

SB

136

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of _____ 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER:

Rules

**FISCAL NOTE(S) ATTACHED _____ **
IN ACCORDANCE WITH AS 24.08.035
(see below)

2/19/87 DATE TURNED INTO OFFICE _____

Mr. President:

RESOURCES _____ Committee considered _____ SB 136

relating to multiple use of state land and water.

and recommended:

- replace with CS SB 136 (Res) same title
- attached amendment(s) and new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to _____
- letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Dan Fitch

John Duncan No Rec.

[Signature] Do/PAS
Chairman signature and recommendation

Committee Backup Attached

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: .SB 136
Publish Date: _____

Revision Date: 4/13/87

Agency Affected: Natural Resources
BRU: Land and Water Management

Title: An act relating to multiple use of state land

Sponsor: Codhill, Faiks, et al

Requestor: Senate Resources

Comments: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

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)

The Department of Natural Resources expects no additional funding requirements from this legislation.

Prepared by: Larry Z. Ostrovsky Phone: 465-2400
Division: Commissioner's Office Date: 4/13/87

Approved by Commissioner: *Janice Gordon* Date: 4-14-87
Agency: Natural Resources

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400

April 9, 1987

The Honorable Jack Coghill
Chairman, Senate Resources Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Coghill:

Subject: CSSB 136, an act relating to multiple use of state land and water.

Position: The Department of Natural Resources recommends passage of CSSB 136.

Background: In Section 1, CSSB 136 amends the current definition of multiple use contained in AS 38.04.910(4), to include management of state land, making the most judicious use of the land for all of the resources, but allowing for use of the land for less than all of the resources if there is incompatibility of uses.

Additionally, Section 8 deletes the definition of multiple use which is currently in Title 41, and substitutes the new definition contained in AS 38.04.910 in its place.

Recommendation: The Department of Natural Resources supports the changes as currently set out in CSSB 136. These changes accurately reflect the department's current land planning and classification process. This process supports the multiple use concept through a rigorous resource value advocacy program, which, by nature, receives and considers all competing and non-competing resource uses and users.

This legislation, in the opinion of the Department, still allows for classification of land into primary and secondary values, with the use of secondary values permitted when their use does not conflict with those uses designated primary. Uses which are not compatible with the primary management intent will still be excluded.

Senator Coghill

-2-

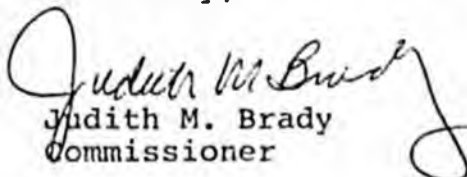
April 9, 1987

The second issue which this legislation addresses is the consolidation and reduction of multiple use definitions. In the opinion of the Department, it is paramount that we manage our land guided by consistent principles. The Title 38 definition proposed in the committee substitute is preferable to the current multiple use definition contained in Title 41 (the Forest Resources and Practices Act). The proposed Title 38 definition calls for consideration of all resource uses, including those which are difficult or impossible to quantify economically, including wildlife, natural scenic, scientific and historic values. In the opinion of the Department, a single multiple use definition throughout Titles 38 and 41 is preferable to the status quo - different definitions in different titles.

Multiple use is the management goal that the Department aspires to. The proposed definition contained in CSSB 136 provides a workable guide to land managers which should be followed consistently in our statutory framework. As Alaska prepares to engage Pacific rim and other foreign markets, our land use mandate should be as direct and consistent as possible.

Therefore, the Department of Natural Resources supports passage of CSSB 136. As always, my staff and I stand available to assist the committee or provide additional information.

Sincerely,


Judith M. Brady
Commissioner

cc: Committee Members
Bill Sponsors
George Sullivan
Rod Swope

Senator John B. (Jack) Coghill
Alaska State Legislature

Pouch V
Juneau, Alaska 99811
(907) 465-4921

Box 55028
North Pole, Alaska 99705
(907) 488-0862



MADAM PRESIDENT

FELLOW SENATORS

THE COMMITTEE SUBSTITUTE FOR SENATE BILL 136, AN ACT RELATING TO MULTIPLE USE OF STATE LAND AND WATER, THAT WE HAVE BEFORE US TODAY DOES BASICALLY TWO THINGS:

FIRST IT ELIMINATES ONE DEFINITION OF "MULTIPLE USE" SO THAT WE HAVE NO CONFUSION IN STATUTE AS TO THE MEANING WE APPLY TO THE MANAGEMENT OF STATE LAND AND WATER CLASSIFIED FOR MULTIPLE USE.

