderly development of lands for guiding settlement, and for conserving soil and soil resources and controlling and preventing soil erosion."

## III. State Policies

Alaska Statute 38.05.362 states that those lands classified as agricultural lands will remain as such and only the agricultural rights to those lands can be sold. The State retains all other rights. The Board supports this policy, and any other policy that supports preservation of agricultural lands.

## IV. Environmental Setting

### A. Location

Alaska, located in the Northern Hemisphere between longitudes 130° and 172° west, and between latitudes 51° and 72° north, is bordered on the south by the Pacific Ocean, on the west by the Bering Sea, on the north by the Arctic Ocean, and to the east lies the Canadian Provinces. It is the largest of the 50 states, equalling an area one-fifth the size of the United States.

To give a description of Alaska's natural resources, climates, land use trends, and its socio-economic trends would require many volumes.

Because of this, the Board recommends a six volume publication entitled the Alaska Regional Profiles. These profiles were developed through the efforts of the State/Federal Land Use Planning Commission, University of Alaska, and the Division of State Planning and Research.

Also recommended is the Alaska Agricultural Potential, prepared by the Alaska Rural Development Council, which has over a dozen State and Federal agencies as members. It discusses market potentials and the utilization of crops, range, forest, and livestock in developing resources.

The Exploratory Soil Survey of Alaska was used as a resource text in developing this Plan. Containing information useful in large-scale land planning, it also includes predictions of soil behavior for selected land uses, limitations of soil, and environmental impact. Available through the Soil Conservation Service or the Cooperative Extension Service, it broadly describes soils in Alaska.

#### B. Soils

The earliest soil surveys in Alaska, made in 1914, were done as a study of possible routes for the railroad. More detailed surveys were done in 1939 and 1940 by the Soil Conservation Service in the Matanuska Valley. A more comprehensive study was done in 1946, resulting in publication of a schematic map and general discussion of soils in 1951.

Today, detailed surveys have been made in many principal farming and ranching areas and parts of the National Forests, for a total of 1,220,000 acres. These detailed surveys are continuing at an accelerating rate in an effort to keep pace with the resource development plans of Alaska. They have become the most valued tool for determining resource values.

It is noted that Alaska has many types of soil. Some general observations show that:

Poorly drained soils with permafrost cover 1/3 of Alaska; organic soils, many perennially frozen, cover a greater area than all other states put together; and rough mountain land covers 80 million acres, with 16.5 million under permanent ice cover.

However, several development potentials are shown relative to Alaskan Agriculture. These are that there are approximately 20.5 million acres of soil with high agricultural potential, 18.6 million acres with high grazing potential for domestic livestock, and that there are approximately 200 million acres with high potential for reindeer grazing.

Of course, this exploratory survey does not provide all of the information given in detailed soil surveys and must be supplemented or verified by the detailed soil surveys before resource commitments are finalized. For this reason the District will place the continued development of detailed soil surveys as a high priority.

### C. Climate

Alaska has four major climatic zones. They are:

1. Maritime, having water as an influence. It includes Southeast Alaska, has heavy precipitation, cool summers, warm winters, and strong surface winds.
2. Continental Zone, in the Interior, characterized by extreme seasonal temperatures, light precipitation, and light surface

winds.

3. Transition Zone, between Maritime and Continental Zones, has variable weather, more extreme temperatures than Maritime but not so great as Continental. Precipitation and surface winds are quite variable.

4. Arctic Zone, from central Brooks Range north to the ocean. Moderate temperatures along the coast, strong to moderate winds, precipitation is light.

See figure 3 for Zones.

#### D. Water

Alaska's large size, location, and extreme range in climate and topography create very diverse hydrologic conditions. According to geological characteristics, geographic regions are broken down into areas with similar hydrologic characteristics. They are identified as (a) the southeastern portion, east of the 141st meridian, including the Coast mountains; (b) the Southcentral area south of Alaska Range, including Susitna River, Copper River Lowlands, Cook Inlet, and Kenai-Chugach Mountains; (c) Southwestern, principally the Aleutian Range province; (d) Interior with its low broad valleys and the Intermontane Plateaus; and (e) Northern Alaska, including Brooks Range, Arctic Foothills, and Arctic Coastal Plain.

Permafrost and glaciers are widespread in Alaska. Permafrost, or perennially frozen ground, is found in all parts of Alaska except for a strip 25-125 miles wide along the southern coast. Even there, a few small isolated patches persist. Depending on the climatic zone, you will find a transition from thin, scattered patches (discontinuous) to areas over 2000 feet

thick near Barrow (continuous). Because it is impermeable, it limits water absorption, increasing direct run-off and creating numerous lakes or wetlands. Glaciers cover about 17,000 square miles, and are (hydrologically) considered to be water storage facilities.

#### E. Land Use and Economic Trends

Alaskan economy, heavily influenced by use of natural resources, is dependent on resource development and wise use for economic stability. When looking at renewable and non-renewable resources and their selection for future use, several land uses should be considered. They are:

1. Agriculture - Because of its potential as a renewable resource industry, the State is trying to acquire 650,000 acres of quality farm land. With the potential of approximately 20.5 million acres, the 250,000 acres presently scheduled for development creates little impact. Using only a small part of these lands, Alaska is providing 15% of its dairy needs, but still must import over 90% of its food. Development and use of agricultural land could decrease Alaska's dependence on food imports, expand export markets as the world food demand increases, and provide a viable renewable industry within the State.

2. Forestry - With logging being a traditional industry in Alaska, it is important to focus on obtaining an adequate supply of forest lands, thus insuring the future of forest products. Because of limited land selections, and with an approximate 41 million acres of high potential, forest selections should take into account future timber industries (production of chipped and pressed wood products) using interior forest species. This could also help meet local needs for lumber and fuel in the interior.

3. Commercial fisheries - Due to the fact that commercial fishing

is the leading renewable resource industry in Alaska, land use and management decisions should not interfere with waterways. To protect particular watersheds, key parcels of land must be in State ownership. Selections should focus on existing potential hatchery, enhancement, weir, research facility, and access sites as well as certain key watershed areas.

4. Tourism - Rapidly growing into Alaska's second largest renewable resource industry, tourism brought in \$110 million in 1976. Alaska's prime attraction is in scenic wildlands and wildlife. This should be considered when selecting park and recreation lands.

