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Alaska State Legislature

HOUSE OF REPRESENTATIVES
COMMITTEE ON RESOURCES

POUCH V
JUNEAU, ALASKA 99811
(907) 465-3715

SUMMARY OF HCSSB 273 (Resources)

The Committee Substitute would allow DNR to dispose for sale up to 20% of the state land base in an area having a radius of five miles from the center of an unorganized community.

The community would determine where the radius point would be, and once determined that point would be a permanent one for the purposes of this section.

Agricultural land is not to be counted as land disposed for sale in a community under this legislation. Leases, material sales, and access for pipelines and utility corridors are not included as sales either.

Additional land can be sold by the state in the area if the community lends its' approval.

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : 3-21-86

REQUEST

Bill/Resolution No. : SB 273
 Title : Classification of State
 Land for Retention.
 Sponsor : Senate Resources
 Requestor : House Resources
 Date of Request : 3-21-86

FISCAL DETAIL

Agency Affected : Natural Resources
 BRU : Land & Water Management
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Mike Vediner *[Signature]* Phone : 465-2400
 Division : Land & Water Mgmt Date : 3-21-86

Approved by Commissioner : *[Signature]* Date : 3/22/86
 Agency : Natural Resources

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 273
 Title: Classification of State Land
for Retention
 Sponsor: Resources Committee
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Natural Resources
 Program Category Affected: NRMEC
 BRU, Program or Subprogram(s) Affected:
Land and Water Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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GENERAL FUND						
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OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

No fiscal impact

Prepared By: Mike Vediner Phone: 465-2400
 Division: Land and Water Management Date: April 24, 1985
 Approved by Commissioner: Ned Foy Date: April 24, 1985
 Agency: Natural Resources

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

Original sponsor: Resources Committee

1 IN THE SENATE BY THE RESOURCES COMMITTEE
2 HOUSE CS FOR SENATE BILL NO. 273 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled. "An Act relating to classification of state land for
7 retention, and providing for an effective date."

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

9 * Section 1. AS 38.04.020(c) is amended to read:

10 (c) Land to be retained in state ownership may be classified by
11 the commissioner into multiple-use management categories under AS 38.-
12 05.300. Land outside a municipality to be retained in state ownership
13 consists of land classified for retention in state ownership by the
14 commissioner by July 1, 1989 [1985]. Land conveyed to the state by
15 the federal government that is to be retained in state ownership
16 consists of land classified by the commissioner within two years of
17 receipt of tentative approval or patent, whichever occurs first.
18 State land not classified for retention in state ownership or selected
19 by a municipality under this section shall be classified and included
20 in the land disposal bank. The commissioner shall ensure that the
21 bank includes at least 500,000 acres.

22 * Sec. 2. AS 38.04.020 is amended by adding a new subsection to read:

23 (1) Unless disposal is approved by the community, the commis-
24 sioner shall classify for retention and not for disposal state land
25 within a five-mile radius of a point within a community that has been
26 established by the community if the sale of state land would cause the
27 total amount of state land sold within the community to exceed 20
28 percent of the total state land within the community. This subsection
29 does not prevent the commissioner from entering into leases, timber or

1 material sale, or a disposal of land for pipeline or utility cor-
2 ridors. This subsection does not apply to state land classified as
3 agricultural. In this subsection, "community" means an unincorporated
4 community eligible for revenue sharing under AS 29 in the unorganized
5 borough.

6 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
7 10.070(c).

Introduced: 4/8/85
Referred: Resources

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2

SENATE BILL NO. 273

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act relating to classification of state land for
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Bradley/Cramer
5/7/85

Original sponsor: Resources Committee

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BY THE RESOURCES COMMITTEE

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* Sec. 3. This Act takes effect immediately in accordance with AS 01.-10.070(c).

Alaska State Legislature

ARLISS STURGULEWSKI, Chairman
BETTYE FAHRENKAMP, Vice Chairman
JACK COGHILL
DICK ELIASON
VIC FISCHER
RICK HALFORD
FRED ZHAROFF



POUCH V
JUNEAU, ALASKA. 99811
(907) 465-4907

Senate Committee on Resources

M E M O R A N D U M

April 23, 1985

TO: Senate Resources Committee Members
FROM: Senate Resources Committee Staff *MEU*
RE: SB 273
"An Act relating to classification of state land for retention; and providing for an effective date."

This bill extends the date by which the Commissioner of Natural Resources must classify land for retention in state ownership. The date is changed from July 1, 1985 to July 1, 1989.

The reason for this change is to allow the department to focus on the Federal land use plans which are currently being drafted. These plans will have a tremendous effect on the state in years to come and there is a strong perception that the state is not taking full advantage of the opportunity to influence these plans.

Backup material from the Department is attached. The fiscal note for this bill is zero.

