

**HB**

**259**

(9)

Date Referred: February 9, 1994

FURTHER REFERRALS:

Finance

Date of Committee Action: 3/23/94

The RESOURCES Committee considered:

HB 259

HOUSE BILL NO. 259

GENERAL GRANT LAND ENTITLEMENT

"An Act relating to general grant land entitlements for certain boroughs and unified municipalities; and providing for an effective date."

RECOMMENDATIONS:  the same title  
be replaced with \_\_\_\_\_  a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): \_\_\_\_\_ (Dept)

APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note \_\_\_\_\_

zero fiscal note(s) DNR/2-1-94, CRA/1-31-94

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Bill Hudson</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>		<input checked="" type="checkbox"/>	
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>		<input checked="" type="checkbox"/>	
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>		<input checked="" type="checkbox"/>	
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>		<input checked="" type="checkbox"/>	
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>			

*W.K. Williams*  
CHAIRMAN'S SIGNATURE

# STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

## DEPARTMENT OF FISH AND GAME

333 RASPBERRY ROAD  
ANCHORAGE, ALASKA 99518-1599  
PHONE (907) 344-0541

BOARDS SUPPORT SECTION

Anchorage Advisory  
Committee  
Box 454  
Girdwood, AK 99587

March 4, 1994

Members of the Alaska State Senate  
Members of the Alaska State House of Representatives  
State Capitol  
Juneau, Alaska

- Re: (1) Our Opposition to SB 217 (Expansion of University Land Entitlement),  
(2) Our Opposition to HB 259 (Expansion of Lake and Peninsula Borough Land Entitlement)  
(3) Mental Health Lands

Dear Senators and Representatives:

The Anchorage Fish and Game Advisory Committee, like other such committees in the state, is a publicly elected entity established by the Alaska Legislature. It provides advice to the Board of Fisheries and the Board of Game and other agencies on matters concerning fish and wildlife and the uses of them. Pursuant to regulations of the Department of Fish and Game, the committee is broadly representative. It is composed of recreational and commercial fishers, hunters, guides, lodge owners and others in the tourism industry, trappers, conservationists, non-consumptive users, and a variety of members who have worked for various state and federal resource agencies and natural resource law enforcement agencies. We represent the fish and wildlife interests of approximately half the state's population.

SB 217 and HB 259 are both land selection bills. Like the proposed Mental Health Settlement, they would result in

disposal of vast tracts of state land. The Anchorage Fish and Game Advisory Committee is strongly opposed to both SB 217 and HB 259 for the reasons set forth below.

A. Summary of SB 217 and HB 259, and Relation to Mental Health Settlement

SB 217 and HB 259, as well as the recently proposed Mental Health Lands Settlement (that will be submitted to the Legislature), hold the prospect of severely altering state land ownership in Southwest Alaska. The resources and the uses of resources in that region -- particularly in the drainages of the Kvichak River, Iliamna Lake, the Nushagak River and the Mulchatna River -- are very likely to be severely affected if land ownership changes because of these bills and the mental health settlement proposal.

We are addressing this letter jointly to members of both the House and the Senate because bills in both houses are involved.

SB 217 would allow the University to select an additional one million acres anywhere in the state. The bill provides that those lands would cease to be public lands and would be managed for income production. Sale by the University, charges for recreational and subsistence use, additional leasing for commercial development which only threatens existing businesses and invites further conflicts, as discussed below, all will result from this income production obligation.

HB 259 would raise the Lake and Peninsula Borough's land selection entitlement from approximately 29,000 acres, established pursuant to AS 29.65.030, to 187,000 acres. Arguably, the Borough is entitled to far less than 29,000 acres because the northwestern boundary of the Borough is the subject of current litigation.<sup>1</sup> The matter is now on appeal to the Alaska Supreme Court.

Nevertheless, the Borough has tentatively identified more than 100,000 acres that it would like to obtain. The lands include all the remaining state land around Lake Iliamna, Lower Talarik Creek, Copper River, Dream Creek, and most of the remaining state lands along the Mulchatna River and the Kvichak River. In short, the remaining state lands in the most productive salmon habitat in the world would cease to be state-owned.

The recent Mental Health settlement proposal would convey about 17,000 acres in the Iliamna area to the Mental Health Lands

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<sup>1</sup> Villages that use the Nushagak/Mulchatna drainages sued successfully to overturn the election that ratified the boundary. They seek to exclude from the Borough, those lands in the Mulchatna drainage that they assert are within their traditional area.