5. Hard rock mineral industries - Approximately 189 million acres of Alaska's land have mineral potential, most of which have not been evaluated in detail at this time. As the demand for this industry develops, lease rentals and royalties may add significantly to revenue. Selection should center around adequate areas to guarantee this source of revenue.

6. Coal lands - Because easily-developed coal lands are somewhat limited, selection should be made with an eye for the potential present and future development. As State oil and gas supplies decrease, coal will become more important, bringing with it a 10% royalty to the State coffers.

7. Oil and gas lands - Oil and gas revenues currently provide the major portion of Alaska's budget. Through direct control of these lands, the State can possibly avoid "boom" and "bust" cycles and extend the benefits of these non-renewable resources over longer periods of time.

## V. Alaska's Historic and Cultural Resources

Discovered by Vitus Bering and Aleksei Chirikov in 1741 and claimed by Russia at that time, Alaska was immediately beset by Russian traders trapping for otter. They followed the Aleutian Islands to the Peninsula, on to Kodiak Island, Cook Inlet, and Prince William Sound. Trading companies were established on Unalaska Island, Kenai Peninsula, and in Prince William Sound. Not firmly established in Alaska, the Russians were concerned over the voyages of the English into the North Pacific. In 1799, the Russian-American Company was organized and the first Russian post was established in Southeast Alaska. Russia had virtually full control.

For most of its 68 years, the Russian-American Company was concerned almost entirely with the sea otter trade. The decline of the sea otter population, along with a failure to develop other resources, the ever-growing numbers of English and American traders, and the defeat of Imperial Russia in the Crimean War influenced the decision to sell Alaska. On October 18, 1867, Secretary of State Seward closed the Alaska deal.

By the 1880s and 1890s, Americans were getting mining well established. Military expeditions put Alaskan rivers on the maps. The Klondike Gold Rush of 1897-98 brought tens of thousands of people into the state. The Army established posts and strung telegraph lines to connect Alaska with the lower United States.

In 1905, the Alaska Road Commission began work on what is now the Richardson Highway. Private enterprise constructed the White Pass and Yukon Railway from Skagway to Whitehorse, linking the navigable Yukon River to a deep-water port. The Copper River Valley, rich in copper, was opened to

development by the construction of the Copper River and Northwestern Railway. Between 1915 and 1923 the Alaska Railroad was built, serving Seward, Anchorage, Fairbanks, and points between, permitting the development of the Susitna and Tanana River Valleys.

Organized a Territory in 1912, Alaska witnessed the end of the gold rush era with World War I and found its economic development dominated by big business. The Alaska Road Commission continued making progress in road construction and the air age arrived. An agricultural community in the Matanuska River Valley was established by the government during the Depression of the Thirties.

World War II and the Cold War ushered in another era. Large military bases were set up near Anchorage and Fairbanks, more airfields were built, the Alaska Highway was put into action, and the Taylor, Seward, and Glenn Highways were opened. This all increased the population tremendously and a drive for Statehood began. On January 3, 1959, President Eisenhower signed the law making Alaska the 49th state in the Union.

Since then, rapid economic growth has occurred, especially in fisheries, timber, and petroleum industries, virtually assuring the State secure economic foundations. When the 104 million acres granted under the Statehood Act (1959) are conveyed, Alaska will be the largest land-holding state west of the Mississippi. The Alaska Native Claims Settlement Act gave \$925 million and 44 million acres of land to Native peoples. Even with these grants, most Alaska lands will remain in Federal ownership.

#### B. Cultural Resources in Alaska

To survive the harsh conditions, people had to become ingenious and resourceful. For example, to hunt and trap, the Eskimo had to know about game habits, and weather and ice conditions, developing special weapons as

he learned. Surviving winter entailed permanent housing heated by available fuel; clothing was made from furs and skins; dog sleds were used as transportation. They survived under incredible conditions, indicating their tremendous resourcefulness.

The past has endowed Alaska with rich legacies. Ancient civilizations built round or rectangular houses from sod, skin, bark, or earth using pole, bone, or log frames. They were either entirely above the ground or built into the ground at various levels. Today they are identifiable by ground depressions, by willow flooring, collapsed posts, or stone rings used to anchor skin tent sides.

Other indications of past civilizations are caribou fences, sometimes miles in length, used to channel caribou to a point for capture; cairns, which were lines of sod or rock piles that were made to look like men to the caribou to aid in capture, and caches where food was stored above or below the ground for future use. We see remains of their fireplaces; ceramic, stone, ivory, antler, bone and wood artifacts; and stone tools. Because of their ready deterioration, ivory, antler, bone and wood objects are not found as often as the others, making them extremely valuable to relic collectors.

Also historically significant are trappers' and miners' cabins, early farming implements, old railroad cars, sternwheelers, gold dredges, downed aircraft; we are familiar with historic trails, and places history happened. Many important historical structures need to be refurbished before they deteriorate past repair.

### C. Alaska State Selections, an Historical Overview

With Congress' enactment of the Alaska Statehood Act In 1959, Alaska

became entitled to more land than any other state in the history of the nation. By 1968, the State had selected about 26 million acres of Federal land under the statehood entitlement, based on potential for oil, gas, and mineral industries. However, the Department of Interior "froze" selections on December 11, 1968, and suspended action until December 18, 1971, the date of the passage of the Alaska Native Claims Settlement Act. This clearly settled the question of Native land rights, but clouded the future of land ownership patterns until after all lands were selected.

Other provisions of the Act withdrew up to 260 million acres, to be allocated by the Secretary of the Interior. The State filed selections on some 77 million acres one month after the approval of the Act and before the Secretary could act on withdrawing land for the Native and Federal pools. When the Interior Department failed to act, the State filed suit in court, winning an affirmation of title on 41 million acres.

The next major selection of state general grant lands occurred in 1973-74 when the State selected an additional 2.5 million acres. In 1976, when Native rights expired on selection of 30 million acres, the State filed selections against its original statehood entitlements. In April 1977 the State filed selections on 3.6 million acres. The controversial (d) (2) lands then came under contention. In the fall of 1977, the Interior "froze" all selections again until this issue was settled. This legislation is still in a state of debate.

## VI. Soil, Water, and Related Resource Concerns

A. During 1978, natural resource problems were inventoried by each of Alaska's nine soil and water conservation subdistricts to fulfill requirements of the federal Resource Conservation Act (RCA).