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

APR 23 1985

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

POUCH M
JUNEAU, ALASKA 99811
PHONE:

April 23, 1985

The Honorable Arliss Sturgulewski
Chairman, Senate Resources Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Sturgulewski:

I am writing to provide you with a our comments on SB 273, relating to classification of state land, which will be heard in your committee on Wednesday, April 24, 1985.

This bill would move the deadline contained in AS 38.04.020(c) for classification of state land outside of municipalities from July 1, 1985 to July 1, 1989. The department has no objection to this proposal, but will comply with the existing statutory deadline, as follows.

As you know, the department is in the process of adopting two major area plans covering the entire Tanana and Susitna basins, within which the plans designate primary and secondary land uses. I am pleased that we now have these documents to guide land classification in these most populated regions. We also have adopted an area plan for state lands in the Bristol Bay region.

Outside of these area plan basins the state has an estimated 32,000,000 acres of patented and tentatively approved land which must be classified under the law. Consequently, over the past six weeks, the department has completed the required agency and public notice to classify these lands for Resource Management, which provides for retention in state ownership under our general multiple use category. These lands may be reclassified under AS 38.05.300 and 11 AAC 55, at such time as the public interest warrants, and Resource Management land is open to mineral entry under 11 AAC 55.040(e). In addition, area plans are scheduled for completion over most of these regions in the next few years and they will provide more detailed land use designations for the purpose of reclassification. A schedule of upcoming area plans is enclosed.

Interagency review of this action included the departments of Fish and Game, Environmental Conservation, Community and Regional Affairs, and Commerce and Economic Development, as

Senator Sturgulewski

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April 23, 1985

well as the various divisions within DNR. This review was followed by notices in some 20 newspapers and posting in 25 local post offices, together with legal notice to all municipalities and native corporations proximate to any of the subject lands.

I am enclosing a copy of our Land Planning Report which provides the basis and rationale for this classification action. Please let me know if I may provide any further information.

Sincerely,

Bob Arnold, Deputy

f Esther C. Wunnicke
Commissioner

cc: Tom Hawkins, Director, Division of
Land and Water Management

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LAND AND WATER MANAGEMENT
POUCH 7-005, ANCHORAGE, ALASKA 99510

NOTICE OF CLASSIFICATION

Pursuant to AS 38.05.945(b), Notice is hereby given that the Alaska Division of Land and Water Management proposes to classify all unclassified patented and tentatively approved state land outside municipalities as resource management land. State land also excluded from this classification is in the Bristol Bay, Tanana Basin and Southeast Tideland Plan regions, where plan classifications are completed or nearing completion. There are 236,160 acres to be classified resource management in Southeast Alaska, 3,514,880 million acres in the Copper River Basin and Prince William Sound, 11,461,909 million acres in the Mid-Kuskokwim River area, and 12,069,760 million acres in the remainder of Interior Alaska. Land use plans which will recommend more detailed future classification of this land are scheduled for most of these state lands. The maps and background information for this classification may be seen at the following addresses:

Northern Region
4420 Airport Way
Fairbanks, Alaska

Southcentral Region
3601 "C" Street
Anchorage, Alaska

Southeast Region
400 Willoughby Avenue
Juneau, Alaska

If requested prior to the end of the comment period, an extended period of 5 working days will be allowed at the request of at least (25) Alaskan residents in accordance with 11AAC55.250. Any comments, objections, or expressions of interest regarding these proposed actions must be received by the Division of Land and Water Management on or before 4:30 p.m., April ____, 1985 in order to be considered.

other resource management purposes is estimated at another 2 million acres. Excluding legislative withdrawals of about 4 million acres and the previously mentioned classifications, it is estimated that there are about 32 million acres of unclassified land outside municipalities which are herein proposed for resource management classification. This will not include an estimated 100,000 acres that are now being proposed for settlement and agricultural classification.

Future area plans outside municipalities will cover the Copper River Basin, Prince William Sound, Northwest Alaska, the pipeline corridor and the mid Kuskokwim area.

Land Use Plans

The basis of all land classification actions, as required by AS 38.04.065, are land use plans prepared by the Department of Natural Resources. Land use plans provide guidance for use and development of state land and resources. Statutes provide that land use plans be consistent with local governmental land use plans to the maximum extent determined to be consistent with state interests. Classification is a required part of the formal implementation of plans. The department prepares three levels of land use plans as the basis for classification: area plans, management plans, and land planning reports.

Area plans, such as the 11 million acre Bristol Bay Area Plan, cover relatively large regions of the state. With participation by agencies and the public, resources are identified and land use values are determined. The plans allocate state land for primary and secondary uses. To ensure multiple use and avoid conflict, the allocations are accompanied by management objectives and guidelines which give direction to land managers and provide the criteria for applying specific land classifications. State land and water may not be closed to multiple purpose use if the area involved contains more than 640 acres.

Management plans, such as the 45,000 acre Fish Creek Plan, are more detailed than area plans, usually cover much smaller areas, and are based on and implement area plans. The primary purpose of management plans, however, is to facilitate actual resource development and use. Management plans include functions such as agricultural parcel lot layout, the location of a road system to harvest timber, and determining which lands within an agricultural area will remain as buffers for stream protection. As with area plans, the management objectives and guidelines give direction to land managers and provide criteria for specific land classification.