HERE WE HAVE ADDED A PHRASE THAT WILL "NOT EXCLUDE COMPATIBLE COMPETING USES" WHEN AN AGENCY CONSIDERS MANAGEMENT OF LAND AND WATER FOR LESS THAN ALL OF THE RESOURCES.

AND WE HAVE ALSO DELETED A FEW WORDS IN ORDER TO CLARIFY THAT MULTIPLE USE MEANS MANAGEMENT OF STATE LAND AND WATER FOR THE USE OF ALL OF THE RESOURCES IDENTIFIED IN ANY GIVEN AREA.

SECONDLY THE BILL CLARIFIES THE LAND CLASSIFICATION STATUTE SO THAT THE LANGUAGE IS CONSISTENT WITH THE DEFINITION OF MULTIPLE USE.

WE HAVE ALSO CHANGED THE WORDING ORDER IN FIRST SENTENCE TO MAKE IT CLEAR THAT THE INTENT OF THE LEGISLATURE IN HAVING THE COMMISSIONER CLASSIFY LAND FOR SURFACE USES, ONLY ON LANDS WHERE THE COMMISSIONER MAKES A FINDING THAT IT IS "CONSIDERED NECESSARY AND PROPER."

THE PRESENT WORDING GIVES THE READER THE IMPRESSION THE COMMISSIONER SHALL CLASSIFY FOR SURFACE USE ALL STATE LANDS IMMEDIATELY. IN THESE TIMES OF BUDGET REDUCTIONS WE'RE ALL WELL AWARE OF HOW DIFFICULT THAT MAY BE, SO, AND I BELIEVE THIS WAS OUR ORIGINAL INTENT IN THIS STATUTE, THE WORD ORDER WAS CHANGED TO INDICATE THAT THE COMMISSIONER HAS CLEAR DISCRETIONARY AUTHORITY.

A COUPLE OF POINTS I MIGHT ADD BRIEFLY IS THAT THE ADMINISTRATION RECOMMENDS PASSAGE, THE ALASKA MINERALS COMMISSION AND THE ALASKA STATE SOCIETY OF AMERICAN FORESTERS SUPPORT THIS MEASURE. WE IN FACT WORKED VERY CLOSELY WITH WITH THE DEPARTMENT OF NATURAL RESOURCES ON THIS, AND THIS WAS ALSO A RECOMMENDATION OF THE ALASKA MINERALS COMMISSION IN THEIR INITIAL REPORT TO THE LEGISLATURE.

THANK YOU.

5-0463L

Bradley

4/3/87

Original sponsors: Coghill, Faiks,
Bennett, et al.

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 136 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to multiple use of state land and
7 water."

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

9 * Section 1. AS 38.04.910(4) is amended to read:

10 (4) "multiple use"

11 (A) means the management of state land and its various
12 resource values so that it is used in the combination that will
13 best meet the present and future needs of the people of Alaska,
14 making the most judicious use of the land for [SOME OR] all of
15 the [THESE] resources or related services over areas large enough
16 to provide sufficient latitude for periodic adjustments in use to
17 conform to changing needs and conditions; [IT]

18 (B) includes

19 (i) [(A)] the use of the [SOME] land for less
20 than all of the resources but does not exclude compatible
21 competing uses; [,] and

22 (ii) [(B)] a combination of balanced and diverse
23 resource uses that takes into account the short-term and
24 long-term needs of present and future generations for renew-
25 able and nonrenewable resources, including, but not limited
26 to, recreation, range, timber, minerals, watershed, wildlife
27 and fish, and natural scenic, scientific, and historic
28 values;

29 * Sec. 2. AS 41.17.950(8) is amended to read:

1 (8) "multiple use" has the meaning given in AS 38.04.910

2 [MEANS

3 (A) THE MANAGEMENT OF ALL THE VARIOUS RESOURCES OF
4 FOREST LAND SO THAT THEY ARE USED IN THE COMBINATION THAT WILL
5 BEST MEET THE NEEDS OF THE CITIZENS OF ALASKA, MAKING THE MOST
6 JUDICIOUS USE OF THE LAND FOR SOME OR ALL OF THESE RESOURCES OR
7 RELATED VALUES, BENEFITS, AND SERVICES OVER AREAS LARGE ENOUGH TO
8 PROVIDE SUFFICIENT LATITUDE FOR PERIODIC ADJUSTMENTS IN USE TO
9 CONFORM TO CHANGING NEEDS AND CONDITIONS;

10 (B) THAT SOME LAND WILL BE USED FOR LESS THAN ALL OF
11 THE RESOURCES; AND

12 (C) HARMONIOUS AND COORDINATED MANAGEMENT OF THE
13 VARIOUS RESOURCES, EACH WITH THE OTHER, WITHOUT SIGNIFICANT
14 IMPAIRMENT OF THE PRODUCTIVITY OF THE LAND AND WATER, WITH CON-
15 sideration being given to the relative values of the various
16 resources, and not necessarily the combination of uses that will
17 give the greatest dollar return or the greatest unit output];

18 * Sec. 3. AS 38.05.300(a) is amended to read:

19 (a) The commissioner shall, where considered necessary and
20 proper, classify land for surface use [CLASSIFY FOR SURFACE USE LAND
21 IN AREAS CONSIDERED NECESSARY AND PROPER]. This section does not
22 prevent reclassification of land where the public interest warrants
23 reclassification, nor does it preclude multiple [PURPOSE] use of land
24 whenever different uses are compatible. An area of state [STATE]
25 land, water, or land and water [AREA] may not, except by act of the
26 state legislature, be ~~withdrawn from settlement, location, sale, or~~
27 ~~entry; reserved for special use; or restricted from the operation of~~
28 ~~the mining or mineral leasing law, ^{Closed to multiple use} ~~CLOSED TO MULTIPLE PURPOSE USE~~ if~~
29 the area involved contains more than 640 acres.

5-0463L
Bradley
4/3/87

Original sponsors: Coghill, Faiks,
Bennett, et al.

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 136 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to multiple use of state land and
7 water."

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

9 * Section 1. AS 38.04.910(4) is amended to read:

10 (4) "multiple use"

11 (A) means the management of state land and its various
12 resource values so that it is used in the combination that will
13 best meet the present and future needs of the people of Alaska,
14 making the most judicious use of the land for [SOME OR] all of
15 the [THESE] resources or related services over areas large enough
16 to provide sufficient latitude for periodic adjustments in use to
17 conform to changing needs and conditions; [IT]

18 (B) includes

19 (i) [(A)] the use of the [SOME] land for less
20 than all of the resources but does not exclude compatible
21 competing uses; [,] and

22 (ii) [(B)] a combination of balanced and diverse
23 resource uses that takes into account the short-term and
24 long-term needs of present and future generations for renew-
25 able and nonrenewable resources, including, but not limited
26 to, recreation, range, timber, minerals, watershed, wildlife
27 and fish, and natural scenic, scientific, and historic
28 values;

29 * Sec. 2. AS 38.05.300(a) is amended to read:

1 (a) The commissioner shall, where considered necessary and
2 proper, classify land for surface use [CLASSIFY FOR SURFACE USE LAND
3 IN AREAS CONSIDERED NECESSARY AND PROPER]. This section does not
4 prevent reclassification of land where the public interest warrants
5 reclassification, nor does it preclude multiple [PURPOSE] use of land
6 whenever different uses are compatible. An area of state [STATE]
7 land, water, or land and water [AREA] may not, except by act of the
8 state legislature, be closed to multiple [PURPOSE] use if the area
9 involved contains more than 640 acres.