Public meetings were held throughout the State in order to accurately appraise the real problems and concerns of Alaskans, as well as gather ideas and projected solutions to those problems. The results of this inventory were posted in Parts I and II of the Long Range Plan according to the appropriate geographical areas. The field office representing the different subdistricts were as follows:

<u>Field Office</u>	<u>Subdistrict</u>
Fairbanks (Interior)	Fairbanks
Delta (Interior)	Salcha-Big Delta
Palmer (Southcentral)	Kenny Lake Montana Palmer Wasilla
Homer (Kenai Peninsula)	Homer Kenai-Kasilof Kodiak

When one considers the size of Alaska, this survey identified only those concerns from a rather small portion of the State.

E. This part of the Long Range Plan will be an overall perspective of the conservation problems and potential conservation problems of Alaska. As stated in the Introduction of this Plan, Alaska's conservation problems are basically ones of prevention, rather than remedy. However, considering the potential agricultural developments, the potential problems become evident. Alaska has the unique opportunity of being in a position to develop its agricultural potential properly, to institute best management practices as a complimentary part of the overall development program, as well as a part of individual conservation plans.

In addition to agriculture, problems relating to mining, construction, urban waste disposal, recreation, etc., will be discussed, with an

attempt to identify solutions. Emphasis is placed on private and state land with federal lands receiving a lower priority. The District will continue to influence what happens on Federal lands in its ongoing effort to achieve "conservation on the land", with the full realization of the enormity of this task.

It has been suggested that the State fund its own conservation program to take the place of the dying Federal programs that have been so much help in the past. A program of this type would be one way of making a positive effort in preventing and eliminating conservation problems in the State.

The following problem identification and plan of action is drawn from the RCA process, input from local supervisors, SCD supervisors, and agency people who work with Alaska's natural resources. It is not intended to be all-inclusive, but to identify the needs which are presently known. The key to this part of the Alaska Soil Conservation District is the continual review and update as new items develop. An effort has been made in this section to reflect areas within the State which have a very high level of concern for various involvements, based primarily on the RCA process.

## VII. CONSERVATION PROBLEM CONCERN

### A. Agriculture

#### 1. Preservation of Important Farmland (Present and Potential)

a. This is a prime concern of the Alaska citizen. Both present and potential farmlands are being committed to irreversible uses. Approximately 20.5 million acres of potential croplands were identified by the Exploratory Soil Survey of Alaska.

b. Viability of family farms

#### 2. Food and Fiber Production

a. Alaska citizens have for many years expressed a concern for Alaska's need for more local food production, due to the State's isolation. More local food and fiber production could lower costs, improve quality, lower energy consumption, and retain more land in agricultural production.

b. Energy inputs to agriculture production is key to fully developing Alaska' potential

c. Overall production costs in Alaska pose serious problems compared to most other states

## VII. PLAN OF ACTION

### A. Agriculture

#### 1. Preservation of Important Farmland

a. Development of a strong State agricultural policy

b. Extensive agricultural classification of agricultural soils

c. Resolution of conflicting interests

d. Rapid development of presently known project areas

e. Maintain policy of agricultural rights only

f. Verify areas thought to have high percentage of potential agricultural land

g. Sound resource inventory, planning, and application on project bases

h. Active follow-up of conservation plans on former State lands

#### 2. Food and Fiber Production

a. Same as items a, c, d, & g, above

b. Maximize the transportation and use locally manufactured fertilizer (urea)

c. Expand crop potentials through extensive research programs

d. Develop adequate market/transportation system that will complement and expand to the fullest Alaska agricultural production, both present and potential

B. Forestry

The RCA process notes a concern on the Kenai Peninsula relative to land use commissions and reforestation. Concern has been expressed due to lack of a forestry (State & Private) industry, competition with potential agricultural lands, availability of wood products, forest utilization and classification, and the loss of quality forestry resources in proposed development projects.

C. Habitat

1. Fish habitat - levels of pollutants in the water, streamflow levels, and habitat manipulation have a significant bearing on fish habitat
2. Game habitat - concerns have developed as a potential conflict with other land uses, such as agricultural, and the loss of critical game habitats

D. Lands

1. Important farmlands - Alaska has 20.5 million acres of what is considered unique and important Class II and III agricultural lands, giving Alaska a large agricultural potential.
2. RCA process defined a critical concern for the loss of lands to uses other than desired or real resource potentials. Expressions have been made in loss of production acreages, potential agricultural lands, conversion to irreversible uses, ownership patterns, urban sprawl, and competing uses.

B. Forestry

1. Develop a strong state forestry policy with consideration for other land uses, such as agriculture, recreation, and wildlife. Must resolve conflict with agricultural interests.
2. Establish a forestry demonstration project comparable to an existing agricultural project with full consideration given to economics, transportation, marketing, and ultimate utilization of the forest products.
3. Strengthen the utilization of the forestry potentials when identified in project development.

C. Habitat

1. Fish habitat
  - a. maintain full consideration in land use planning and project development
  - b. maintain critical or necessary wetland
2. Game habitat
  - a. same as item C-1, a and b above
  - b. use of wildfire as a management aid
  - c. development of improved woody plants for habitat uses
3. Develop policy statement (plan) for the identification, preservation, and use of Alaska's fish and game habitat in keeping with other identified land uses, to the maximum benefit of all Alaskans.

D. Lands

1. Continue the disposal of agricultural classified lands as agricultural rights only; encourage municipalities to do the same when disposing of their lands.
2. Encourage the strengthening of agricultural classifications, agricultural rights, and other efforts that will promote the maintenance and use of agricultural lands.

D. Lands, cont.

3. Resource planning - the State of Alaska will receive approximately 104 million acres of land from the Federal government with many resource potentials, one of which is agriculture. A significant percent of these lands will eventually go to private ownership. These private lands will require conservation planning and application before and during development.

4. Urban sprawl - This is a concern/problem that not only commits these lands to irreversible uses, but also requires a high energy cost due to distances from the core area.

5. Native land - Alaska Natives are receiving 44 million acres of land with multi-resource potentials.

E. Mining

1. Coal and hardrock mining are two areas of concern in Alaska, posing a potential problem.

2. Alaska has a large peat resource with little development being done.

3. Placer mining is commonplace in Alaska. Most of the environmental problems from mining are in this area.

F. Range Land

1. The expanding reindeer herding industry will utilize approximately 15 million acres of tundra ranges by increasing the number of reindeer.