Trust Corporation. Those lands would have to be managed for income production to the Trust. Again, sale by the Mental Health Trust, changes for use, and other dispositions are likely to result from this income production obligation.

B. Our Position

The Anchorage Fish and Game Advisory Committee opposes in the strongest possible terms SB 217 and HB 259. Both bills would result in further fragmenting ownership of the most important fish and wildlife habitat in Alaska -- the Bristol Bay drainages. Those drainages are the most productive in the world of commercial salmon, bar none. They produce on the order of 30 million sockeye salmon harvested each year with an escapement on the order of 10 million fish. By comparison, the Kenai River produces on the order of 5 million sockeye harvested with an escapement of 400,000 to 700,000. The lands are vitally important for subsistence. They provide world class recreation and support a valuable recreation industry. They contain the third largest caribou herd in Alaska -- the Mulchatna herd that is important for local subsistence and recreational hunting. The lands support the highest brown bear densities in Alaska -- in fact higher than Kodiak and Admiralty Island. They support the greatest rainbow trout fisheries in the world. They are widely recognized as essential to the recreation industry, as fragile due to small population size and late age of reproductivity, and are substantially managed as catch-and-release fisheries.

Presently the major land owners are the State, Native Corporations and the Federal Government. Further fragmentation of ownership -- by adding the University and Mental Health Lands Trust Corporation, and by increasing the Borough entitlement -- only invites problems, such as:

- (a) subdivision and sales of land title, as the pool of potential land sellers expands from the state and Native Corporations to include the University, the Mental Health Trust Corporation and the Borough;
- (b) increased allocation disputes between commercial fishing, subsistence and recreational interests, as more nonresidents come into the area as new property owners, permittees and users; and
- (c) increased regulatory costs for many agencies, such as DEC, ADF&G, DNR, the Boards of Fisheries and Game, as well as various federal agencies.

These problems already exist throughout the Cook Inlet region. They arise in the context of fisheries allocation disputes, game allocation disputes, and regulatory expenses involving fish habitat protection in the context of private

ownership of waterfront and riparian zone land. These problems should absolutely never be created in the Bristol Bay drainages.

The Committee strongly supports protecting existing uses (commercial fishing, subsistence and recreational businesses and use) and strongly oppose both bills as threats to those uses.

The purported purpose of SB 217 is supposedly to support the University. However, not one of the proponents of SB 217 advocates that the income would be substantial. For example, timber lands currently owned by the University contribute about two percent to the cost of the University and when amortized over a timber rotation, they contribute on the order of two-hundredths of one percent of those costs. In short, the bill simply uses (in our opinion abuses) the University as a vehicle for privatizing state land.

With respect to HB 259, we see no justification for the Legislature abrogating the statutory entitlement of the Borough, increasing it by six times, thereby threatening existing uses (subsistence, recreational and commercial), inexorably creating conflicts over allocation, and threatening habitat.

The history of land selection statutes is that they are poor public policy, do not accomplish their goals, and are costly and counter productive. Land available for selection is high-graded. Whatever is best becomes private. That land tends to be river-frontage, riparian zones, floodplain, and other riverain land important for fish, wildlife, subsistence, hunting, fishing and recreation and recreation business. Whatever is worst is left to the public who owned the land in the first place.

Far too frequently, therefore, the government simply ends up buying back what little it can afford. For example, much of our land acquisition budget in Alaska comes from federal taxes on recreational equipment and marine fuels (Dingle-Johnson and Wallop-Breaux accounts) that are partially matched with state monies from the Fish and Game Fund (derived from license sales). Almost without exception that land acquisition budget goes to buy parcels on riverfronts that should never have gone out of public ownership in the first place but went out under federal homestead laws during the territorial days. Those statutes essentially operated as land selection statutes. The fact that the public has to spend state and federal monies to buy back lands demonstrates the fallibility of land selection statutes. Similarly, current expenditures of Exxon Valdez monies for land acquisition is simply a testimonial of how land selection statutes lead to problems that should have been avoided if legislation had been drafted differently in the first place. In short, to the best of our knowledge, Alaska is the only state in the Union still enacting land selection statutes. That they are poor public policy has been historically demonstrated.

Furthermore, given that the State has spent nearly twenty years and untold litigation costs trying to resolve the Mental Health Lands controversy, one can only conclude that these similar dispositions of state land will only create the similar conflicts when public land ceases to be public. We urge you to learn from history, rather than repeat it. Keep Alaska's public lands public.