10 * Sec. 3. AS 41.17.950(8) is amended to read:

11 (8) "multiple use" has the meaning given in AS 38.04.910

12 [MEANS

13 (A) THE MANAGEMENT OF ALL THE VARIOUS RESOURCES OF
14 FOREST LAND SO THAT THEY ARE USED IN THE COMBINATION THAT WILL
15 BEST MEET THE NEEDS OF THE CITIZENS OF ALASKA, MAKING THE MOST
16 JUDICIOUS USE OF THE LAND FOR SOME OR ALL OF THESE RESOURCES OR
17 RELATED VALUES, BENEFITS, AND SERVICES OVER AREAS LARGE ENOUGH TO
18 PROVIDE SUFFICIENT LATITUDE FOR PERIODIC ADJUSTMENTS IN USE TO
19 CONFORM TO CHANGING NEEDS AND CONDITIONS;

20 (B) THAT SOME LAND WILL BE USED FOR LESS THAN ALL OF
21 THE RESOURCES; AND

22 (C) HARMONIOUS AND COORDINATED MANAGEMENT OF THE
23 VARIOUS RESOURCES, EACH WITH THE OTHER, WITHOUT SIGNIFICANT
24 IMPAIRMENT OF THE PRODUCTIVITY OF THE LAND AND WATER, WITH CON-
25 sideration being given to the relative values of the various
26 resources, and not necessarily the combination of uses that will
27 give the greatest dollar return or the greatest unit output];
28
29

Original sponsors: Coghill, Faiks,
Bennett, et al.

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 136 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to multiple use of state land and
7 water."

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

9 * Section 1. AS 38.04.910(4) is amended to read:

10 (4) "multiple use"

11 (A) means the management of state land and its various
12 resource values so that it is used in the combination that will
13 best meet the present and future needs of the people of Alaska,
14 making the most judicious use of the land for [SOME OR] all of
15 the [THESE] resources or related services over areas large enough
16 to provide sufficient latitude for periodic adjustments in use to
17 conform to changing needs and conditions; [IT]

18 (B) includes

19 (i) [(A)] the use of the [SOME] land for less
20 than all of the resources but does not exclude compatible
21 competing uses; [,] and

22 (ii) [(B)] a combination of balanced and diverse
23 resource uses that takes into account the short-term and
24 long-term needs of present and future generations for renew-
25 able and nonrenewable resources, including, but not limited
26 to, recreation, range, timber, minerals, watershed, wildlife
27 and fish, and natural scenic, scientific, and historic
28 values;

29 * Sec. 2. AS 41.17.950(8) is amended to read:

1 (8) "multiple use" has the meaning given in AS 38.04.910
2 [MEANS

3 (A) THE MANAGEMENT OF ALL THE VARIOUS RESOURCES OF
4 FOREST LAND SO THAT THEY ARE USED IN THE COMBINATION THAT WILL
5 BEST MEET THE NEEDS OF THE CITIZENS OF ALASKA, MAKING THE MOST
6 JUDICIOUS USE OF THE LAND FOR SOME OR ALL OF THESE RESOURCES OR
7 RELATED VALUES, BENEFITS, AND SERVICES OVER AREAS LARGE ENOUGH TO
8 PROVIDE SUFFICIENT LATITUDE FOR PERIODIC ADJUSTMENTS IN USE TO
9 CONFORM TO CHANGING NEEDS AND CONDITIONS;

10 (B) THAT SOME LAND WILL BE USED FOR LESS THAN ALL OF
11 THE RESOURCES; AND

12 (C) HARMONIOUS AND COORDINATED MANAGEMENT OF THE
13 VARIOUS RESOURCES, EACH WITH THE OTHER, WITHOUT SIGNIFICANT
14 IMPAIRMENT OF THE PRODUCTIVITY OF THE LAND AND WATER, WITH CON-
15 sideration being given to the relative values of the various
16 resources, and not necessarily the combination of uses that will
17 give the greatest dollar return or the greatest unit output];

18 * Sec. 3. AS 38.05.300(a) is amended to read:

19 (a) The commissioner shall, where considered necessary and
20 proper, classify land for surface use [CLASSIFY FOR SURFACE USE LAND
21 IN AREAS CONSIDERED NECESSARY AND PROPER]. This section does not
22 prevent reclassification of land where the public interest warrants
23 reclassification, nor does it preclude multiple [PURPOSE] use of land
24 whenever different uses are compatible. An area of state [STATE]
25 land, water, or land and water [AREA] may not, except by act of the
26 state legislature, be withdrawn from settlement, location, sale, or
27 entry; reserved for special use; or restricted from the operation of
28 the mining or mineral leasing law. [CLOSED TO MULTIPLE PURPOSE USE] if
29 the area involved contains more than 640 acres.