2. Range areas within the State

G. Recreation

1. Recreation is an important aspect of this State's economy. Soil and water conservation is vital to this industry in many respects. All Alaskans are involved and should become active in the soil conservation effort.

D. Lands, cont.

3. Strengthen a policy of multi-resource planning and development based on a sound environmental foundation.

4. Limit new subdivision platting to be more in keeping with local demand, energy costs, and other local costs.

5. Use of coal as heat sources in rural areas.

6. Develop a policy and plan of action to best meet the future needs that will be generated as a result of the Alaska Native Settlement Act.

E. Mining

1. Encourage reclamation of coal and hardrock mines and areas affected by these mining operations through legislation and policy statements made by legislators and government groups

2. The Board will support and encourage research and development of our peat resources.

3. The Board will work with miners in developing conservation standards and encouraging the use of conservation practices in placer mining operations.

F. Range Land

G. Recreation

1. Educate local people of the importance of soil and water conservation in the tourist industry. Unless our natural resources are conserved, our prime recreational areas could easily suffer from the effects of erosion and pollution.

## H. Rural Development

The importation of food, especially fresh vegetables, at a reasonable cost is a serious problem in "bush" communities and native villages.

### I. Soil Erosion

1. Water erosion of fire trails and cat trails on forestland has been a concern in recent years as development continues. Foot traffic streambanks such as the Russian River is also becoming a concern.

2. Water erosion of certain transportation corridors such as the Haul Road is constantly a problem in Alaska.

3. Streambank erosion is caused mainly by high waters during spring runoff or high rains in upper drainages.

4. Shoreline erosion resulting from big tides, winter storms, and large ice floes is a problem near certain boat harbors and developed shorelines.

5. Water erosion on Alaska's rangeland and tundra results from overgrazing and destructive use by off-road vehicles.

6. Urbanization and poor construction of subdivisions is an increasing problem, especially in the major population areas in Anchorage.

7. Wind erosion in the Delta Junction and Palmer areas is always a concern especially with the increased activity in agriculture. High winds on exposed fields can be devastating. The Knik River has always been a serious problem and the potential in Nenana is there if that agricultural project is approved.

### J. Water

#### 1. Water quality

a. roadside erosion has been a major concern with respect to water quality. The DOT is doing an excellent job of stabilizing disturbed areas along State roads and highways.

## H. Rural Development

Encourage and support village gardening projects. Work with Extension Service and other agencies in promoting similar projects.

### I. Soil Erosion

1. The District will work with the US Forest Service and other State agencies in regulations and policies addressing the construction of cat trails and fire trails in forested areas.

2. The District will continue supporting the activities of the Soil Conservation Subdistricts in seeding roadsides and ditches. The District has and will continue to support the Department of Transportation (DOT) in their conservation practices on State highways.

3. Encourage and support any solutions offered which will retard streambank erosion.

4. Continue to support NACD and the Army Corps of Engineers in their efforts in preventing shoreline erosion at Ninilchik and Kotzebue.

5. Support the Kodiak SCSD in promoting their off-road vehicle policy. Work with the Reindeer Herders Association and other livestock producers in promoting better rangeland management and animal distribution.

6. Work for better zoning laws and land use planning in urban expansion projects.

7. Encourage the use of windbreaks and shelter belts in areas susceptible to wind erosion. Also encourage the use of no-till or minimum tillage practices on cropland. Support the Palmer SCSD in their efforts in stabilizing the soils on the Knik River.

### J. Water

#### 1. Water quality

a. subdistricts will be encouraged to support DOT revegetation activities.

1. Water quality cont.

- b. moderate sedimentation occurs with the employment of placer mining.
- c. water quality is affected during high waters caused by spring runoff and heavy rains. Minimum damage along streams results from the effects of the river boats.
- d. agricultural nutrients and chemical pollution pose a potential problem with the increase in agricultural activities in the State. The Agricultural Phase of the State of Alaska Water Quality Management Plan addresses the potential problem in Alaska of water quality degradation associated with agricultural pollutants.
- e. animal-waste pollution is a concern and will be of high priority when the Point McKenzie dairy project materializes.
- f. ground water pollution is a problem in some heavily populated subdivisions in Alaska. Inadequate sewage facilities, improper land use planning, and other related considerations are some reasons leading to these problems.

2. Management

- a. present effects of irrigation on soil and water resources has been minimal to non-existent, but is a concern with intensified development.
- b. drainage poses strong concerns in the development of the State's agricultural resources
- c. there is a continually increasing demand on water supplies, especially where rapid growth is occurring because of urban sprawl.

3. Flooding

- a. flooding has caused property damage in several areas in the State. Areas such as the Chena River around Fairbanks, Knik River near the Cook Inlet, and the Susitna Valley are noted for periods of serious flooding, being more heavily populated.

1. Water quality cont.

- b. the district will work with miners and offer assistance in developing adequate conservation measures, with emphasis toward placer and strip mining.
- c. work with Fish & Game and DEC to determine ways of retarding sedimentation of streams and stream-bank erosion.
- d. as agricultural development continues, best management practices (BMPs) will be applied to prevent the degradation of water quality. The District will cooperate with other State and Federal agencies in implementing these BMPs and the Federal Non-Point Source Pollution Act.

- e. support cost-share programs for animal-waste disposal systems and storage facilities, as well as support practices which involve spreading the waste.

- f. Assist boroughs and municipalities in zoning and planning and offer technical help in problems related to soils and soil characteristics.

2. Management

- a. continue to appraise ground waters in the State and provide assistance in the development of irrigation projects. Encourage those involved to be energy conscious and make continuous appraisals of future energy resources relative to needs.

- b. the Board will support and encourage agricultural development which is cognizant of soil and water conservation.

3. Flooding

- a. encourage the updating of flood plain maps in developed areas. The need for more detailed maps is important in areas such as the Matanuska and Knik Rivers. The Board shall encourage the Federal government

ALASKA SOIL AND WATER CONSERVATION BOARD  
Proposed 1983 Annual Plan of Operation

This plan was designed by the Alaska Soil and Water Conservation Board of Directors at a meeting held on October 14, 1982 in Anchorage, Alaska. The purpose of this plan is to 1) establish a definite purpose for the Board's existence as viewed by the members and in doing so make a policy statement and 2) identify those high priority tasks that the Board intends to accomplish in order to achieve their objectives. It is also intended that this plan be flexible enough to react to new problems. This will be listed as a "chasing other things priority". As a working plan the Board will review it at every meeting to keep current on the status of each task identified and to determine whether or not their goals are being met.