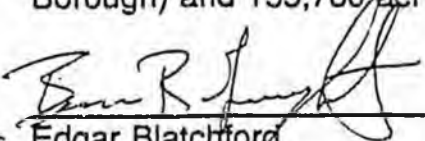
Sincerely yours,

*for Larry Holmes*  
Laurence (Larry) Holmes  
Chairman  
Anchorage Fish and Game  
Advisory Committee

cc: All Alaska State Senators and Representatives  
Harry Noah, Commissioner, DNR  
Carl Rosier, Commissioner, ADF&G  
Iliamna Fish and Game Advisory Committee  
Nushagak Advisory Committee  
Dillingham Advisory Committee



In summary, the Department does not consider the Lake and Peninsula Borough's entitlement of 34,000 acres, under the existing statute, to be equitable. By comparison, two other boroughs similar in area to the Lake and Peninsula Borough have entitlements of 355,210 acres (Matanuska-Susitna Borough) and 155,780 acres (Kenai Peninsula Borough).

*For*   
Edgar Blatchford  
Commissioner

~~4~~ 4/2/93  
Date

Revision Date: 1/31/94 Dept. Affected: Community & Regional Affairs  
 Title: "An Act relating to general grant land entitlements ....." BRU: \_\_\_\_\_  
 Sponsor: Rulos by Request Component: \_\_\_\_\_  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. \_\_\_\_\_

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

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

Estimate of current (FY94) Impact \$ none

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Crinard Henderson Director Phone: 465-4708  
 Division: Administrative Services Date: 1/31/94  
 Approved by Commissioner: [Signature] Deputy Commissioner Date: 1/31/94  
 Agency: Community & Regional Affairs

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# FISCAL NOTE

**STATE OF ALASKA**  
**1994 LEGISLATIVE SESSION**

**BILL NO. IIB259**

Revision Date: Original Dept Affected: Natural Resources  
 Title: "An Act relating to general grant land entitlements BRU: Resource Development  
for certain boroughs and unified municipalities..." Component: Land Development  
 Sponsor: Rules by Request  
 Requestor: \_\_\_\_\_ Component Serial No. 431

(Thousands of Dollars)

Expenditures/Revenues	FY95	FY96	FY97	FY98	FY99	FY00
<b>OPERATING EXPENDITURES</b>						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CHANGE IN REVENUES ( )</b>	0.0	0.0	0.0	0.0	0.0	0.0

(Thousands of Dollars)

FUND SOURCE	FY95	FY96	FY97	FY98	FY99	FY00
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY94) cost: \$ None

**POSITIONS**

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

**ANALYSIS:** (Attach a separate page if necessary)

SEE ATTACHED.

Prepared by: Ron Swanson, Director Phone: 762-2692  
 Division: Land Date: 1-Feb-94  
 Approved by Commissioner: Harry A. Noah Date: 1-Feb-94  
 Agency: Natural Resources

**PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE**

## HB 259 Attachment

The department supports this bill in concept. We have not, however, been able to complete a land analysis. The borough's entitlement under law would be calculated as 10% of the maximum amount of vacant, unappropriated, and unreserved (VUU) state land within the boundaries between the date of incorporation and two years thereafter. Passage of Chapter 51, SLA 1991 delayed the certification until no earlier than January 1, 1994, following completion of the state's land selections. An estimate of entitlement was prepared for the Department of Community and Regional Affairs in 1988 for the proposed incorporation report and based on estimates of the classification, the entitlement would have been about 29,000 acres. There is a considerable amount of state land within the boundaries of the borough and department analysis is needed to determine whether 187,000 acres is a fulfillable entitlement.

Since the department has between January 1, 1994, and January 1, 1996, to certify entitlements for newly incorporated municipalities, this selection deadline could severely impact municipalities that are certified near the January 1996 deadline. In order to correct this inequity, we recommend, in Section 2, line 12, deleting "any time before October 1, 1996" and replacing with "within two years of the date that the certification of entitlement is final."

UNPROCESSED SELECTIONS PENDING

SCRO

<u>New</u>	
Aleutians East Borough	7,633
Lake and Peninsula Borough	≈80,000 (uncertified)
City of Seward	3
City of Valdez	<u>2,788</u>
SCRO Total	90,424

NRO

<u>New</u>	
North Slope Borough	89,850
Northwest Arctic Borough -	≈285,000 (recertify)
Denali Borough	≈85,000 (uncertified)
City of Delta Junction	82
City of Anderson	<u>1,182</u>
NRO Subtotal	≈461,114

<u>From 1978</u>	
Fairbanks North Slope Borough	<u>17,500</u>
NRO Subtotal	17,500
NRO Total	≈478,614

