

SB

137

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

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

FURTHER:

*Deeds ?  
Finance ?*

\*\*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 137

~~relating to the~~ definition of 'multiple use'

and recommended:

replace with CS SB 137 (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

Paul Grish

McLellan no rec.  
Jim Dunaway Res

[Signature]  
Chairman signature and recommendation

Committee Backup Attached



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

BILL ANALYSIS

|                                 |                     |  |                            |
|---------------------------------|---------------------|--|----------------------------|
| DEPARTMENT<br>Fish and Game     | DIVISION<br>Habitat | BILL NUMBER<br>SB 137                                  | SPONSOR<br>Coqhill, et al. |
| DEPARTMENT POSITION<br>Oppose   |                     |  |                            |
| PREPARED BY<br>Habitat Division | DATE<br>3/5/87      | COMMISSIONER'S SIGNATURE<br><i>Don W. Callensworth</i> | DATE<br>3-12-87            |

SUMMARY

|  |  |
|--|--|
| OTHER AGENCIES AFFECTED BY BILL<br>Department of Natural Resources | CONSTITUENT GROUP(S) AFFECTED BY BILL<br>All Users of State Land |
| ORGANIZATIONAL SUPPORT FOR BILL<br>Unknown                         | ORGANIZATIONAL OPPOSITION TO BILL<br>Unknown                     |

FISCAL IMPACT:  NONE  FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

The existing definition of "multiple use" is consistent with the state's constitutional provision that "Fish, forest, wildlife, grasslands, and all other replenishable resources belonging to the State should be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses." The existing language accommodates the (continued below)

ANALYSIS OF BILL/PROGRAM EFFECTS

commonly recognized fact that all potential natural resource uses may not be compatible on every acre. The current definition also allows for the objective and reasonable identification of appropriate primary, secondary, and incompatible uses on an area-specific basis.

The definition of "multiple use" in SB 137 emphasizes that the land be used for "all" rather than "some or all" resources. Although SB 137's reduced emphasis on "the use of the land for less than all of the resources," is accompanied by the added qualification that multiple use "does not exclude compatible competing uses," the latter requires that individual determinations be made as to whether competition between uses is great enough to result in incompatibility. There is concern that such compatibility tests may 1) unduly tax already strained agency staffs and budgets, 2) create delays in land use decisions that would be burdensome to private industry and the general public, and 3) place the burden of proof unduly upon those attempting to utilize those resources that are often the most difficult to quantitatively value.

AMENDMENTS PROPOSED

None

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

BILL ANALYSIS (Continued)

To the extent that SB 137 also proposes to supplant the multiple use definition in the state's Forest Resources and Practices Act, it would eliminate the current provision that "consideration be(ing) given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output." This provision in existing statute is especially valuable insofar as it recognizes the fact that certain fish, wildlife, and other resource values may not be as easily quantified in economic terms as may timber and certain nonrenewable resources.

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST: \_\_\_\_\_

Bill Version: SB137

Publish Date: 2/19/87

Revision Date: \_\_\_\_\_

Agency Affected: Fish and Game

Title: An Act Relating to the Definition  
of Multiple Use

BRU: \_\_\_\_\_

Sponsor: Cochill, et al.

Components: \_\_\_\_\_

Requestor: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

|           |  |   |  |  |  |  |
|-----------|--|---|--|--|--|--|
| FULL-TIME |  | 0 |  |  |  |  |
| PART-TIME |  | 0 |  |  |  |  |
| TEMPORARY |  | 0 |  |  |  |  |

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Bruce Baker

Phone: 465-4105

Division: Habitat

Date: 3/3/87

Approved by Commissioner: One Collinsworth

Date: 3-12-87

Agency: Department of Fish and Game

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agencies
- Senate Secretary

RECEIVED  
MAR 16 1987

PHIL. B. HARRISON

AS 35.05.300 is amended by adding a new subsections to read:

(c) In the classification for surface use the Commissioner may, subject to prior existing rights, withdraw land from mineral location, leasing and entry in areas of up to 640 acres by a finding of incompatibility.