POLICY:

It is the purpose of the Alaska Soil and Water Conservation Board to guide agricultural development in Alaska to prevent conservation problems from occurring and to preserve and promote an economic agricultural industry, to encourage the wise use of natural resources and discourage misuse and disturbances of soil and water, and to provide general direction to districts in carrying out these policies.

TASKS:

- a) Work closely with the Alaska Department of Environmental Conservation in disbursement of contractual funds to the districts for water quality measures.
- b) Support the enactment of the new Soil and Water Conservation act and become active in district affairs:
  - 1) annual audits of each district;
  - 2) review of annual plans and reports;
  - 3) annual visit by at least one board member to local district meetings.
- c) Establish priority areas for fiscal year 83 soil surveys as agreed to through cooperative agreements with the Soil Conservation Service.
  - 1) Nenana West (detail)
  - 2) Nenana South (detail)
  - 3) Copper River area (detail)
  - 4) Tok (detail)
  - 5) Overland Ag Manley area (detail)
  - 6) Hatcher Pass area range survey
  - 7) McGrath area verification
- d) Review farm conservation plans for cooperators within the Alaska District. Request an annual review for those conservation plans in the Alaska District.
- e) Put more pressure on state and federal agencies for activity updates.
- f) Be active in 10-year plan by Alaska Agricultural Action Council.

3. Flooding, cont.

to outline those potential hazard areas affected by flooding in presently developed areas, and in areas with development potential.

4. Supply

a. water supply has never been a major problem in Alaska. The State holds 40% of the Nation's fresh water supply. The biggest concern in this area is the lack of information about groundwater and its availability.

4. Supply

a. work with SCS and other agencies in identifying water tables and other ground water sources and make that information available to the public.

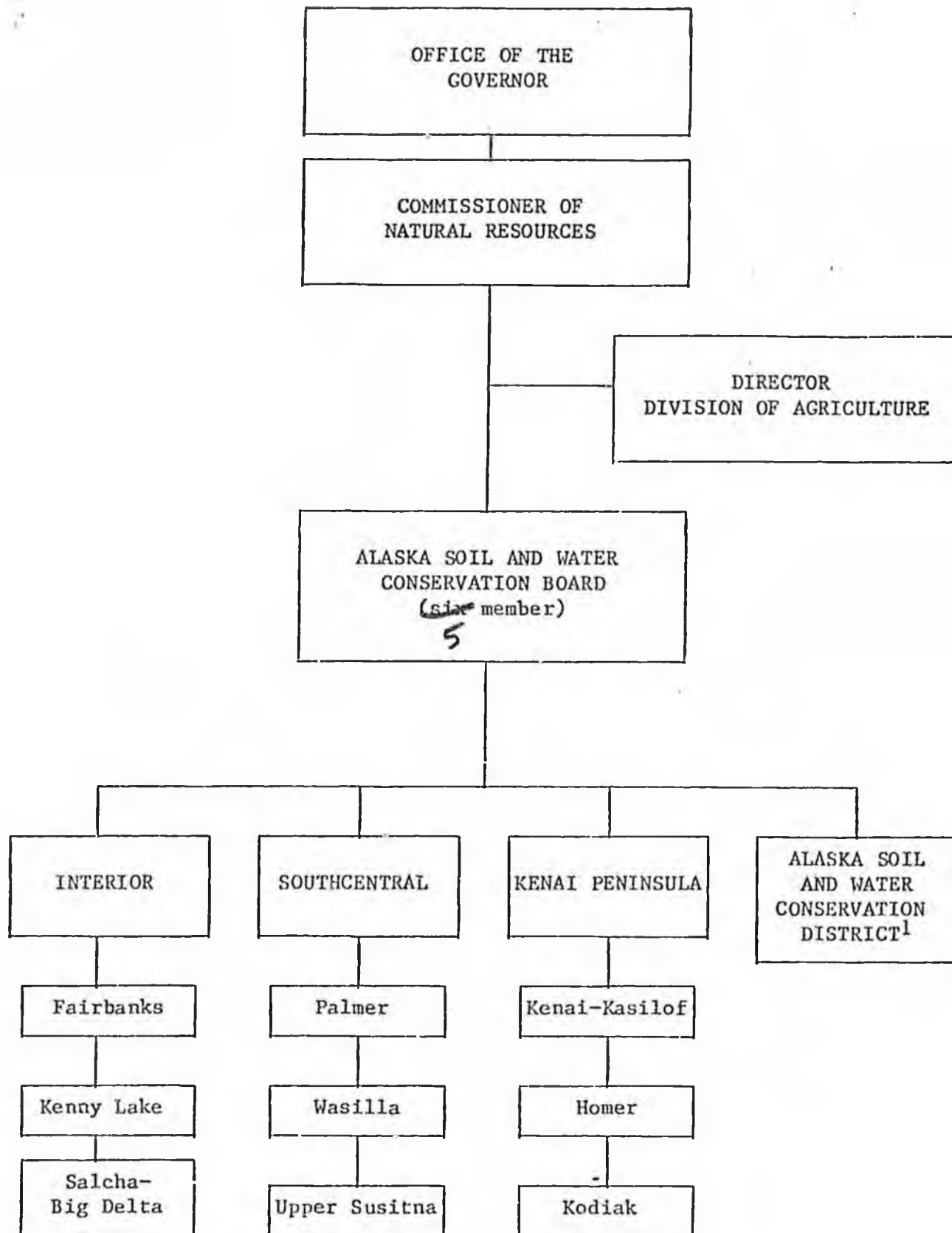
K. Wetlands

K. Wetlands

L. Socio-Political

1. Effective local leadership
2. Adequate legislative authorities
3. Effective use of existing authorities
4. Adequate local capital
5. Capability of local units of government to meet resource need
6. Need for cooperative arrangements with other units of government

L. Socio-Political



<sup>1</sup> Defined as that area of the state which is not encompassed by an organized district. The Alaska Soil and Water Conservation District is administered by the Soil Conservation Board.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 18, 1983

SUBJECT: Soil and water conservation  
[CSSB 120 (Resources)]

TO: Senator Jalmar M. Kerttula

FROM: Richard A. Bradley  
Legislative Counsel *B*

You have requested a sectional analysis of the above described bill.

As a preliminary matter, I must advise you that a sectional analysis or summary of a bill should not be considered an authoritative statement of the contents of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please address a specific request to this office.