In this situation, where no plan exists or where a plan will not be completed by July 1, 1985, a land planning report is prepared for land classification actions. In such reports, the land and resource use factors are considered. Public notice is given and comments from agencies and the public are solicited. The process may include public meetings if requested but no resource planning team is formed.

Effect of Classification

AS 38.05.300(a) provides: "This section does not prevent reclassification of land where the public interest warrants reclassification nor does it preclude multiple purpose use of land wherever different uses are compatible." The resource management classification is a strictly multiple use classification where primary uses have not been established. Resource management allows surface leasing, mining claims, sale of materials, oil and gas leasing, and other forms of disposal of interest. Public notice must be given prior to classifying or reclassifying land (AS 38.05.945).

Present classification regulations do not close land to mineral entry and no classification now requires the use of leasehold location for locatable mineral entry, except that all lands previously classified under categories which close or required the use of leasehold location retain that requirement until they are reclassified. Since no existing classification will be changed by this action there will be no effect over mineral claim or use.

Existing Land Use and Ownership Patterns

State land outside municipalities is generally unaccessible and remote. Use of the land, therefore, is generally not intensive. Most existing uses consist of hunting, fishing, trapping, recreation and subsistence. Prospecting takes place and some placer mining not dependent on developed transportation occurs. Use of timber is primarily for house logs and fuel.

The ownership patterns are primarily a mixture of federal, state and Native village and regional corporations. Private land other than Native corporation land consists of scattered Native allotments, entry under the federal land laws and small amounts of state land conveyed under the remote parcel and lottery programs. The attached maps show the location of the public and Native ownership patterns in relationship to the state patented and TA's lands.

Resource Potential

The Statewide Natural Resources Plan summarizes statewide resource policies for each resource use under the department's management authority, as well as, the department's policies for managing fish and wildlife habitat and transportation. Because of the statewide resources plan's broad scale and the general nature of its resource value designations, it is not intended to be used as the sole basis for classifications. It is referred to, however, for guidance in the preparation of other more detailed land use plans. The statewide resource plan is contained in the official file for this classification action for the purpose identifying the general resource values in this land planning report. It may be seen at any regional office of the division, or it may be available upon request from the Resource Allocation Section, Division of Land and Water Management, Pouch 7-005, Anchorage, Alaska 99510.

Resource Goals and Objectives

The Statewide Natural Resources Plan provides goals and objectives for the major resource categories in the state. Land and resource uses conveyed in the plan include agriculture, fish and wildlife habitat, forestry, minerals, coal, geothermal, oil and gas, recreation, settlement, transportation and water. The plan is subject to revision and updating. Copies of the plan also may be viewed at the regional offices of the Division of Land and Water Management.

Land Use Designations

The Statewide Natural Resources Plan, Appendix II, Designation Units identifies primary and secondary land uses. As previously mentioned, however, these designations are not intended to be the sole basis for classification. The resource management classification allows leasing of state land, issuance of remote cabin permits and the sale of more than 10 mbf of timber to an individual purchaser. The resource management classification does not allow the sale of land or an interest in land. These designations in the statewide plan do not apply where they have been replaced by area plans.

Mineral Potential

Mineral potential is generally identified in the Statewide Natural Resources Plan. No state land will be closed to locatable mineral entry or restricted to mining by leasehold location by this classification action. Neither does classification affect mineral leasing under AS 38.05.135 - AS 38.05.184, including coal, oil and gas.

Management Guidelines

The Statewide Natural Resource Plan contains management guidance and management intent in Appendix II by designation unit. These guidelines represent department policies to guide actions of the department when making land use and management decisions. These guidelines help ensure compatibility among competing land uses. The resource management classification is fully multiple use and does not emphasize any particular use as being primary. Area plans may define primary or secondary uses in the future or other information may become available which would warrant a more specific classification, but in the meantime, no land or resource use options, except sale of land, are foreclosed.

State Planning Efforts — an Overview

On-going and Future Area Planning Efforts:

- Copper River Area Plan. now underway. scheduled for completion in FY87
- Southeast Tidelands Area Plan. Phase I. now underway. scheduled for completion in FY85
- Southeast Tidelands Area Plan. Phase II. scheduled to begin in FY85 and end in FY87
- Prince William Sound Area Plan. scheduled to begin in FY85 and end in FY87
- Northwest Alaska Area Plan. scheduled to begin in FY86 and end in FY88
- Kuskokwim Basin Area Plan. scheduled to begin in FY86 and end in FY88
- Unscheduled Area Plans
- Tanana Basin Area Plan approved in April 1985
- Susitna Area Plan approved in April 1985
- Willow Subbasin Area Plan approved in October 1982
- Management plans for several areas in the Susitna Valley and state forests in Haines and the Tanana Valley