Subject to prior existing rights, the Commissioner may designate areas up to 23,040 acres each to be closed to mineral location, leasing and mining for a period of two years, during which time the Division of Mines and the Division of Geological and Geophysical Surveys will conduct an assessment of the area's mineral potential. The Commissioner shall send a report to the legislature on the first day of each legislative session including descriptions of the lands closed to mineral location, location leasing and mining and the assessment of mineral potential. After two years have elapsed from the date of mineral closure, the areas shall be opened to mineral entry location, leasing and mining unless the closure is ratified by an act of the legislature.

No area in excess of 23,040 acres of the state land shall be closed to mineral location, leasing and mining except by act of the state legislature.

Nothing in AS 38.05.300 denies the public the opportunity to request reopening any state land to mineral location, leasing or mining.

(d) Within five years of the effective date of this act and not more than every ten years thereafter, the Commissioner shall examine all state lands previously withdrawn from mineral location, leasing or mining, taking into account available technology and resource values. The Commissioner shall submit the results of the examination to the legislature and request, if warranted, the removal of legislative restrictions on mineral location, leasing or mining on such lands.

① Valid existing prior rights



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

BILL ANALYSIS

|                                 |                     |   |                            |
|---------------------------------|---------------------|---|----------------------------|
| DEPARTMENT<br>Fish and Game     | DIVISION<br>Habitat | BILL NUMBER<br>SB 137                               | SPONSOR<br>Coghill, et al. |
| DEPARTMENT POSITION<br>Oppose   |                     |   |                            |
| PREPARED BY<br>Habitat Division | DATE<br>3/5/87      | COMMISSIONER'S SIGNATURE<br><i>Don Callensworth</i> | DATE<br>3-12-87            |

SUMMARY

|  |  |
|--|--|
| OTHER AGENCIES AFFECTED BY BILL<br>Department of Natural Resources | CONSTITUENT GROUP(S) AFFECTED BY BILL<br>All Users of State Land |
| ORGANIZATIONAL SUPPORT FOR BILL<br>Unknown                         | ORGANIZATIONAL OPPOSITION TO BILL<br>Unknown                     |

FISCAL IMPACT:  NONE  FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

The existing definition of "multiple use" is consistent with the state's constitutional provision that "Fish, forest, wildlife, grasslands, and all other replenishable resources belonging to the State should be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses." The existing language accommodates the (continued below)

ANALYSIS OF BILL/PROGRAM EFFECTS

commonly recognized fact that all potential natural resource uses may not be compatible on every acre. The current definition also allows for the objective and reasonable identification of appropriate primary, secondary, and incompatible uses on an area-specific basis.

The definition of "multiple use" in SB 137 emphasizes that the land be used for "all" rather than "some or all" resources. Although SB 137's reduced emphasis on "the use of the land for less than all of the resources," is accompanied by the added qualification that multiple use "does not exclude compatible competing uses," the latter requires that individual determinations be made as to whether competition between uses is great enough to result in incompatibility. There is concern that such compatibility tests may 1) unduly tax already strained agency staffs and budgets, 2) create delays in land use decisions that would be burdensome to private industry and the general public, and 3) place the burden of proof unduly upon those attempting to utilize those resources that are often the most difficult to quantitatively value.

AMENDMENTS PROPOSED

None

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

## BILL ANALYSIS (Continued)

To the extent that SB 137 also proposes to supplant the multiple use definition in the state's Forest Resources and Practices Act, it would eliminate the current provision that "consideration be(ing) given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output." This provision in existing statute is especially valuable insofar as it recognizes the fact that certain fish, wildlife, and other resource values may not be as easily quantified in economic terms as may timber and certain nonrenewable resources.