The bill amends AS 41.20, a chapter relating to the "Soil Conservation District Law." The law has its origins in ACLA, 1949 and 1960 amendments conforming the law to the then newly established structure of state government.

Section 1 of the bill amends AS 41.20.030 and redefines certain technical aspects of the law. The existing law describes the entire state as the "Soil Conservation District of Alaska." See AS 41.20.020 and the commentary on sec. 14 of the bill. The amendment to sec. 30 establishes a "Purpose" to the chapter (AS 41.20) in place of the more awkward "Purpose of [Soil Conservation] District." The amendment also acknowledges that conservation of "water" has also been added as a focus of the chapter.

Section 2 of the bill amends AS 41.10.040. The amendment adds "water" to the name of the former Soil Conservation Board. It provides that the board consists of five members (in place of the former three). It also provides that the commissioner of natural resources (or, in the absence of the

commissioner, the director of agriculture) serves ex officio (by virtue of the office) as a nonvoting member of the board.

In connection with this section note the provisions of sec. 15, a transitional section providing for the termination of the terms of existing members and the appointment of new members.

Section 3 adds a new Sec. 41.20.045. The section directs the commissioner to appoint an executive director and clerical staff to serve the board.

Section 4 amends AS 41.20.060. The section relates to the "Qualifications of Board Members." Existing law requires that board members be "bona fide farmers selected from the major farming areas of the state." As amended by this section, board members would be "bona fide users of land selected from the five major land areas of the state." The term "users of land" is defined [in sec. 13] to mean "producers of renewable resources, including farming and forestry" who have a "current cooperative agreement with a soil and water conservation district." See sec. 13 and its repeal and reenactment of AS 41.20.140(2).

Section 5 adds a new Sec. 41.10.065. It defines the "Major Land Areas of the State."

Section 6 amends AS 41.20.070. The amendment is essentially stylistic; at present, the law provides that initial terms of members of the board are for "one, two, and three" year terms. The provision is, of course, executed and members appointed to those terms presumably have not served on the board for a number of years. The law dealing with this issue for the new board members is not codified in Alaska Statutes but appears in sec. 15 of the bill.

Section 7 adds a new Sec. 41.10.075. It provides for meetings of the board and requires one meeting in the capital and one or more additional meetings at a time and place in the state selected by the board.

Section 8 amends AS 41.10.100. The changes are entirely stylistic.

Section 9 adds a new subsection to AS 41.10.100 to prescribe additional substantive duties for the board.

Senator Jalmar M. Kerttula  
Page 3  
May 18, 1983

Section 10 amends AS 41.10.110. The section relates to the "Powers of Commissioner of Natural Resources relating to Soil and Water Conservation." Seven "powers" exist under the current law. With the exception of the changes in sec. 110(4) and (7), whatever changes exist are stylistic.

The amendment to sec. 110(4) deletes the authority of the board to establish conditions on the cooperation, assistance, or agreements that the commissioner offers to users of land.

The finance committee amendment to sec. 110(7) deletes the paragraph as amended. As written, the law permitted the commissioner of natural resources to

(7) accept contributions in money, services, materials, or equipment from the United States or its agencies, from an agency of the state, and from any other source, for use in carrying out the purposes of this chapter.

The deletion of this section, standing alone, constitutes an anomaly to the extent that the deletion does not change the law. This is because any agency of the state has the power to accept contributions "for use in carrying out [statutory functions]" in the absence of an affirmative prohibition. Since no such affirmative prohibition was added to the bill, the deletion of sec. 110(7) was without legal effect. If there is a desire to add such an affirmative prohibition, I suggest putting sec. 110(7) back in the bill and modifying the introductory language to read:

(7) may not accept contributions . . . ."

Section 11 amends AS 41.10.120. The amendment changes "land occupier" to "land user", a defined term. It provides that the commissioner of natural resources (rather than the former soil conservation district) may not carry out a "survey, investigation, or plan for land" without the prior approval of the "user of land."

Section 12 amends AS 41.10.130. The section dealt with the creation of "subdistricts" within the "soil conservation district" which, it will be recalled, was the state. See AS 41.10.020, a section proposed for repeal in sec. 14.

Since that concept is abandoned, the establishment of "districts" is permitted under this section; a "district" is

an area proposed by a petition without change from existing law. Except for the change in nomenclature suggested and except for the added requirement that the soil and water conservation board have recommended the establishment of the district, no other substantive change is provided for in the amendment to sec. 130(a).

The amendment also adds a subsection. Sec. 130(b) provides that the "area of the state that is not located within a district organized under (a) of this section shall be governed by the board."

Section 13 repeals and reenacts AS 41.10.140. It defines the board as the newly established board; it defines "land user" or "user of land" as suggested above. Under existing law, AS 41.10.140 provides:

Sec. 41.10.140. "LAND OCCUPIER" DEFINED. In this chapter "land occupier" or "occupier of land" means a person who holds title to, or is in possession of, three or more acres of land in the state, whether as owner, lessee, renter, tenant, or otherwise.

Section 14 repeals AS 41.10.020 and AS 41.10.150. The sections provide:

Sec. 41.10.020. CREATION AND BOUNDARIES OF SOIL CONSERVATION DISTRICT. The Soil Conservation District of Alaska is created. The district is composed of the area of the state.

Sec. 41.10.150. SHORT TITLE. This chapter may be cited as the Soil Conservation District Law.

Section 15 is uncodified law. It provides that the terms of the members of the Soil Conservation Board terminate on the effective date of the Act [July 1, 1983: see sec. 16]. It establishes staggered terms for the new appointees: two members receive three year terms; two members receive two year terms; and one members receives a one year term. The section also recognizes that the section establishing the qualifications for board members [AS 41.10.060] prevents new members from qualifying until "soil and water conservation districts" have been created under the amendments; to resolve that problem, the section provides that a person qualified for appointment to the former board will be qualified for appointment under the revisions.

Senator Jalmar M. Kerttula  
Page 5  
May 18, 1983

Section 16 establishes an effective date: July 1, 1983.

If I may be of further assistance, please advise.

RAB:ljb  
20/017



Official Business

# Alaska State Legislature

## Senate

### Office of the President

Pouch V  
State Capitol  
Juneau, Alaska 99811

June 15, 1983

Representative Al Adams  
Chairman  
House Finance Committee

Dear Mr. Chairman and Members of the Committee:


The House Resources Committee has considered CS for SB 120 (Resources) and has passed out the bill with an amendment. The bill has been referred to the Finance Committee. This bill has been described by persons involved in that industry as one of the most important pieces of legislation relating to agriculture.

Several parties, concerned with soil and water conservation activities and specifically with the bill, had requested that an amendment be offered to the Senate version which would insure that a statewide entity soil and water conservation coordination be established. The attached amendment was adopted by the Resources committee at my urging. This was done primarily at the request of representatives of the United States Soil Conservation Service who, in their reading of SB 120, felt there would not be such an entity with statewide authority to carry out the responsibilities of the association. The attached opinion by Legislative Legal indicates that the Soil and Water Conservation Board established by this bill is an appropriate organization to fulfill the statewide needs identified by the U.S. Soil Conservation Service.

Based upon this opinion and discussions with the Alaska Association of Soil Conservation Sub-districts and the U.S. Soil Conservation Service, I have concluded that the Resources Committee amendment is neither necessary nor desirable. I would like to request that the Finance Committee consider rescinding the Resources Committee amendment.

I would greatly appreciate your consideration on this matter. I apologize for the inconvenience and confusion.

Respectfully,

  
Senator Jay Kerttula  
Senate President

JMK:rjr  
Attachments

House Resources Committee Amendment to CS for SB 120 (Resources)

Page 5, Section 13: add

(3) "Alaska Soil and Water Conservation District" means the area of the state not established under Section 41.10.130 (a).

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

June 2, 1983

SUBJECT: Soil and water conservation  
(HCS CSSB 120 (Resources))

TO: Senator Jalmar M. Kerttula

FROM: Richard A. Bradley *B*  
Legislative Counsel

Richard Ramsey has asked that I comment on the above bill and the amendment adopted in the House Resources Committee Substitute.

The amendment added defines "Alaska Soil and Water Conservation District" to mean an "area of the state not established as a soil and water conservation district under Section [sic] 41.10.130(a)."

The amendment is awkward to the extent that the phrase defined is not used within this bill or within AS 41.10.

I understand from Mr. Ramsey that the concern that prompted the amendment was that there would be areas of the state [presumably those outside districts established under sec. 130(a)] where no agency has management responsibilities. Of course, that is not so: sec. 130(b) of the bill provides:

(b) The area of the state that is not located within a district organized under (a) of this section shall be governed by the [soil and water conservation] board.  
[Bracketed material added.]

I note also that quite apart from sec. 130(b), the commissioner has measurable responsibilities which can be exercised on a statewide basis that seem to address the concerns of Mr. Ramsey. See sec. 110. And note that among these responsibilities of the commissioner under sec. 110(7) is the specific authority to "accept contributions in money,

Senator Jalmar M. Kerttula

Page 2

June 2, 1983

services, materials, or equipment from the United States or its agencies . . . for use in carrying out the purposes of this chapter."

Accordingly, to the extent that the concern for the amendment was that the state be able to accept the benefits of a Federal soil and water conservation program, the provisions of the bill before the addition of the amendment were quite adequate.

I suggest that rather than seeking to undo the House Resources Committee substitute, it may be simpler to seek the enactment of CSSB 120 (Resources) am.

If I may be of further assistance, please advise.

RAB:ljb  
23/004

Offered: 4/14/83  
Referred: Finance

Original sponsor: Kerttula by request

1 IN THE SENATE BY THE RESOURCES COMMITTEE  
2 CS FOR SENATE BILL NO. 120 (Resources) am  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL,

6 For an Act entitled: "An Act relating to soil and water conservation; and  
7 providing for an effective date."

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

9 \* Section 1. AS 41.10.030 is amended to read:

10 Sec. 41.10.030. PURPOSE OF CHAPTER [DISTRICT]. The purpose of  
11 this chapter [THE DISTRICT] is to provide for the orderly development  
12 of land [LANDS], for guiding settlement, and for conserving soil and  
13 water and soil resources and controlling and preventing soil erosion.

14 \* Sec. 2. AS 41.10.040 is amended to read:

15 Sec. 41.10.040. SOIL AND WATER CONSERVATION BOARD. The [DIS-  
16 TRICT IS GOVERNED BY THE] Alaska Soil and Water Conservation Board is  
17 composed of five [THREE] members. The commissioner of natural re-  
18 sources or, in the absence of the commissioner, the director of agri-  
19 culture, serves ex officio but without a vote on the board.

20 \* Sec. 3. AS 41.10 is amended by adding a new section to read:

21 Sec. 41.10.045. EXECUTIVE DIRECTOR. The commissioner of natural  
22 resources shall appoint an executive director and clerical staff to  
23 assist the board.

24 \* Sec. 4. AS 41.10.060 is amended to read:

25 Sec. 41.10.060. QUALIFICATIONS OF BOARD MEMBERS. Members of the  
26 board shall be resident bona fide users of land [FARMERS] selected  
27 from the five major land [FARMING] areas of the state.

28 \* Sec. 5. AS 41.10 is amended by adding a new section to read:

29 Sec. 41.10.065. MAJOR LAND AREAS OF THE STATE. The five major

1 land areas of the state are:

- 2 (1) the Arctic and northwest Alaska;
- 3 (2) the Yukon and Tanana Valleys;
- 4 (3) southwest Alaska and the Kenai Peninsula;
- 5 (4) southcentral Alaska; and
- 6 (5) southeast Alaska.

7 \* Sec. 6. AS 41.10.070 is amended to read:

8 Sec. 41.10.070. TERM OF OFFICE. The term of office of members  
9 is three years [, EXCEPT THAT INITIAL APPOINTMENTS SHALL BE FOR TERMS  
10 OF ONE, TWO, AND THREE YEARS, RESPECTIVELY].

11 \* Sec. 7. AS 41.10 is amended by adding a new section to read:

12 Sec. 41.10.075. BOARD MEETINGS. The board shall hold one regu-  
13 lar meeting annually at the state capital and one or more additional  
14 meetings at a time and place in the state selected by the board.

15 \* Sec. 8. AS 41.10.100 is amended to read:

16 Sec. 41.10.100. DUTY OF BOARD TO ADVISE COMMISSIONER OF NATURAL  
17 RESOURCES. (a) At the request of the commissioner of natural re-  
18 sources, the board shall meet and advise the commissioner [HIM] in the  
19 exercise of the [HIS] powers, duties, and functions of the commis-  
20 sioner.