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST: \_\_\_\_\_

Bill Version: SB137  
Publish Date: 2/19/87

Revision Date: \_\_\_\_\_  
Title: An Act Relating to the Definition  
of Multiple Use  
Sponsor: Coghill, et al,  
Requestor: \_\_\_\_\_

Agency Affected: Fish and Game  
BRI: \_\_\_\_\_  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

|         |  |   |  |  |  |  |
|---------|--|---|--|--|--|--|
| CAPITAL |  | 0 |  |  |  |  |
|---------|--|---|--|--|--|--|

|         |  |   |  |  |  |  |
|---------|--|---|--|--|--|--|
| REVENUE |  | 0 |  |  |  |  |
|---------|--|---|--|--|--|--|

FUNDING: (Thousands of Dollars)

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

POSITIONS:

|           |  |   |  |  |  |  |
|-----------|--|---|--|--|--|--|
| FULL-TIME |  | 0 |  |  |  |  |
| PART-TIME |  | 0 |  |  |  |  |
| TEMPORARY |  | 0 |  |  |  |  |

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Bruce Baker  
Division: Habitat

Phone: 465-4105  
Date: 3/3/87

Approved by Commissioner: Orin Callensworth  
Agency: Department of Fish and Game

Date: 3-12-87

Distribution (by preparer):

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

5-0504B

Bradley

4/2/87

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

*- Title is changed  
- Wording a development  
of staff and DNR*

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 137 (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 the classification and withdrawal  
7 of state land."

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

9 \* Section 1. AS 38.05.185 is amended by adding new subsections to read:

10 (d) The commissioner shall submit a report to the legislature  
11 and to the governor within the first 10 days of the convening of each  
12 regular session of the legislature detailing the state land closed to  
13 mineral location and mining during the previous calendar year. The  
14 report shall include

- 15 (1) the known resource values of the area;
- 16 (2) the reason for the closure;
- 17 (3) the effective date of the closure; and
- 18 (4) the legal description of the land involved in the

19 closure.

20 (e) Each area closed under (a) of this section remains closed to  
21 mineral location and mining until the commissioner issues an order  
22 altering the status of the land or until the closure is disapproved by  
23 act of the legislature. An act of the legislature disapproving a  
24 closure by the commissioner may direct the commissioner on future  
25 management of the area involved.

26 (f) Each report prepared under (d) of this section that reports  
27 on an area of more than 5,120 acres shall include a mineral assessment  
28 report for the area.

29 (g) Every 10 years, the commissioner shall submit a report to

1 the governor and the legislature concerning state land that is at that  
 2 time withdrawn from mineral location or mining, including state land  
 3 withdrawn from multiple use by the legislature. The commissioner may  
 4 make recommendations in each report regarding existing closures of  
 5 state land.

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

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

16 \* Sec. 3. Notwithstanding AS 38.05.185(g), as enacted by sec. 1 of this  
 17 Act, the first report to the governor and legislature shall be delivered to  
 18 the legislature five years after the effective date of this Act.  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28  
 29



From The  
**SENATE  
FINANCE COMMITTEE**

---

April 22, 1987

Senator Coghill:

Since the time of its introduction SB 137 has received a fiscal note by the Department of Natural Resources.

I will therefore be requesting a Finance Committee referral on the bill.

Senator John Binkley

4/17/87 3 (Res)  
No SFC Approval

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

REQUEST: \_\_\_\_\_

Bill Version: SB 137  
Publish Date: \_\_\_\_\_

Revision Date: 4/13/87  
Title: An act relating to state land withdrawn from mineral location, etc.  
Sponsor: Coghill, Faiks, et al  
Requestor: Senate Resources