21 \* Sec. 9. AS 41.10.100 is amended by adding a new subsection to read:

22 (b) The board shall also

23 (1) receive and review reports concerning the use of soil  
24 resources of the state;

25 (2) hold public hearings and meetings to determine whether  
26 land in the state is being used in a manner consistent with sound soil  
27 and water conservation practices;

28 (3) make recommendations for specific action necessary to  
29 provide for the effective and orderly development of agricultural,

1 forest, and grazing land in the state;

2 (4) review an appeal by an applicant or lessee from a  
3 decision of the director of the division of land and water management  
4 concerning a sale or lease of state agricultural or grazing land and  
5 submit its recommendations to the commissioner or hearing officer;

6 (5) act in an advisory capacity to the soil and water  
7 conservation districts in the state;

8 (6) act in an advisory capacity to the commissioner of  
9 natural resources and director of the division of agriculture in the  
10 review of farm conservation plans for all state agricultural land  
11 sales in the Alaska District.

12 \* Sec. 10. AS 41.10.110 is amended to read:

13 Sec. 41.10.110. POWERS OF COMMISSIONER OF NATURAL RESOURCES  
14 RELATING TO SOIL AND WATER CONSERVATION. The commissioner of natural  
15 resources has the power to

16 (1) conduct land capability surveys and investigations of  
17 potential agricultural areas and of soil conservation and erosion  
18 control, including necessary preventative and control measures, in the  
19 state; to publish the results of these surveys and investigations and  
20 to disseminate information concerning the results of the surveys and  
21 investigations to prospective settlers and the general public;

22 (2) make technical guidance and other assistance available  
23 to settlers of new land to assure the development of the land in a  
24 manner that will permit it to be used in accordance with its capabili-  
25 ties and treated in accordance with its needs;

26 (3) carry out measures for soil conservation and erosion  
27 control within the state [DISTRICT], including engineering operations,  
28 methods of cultivation, the growing of vegetation, and changes in use  
29 of land, with the consent and cooperation of the land user [OCCUPIER]

1 or agency having jurisdiction of the land;

2 (4) cooperate with, furnish assistance to, and enter into  
3 agreements with, a user [AN OCCUPIER] of land or agency within the  
4 state [DISTRICT, SUBJECT TO THE CONDITIONS AS THE BOARD CONSIDERS  
5 NECESSARY TO ADVANCE THE PURPOSES OF THIS CHAPTER];

6 (5) construct, improve, and maintain soil erosion control  
7 and conservation structures as are necessary and practical for carry-  
8 ing out the purposes of this chapter;

9 (6) develop comprehensive plans for the conservation of  
10 soil and control of soil erosion within the state [DISTRICT], cropping  
11 programs, tillage practices and changes in land use, and publish plans  
12 and information and bring them to the attention of users [OCCUPIERS]  
13 of land [LANDS] within the state [DISTRICT];

14 (7) ACCEPT CONTRIBUTIONS IN MONEY, SERVICES, MATERIALS, OR  
15 EQUIPMENT FROM THE UNITED STATES OR ITS AGENCIES, FROM AN AGENCY OF  
16 THE STATE, AND FROM ANY OTHER SOURCE, FOR USE IN CARRYING OUT THE  
17 PURPOSES OF THIS CHAPTER].

18 \* Sec. 11. AS 41.10.120 is amended to read:

19 Sec. 41.10.120. LAND USER [OCCUPIER] SHALL APPROVE PLANS, ETC.  
20 A [NO] survey, investigation or plan for land may not [SHALL] be  
21 undertaken by the commissioner of natural resources and [DISTRICT, NOR  
22 SHALL] measures for soil conservation and erosion control may not be  
23 carried out [,] without the prior approval of the user [OCCUPIER] of  
24 the land.

25 \* Sec 12. AS 41.10.130 is amended to read:

26 Sec. 41.10.130. CREATION AND BOUNDARIES OF SOIL AND WATER CON-  
27 SERVATION DISTRICTS [OF SUBDISTRICTS]. (a) The commissioner of  
28 natural resources may, on the recommendation of the board, create soil  
29 and water conservation districts in the state [SUBDISTRICTS OF THE

1 SOIL CONSERVATION DISTRICT OF ALASKA,] upon petition signed by 25 or  
2 more land users [OCCUPIERS] setting out the proposed boundaries of the  
3 proposed district [SUBDISTRICT]. The commissioner shall fix a time  
4 for and give notice of a public hearing based on the petition at a  
5 convenient location or locations within the boundaries of the proposed  
6 district [SUBDISTRICT]. The commissioner may fix the boundaries of  
7 the district [SUBDISTRICT] created, supervise the election of, pre-  
8 scribe the duties of, and install a governing body of five land users  
9 [OCCUPIERS] to be known as district supervisors for each district  
10 [SUBDISTRICT] created, and delegate to the district supervisors powers  
11 as the commissioner considers necessary to accomplish the purposes of  
12 this chapter within the district [SUBDISTRICT] boundaries.

13 (b) The area of the state that is not located within a district  
14 organized under (a) of this section shall be governed by the board.

15 \* Sec. 13. AS 41.10.140 is repealed and reenacted to read:

16 Sec. 41.10.140. DEFINITIONS. In this chapter

17 (1) "board" means the Alaska Soil and Water Conservation  
18 Board;

19 (2) "land user" or "user of land" means a person who

20 (A) is a producer of renewable resources, including  
21 farming and forestry; and

22 (B) has a current cooperative agreement with a soil  
23 and water conservation district.

24 \* Sec. 14. AS 41.10.020 and AS 41.10.150 are repealed.

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26 Board terminate on the effective date of this Act. The initial members of  
27 the Soil and Water Conservation Board appointed under this Act shall be  
28 appointed for the following terms: two members shall serve for three-year  
29 terms; two members shall serve for two-year terms; and one member shall

1 serve for a one-year term. Until soil and water conservation districts  
2 have been created under AS 41.10.130 as enacted in sec. 12 of this bill, a  
3 "land user" includes a person who would have been qualified for appointment  
4 to the Alaska Soil Conservation Board.

5 \* Sec. 16. This Act takes effect July 1, 1983.

Offered: 6/10/83  
Referred: Finance

Original sponsor: Kerttula by request

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2 HOUSE CS FOR CS FOR SENATE BILL NO. 120 (Resources)  
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