Agency Affected: Natural Resources  
BRU: Geological and Geophysical Surveys  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING         | FY 87 | FY 88 | FY 89 | FY 90 | FY 91 | FY 92 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | 35    | 35    | 35    | 35    | 35    | 35    |
| TRAVEL            | 5     | 5     | 5     | 5     | 5     | 5     |
| CONTRACTUAL       | 25    | 25    | 25    | 25    | 25    | 25    |
| SUPPLIES          | 5     | 5     | 5     | 5     | 5     | 5     |
| EQUIPMENT         |       |       |       |       |       |       |
| LAND & STRUCTURES |       |       |       |       |       |       |
| GRANTS, CLAIMS    |       |       |       |       |       |       |
| MISCELLANEOUS     |       |       |       |       |       |       |
| TOTAL OPERATING   | 70    | 70    | 70    | 70    | 70    | 70    |

|         |   |   |   |   |   |   |
|---------|---|---|---|---|---|---|
| CAPITAL | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

|         |   |   |   |   |   |   |
|---------|---|---|---|---|---|---|
| REVENUE | 0 | 0 | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|---|---|

FUNDING: (Thousands of Dollars)

|               |    |    |    |    |    |    |
|---------------|----|----|----|----|----|----|
| GENERAL FUND  | 70 | 70 | 70 | 70 | 70 | 70 |
| FEDERAL FUNDS |    |    |    |    |    |    |
| OTHER         |    |    |    |    |    |    |
| TOTAL         | 70 | 70 | 70 | 70 | 70 | 70 |

POSITIONS:

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| FULL-TIME |  |  |  |  |  |  |
| PART-TIME |  |  |  |  |  |  |
| TEMPORARY |  |  |  |  |  |  |

ANALYSIS: (Attach a separate page if necessary)

The fiscal consequences of SB 137 are difficult to quantify precisely because the projected offer is directly related to the amount of land withdrawn from mineral entry in any one calendar year, and the amount of resource information readily available for each parcel.

Prepared by: Wyatt Gilbert Phone: 465-2520  
Division: Geological and Geophysical Surveys Date: 4/13/87

Approved by Commissioner: [Signature] Date: 4/15/87  
Agency: Natural Resources

Distribution (by preparer):

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

APR 17 1987

LEGISLATIVE FINANCE

# 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 13, 1987

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

Dear Senator Coghill:

Subject: CSSB 137, an act relating to state land withdrawn from mineral location or mining.

Position: The Department of Natural Resources recommends passage of CSSB 137, with modification to Section 1(e), page 1, lines 24-26.

Background: CSSB 137 calls for the Commissioner of Natural Resources to provide a report to the Governor and Legislature detailing state land closed to mineral location and mining during the previous calendar year.

Additionally, the bill states that a section closed to mineral location and mining by the Commissioner shall remain closed until the Commissioner issues an order altering its status, or the Legislature disapproves of the closure.

In Section 1(e), lines 24-26, of CSSB 137, the proposed language states that "[a]n act of the legislature disapproving a closure by the commissioner may direct the commissioner on future management of the area involved." Such language appears to pre-empt the authority of the Commissioner of Natural Resources. In the opinion of the Department, a preferable substitute would be as follows: "[a]n act of the legislature disapproving a closure by the commissioner may make recommendations to the commissioner on future management of the area involved."

Section 1(f) of CSSB 137 calls for a mineral assessment report for each area that exceeds 5,120 acres for which a report to the Legislature is prepared.

Senator Coghill

-2-

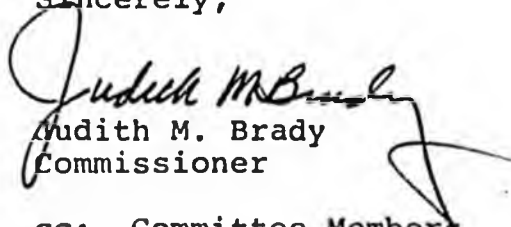
April 13, 1987

Finally, under Section 1(g), the commissioner is required to submit a report, every 10 years, concerning land that is withdrawn from mineral location or mining and may make recommendations regarding existing closures.

Recommendation: With the suggested language change in Section 1(e), the Department of Natural Resources supports CSSB 137 and recommends its passage.

I would be pleased to make my staff available to the committee for additional information or further work with the committee staff.

Sincerely,



Judith M. Brady  
Commissioner

cc: Committee Members  
Bill Sponsors  
George Sullivan  
Rod Swope