SERO

<u>New</u>	
City and Borough of Yakutat	<100 (uncertified)
City of Port Alexander	52
City of Skagway	7,477
City of Thorne Bay	63
City of Ketchikan	<u>4</u>
SERO Subtotal	7,696

<u>From 1978</u>	
Haines Borough	118
City and Borough of Juneau	1,520
Ketchikan Gateway Borough	1,000
City of Sitka	<u>774</u>
SERO Subtotal	3,412

SERO Total 11,108

statewide Total 580,146

\*\*\*\*\*  
F A X T R A N S M I T T A L M E M O

TO: Roma Bulovich  
 DEPT: \_\_\_\_\_ FAX #: 258-4051  
 FROM: D. Higgins PHONE: 762-2667  
 CO: \_\_\_\_\_ FAX #: \_\_\_\_\_

NO. OF PAGES  (
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Post-it brand fax transmittal memo 7071



**Lake and Peninsula Borough**

P.O. Box 495  
King Salmon, Alaska 99613

Telephone: (907) 246-3421  
Fax: (907) 246-6602



March 23, 1993

The Honorable Carl E. Moses  
Alaska House of Representatives  
Alaska State Legislature  
Capitol Building, Room 204  
Juneau, Alaska 99801-1182

**RE: Lake and Peninsula Borough/State Land Selection**

Dear Representative Moses:

I appreciated very much your recent telephone call and your willingness to take the time to discuss some of the issues facing the Lake and Peninsula Borough. We continue to be optimistic about the possibility of EDA funding for the Egegik Dock, and appreciate whatever you may be able to do to help assure some state funding for the project.

As I think I mentioned to you, the Borough is presently preparing its first comprehensive plan. One segment of the plan deals with the selection of state lands pursuant to the Alaska Statutes, Title 29, Chapter 65. Although AS 29.65.030 provides for the determination of entitlement for newly incorporated municipalities, it is our understanding that we may be able to receive our land entitlement under an amendment to AS 29.65.010. Accordingly, I have prepared and enclosed a bill for possible introduction to the Legislature that would amend AS 29.65.010 by adding an entitlement to the Lake and Peninsula Borough of 187,000 acres.

The Borough Planning Commission and Assembly have spent many hours reviewing land status maps, and have identified the lands that the Borough would like to have considered for selection. Very little land within the Borough is presently classified as Vacant, Unappropriated, and Unreserved (VUU). We have been encouraged by the director of the Division of State Lands, however, to identify those state lands that the Borough would like to select, regardless of status, and request re-classification.

Land parcels totaling 187,000 acres have been identified for possible selection. In order to pursue the selection process, the Borough needs to either have the Legislature provide for an entitlement under AS 29.65.010 or determine

RON  
SWANSON  
762-2692

The Honorable Carl E. Moses  
March 23, 1993  
Page Two

an entitlement under the formula set out in AS 29.65.030. The formula in AS 29.65.030 is very restrictive, and does not provide for a selection considered to be adequate by the Borough Planning Commission and Assembly. We understand that Representative Eileen Maclean is sponsoring a bill to amend AS 29.65.030, and that her amendment would provide for a more liberal entitlement. We have not seen the bill, but we would certainly support such an amendment.

Nevertheless, if it is possible, we would prefer to use the more direct approach to determining the Lake and Peninsula Borough's entitlement, and simply amend AS 29.65.010. Would you be willing to sponsor such a bill? It would probably be appropriate to ask Representative Nicholia to co-sponsor the bill, but we will wait to hear back from you before we approach her. Would it also be advisable to ask Senators Jacko and Lincoln to introduce an identical bill in the Senate?

I look forward to discussing this matter with you or your staff once you have had a chance to review it. Thank you for the North Pole satellite photos. We have distributed them as you requested.

Sincerely,



Glen K. Vernon  
Borough Manager

Enclosure



## Lake and Peninsula Borough

P.O. Box 495  
King Salmon, Alaska 99613

Telephone: (907) 246-3421  
Fax: (907) 246-6602



March 22, 1994

The Honorable Bill Williams, Chairman  
House Resources Committee  
House of Representatives  
State Capitol, Room 128  
Juneau, Alaska 99801-1182

RE: HB 259

Dear Chairman Williams:

This letter is in response to the March 4, 1994 correspondence from the Anchorage Fish and Game Advisory Committee. In short, the Lake and Peninsula Borough (LPB) strongly disagrees with a series of points made by the group. They include:

1. The lands LPB has identified through its planning process are not binding on DNR nor LPB. The Borough still needs to go through the process of selecting lands within DNR guidelines, including an extensive public hearing process. HB 259 only identifies an amount of land, not actual locations.
2. The letter is incorrect in its assertion that certain villages have successfully overturned the election that ratified the Borough boundaries. In fact, the villages are appealing the court decision because it is unfavorable to them. Even if the villages prevail in their appeal (which is very unlikely), a designated amount of acreage for the LPB would not necessarily affect lands in the disputed area.
3. The general statement that lands conveyed to local governments somehow threaten habitat and general public use is absurd. Resource management powers are still retained with lands transferred to a local government. Land conveyances to local governments often contain restrictions such as easements and rights-of-way. The LPB is at least as interested in protecting habitat and providing public access as the State.
4. The argument that land is only protected in state government is not only incorrect, but it reflects a short-sighted policy that does not promote economic development or growth.


The Honorable Bill Williams

March 22, 1994

Page Two

The LPB seeks a positive and cooperative relationship with the State on this issue, and has been pleased by the cooperative and understanding attitude exhibited by DNR and ADF&G staff. However, we consider the correspondence from the Anchorage Fish and Game Advisory Committee to be both uninformed and misleading. We appreciate the opportunity to express our concerns in this regard.

Sincerely,



Glen K. Vernon  
Borough Manager

cc: Senator George Jacko  
Representative Carl Moses  
Lamar Cotten

Cross references. — For statement of purpose of 1978 Act that enacted the provisions from which this chapter derived, see § 1, ch 180, SLA 1978 in the Temporary and Special Acts.

**Sec. 29.65.010. Determination of entitlement of boroughs and unified municipalities.** (a) The general grant land entitlement of each of the municipalities in this subsection is the amount set out opposite each:

- (1) Municipality of Anchorage — 44,893 acres;
- (2) City and Borough of Juneau — 19,584 acres;
- (3) City and Borough of Sitka — 10,500 acres;
- (4) Bristol Bay Borough — 2,398 acres;
- (5) Fairbanks North Star Borough — 112,000 acres;
- (6) Haines Borough — 2,800 acres;
- (7) Kenai Peninsula Borough — 155,780 acres;
- (8) Ketchikan Gateway Borough — 11,593 acres;
- (9) Kodiak Island Borough — 56,500 acres;
- (10) Matanuska-Susitna Borough — 355,210 acres;
- (11) North Slope Borough — 89,850 acres.

(b) *[Repealed, § 12 ch 34 SLA 1987.]* (§ 17 ch 74 SLA 1985; am § 12 ch 34 SLA 1987)

**Sec. 29.65.020. Determination of entitlement for cities.** (a) The general grant land entitlement of a city formerly eligible to receive general grant land under the provisions of former AS 29.18.190 and 29.18.200 is 10 percent of the maximum total acreage of vacant, unappropriated, unreserved land in the boundaries of each city at any time between the initial date of eligibility under former AS 29.18.190 and 29.18.200 and January 1, 1988. Within six months after January 1, 1988, the director shall determine the entitlement for each city eligible to receive general grant land under this section and certify that entitlement to the city.

(b) *[Repealed, § 12 ch 34 SLA 1987.]* (§ 17 ch 74 SLA 1985; am §§ 1, 12 ch 34 SLA 1987)

**Sec. 29.65.030. Determination of entitlement for newly incorporated municipalities.** (a) The general grant land entitlement of a municipality incorporated after July 1, 1978, that does not qualify for an entitlement under AS 29.65.010 or 29.65.020 is 10 percent of the maximum total acreage of vacant, unappropriated, unreserved land within the boundaries of the municipality between the date of its incorporation and two years after that date.

(b) Within two years and six months after the date of incorporation of the municipality, the director shall determine the entitlement of

each municipality eligible to receive general grant land under (a) of this section and certify the entitlement to the municipality. However, the governing body of a city may, by resolution, request the director to certify the entitlement to the city on an expeditious basis. The director shall determine and certify the entitlement within six months after receipt of the resolution.

(c) [Repealed, § 12 ch 34 SLA 1987.] (§ 17 ch 74 SLA 1985; am §§ 2, 3, 12 ch 34 SLA 1987; am §§ 1, 2 ch 51 SLA 1991)

**Effect of amendments.** — The 1991 amendment, effective June 16, 1991, deleted the last two sentences in subsection (a) and added the last two sentences in subsection (b).

**Editor's notes.** — Section 11, ch. 34, SLA 1987 provides: "The general grant land entitlement authorized for the Northwest Arctic Borough under AS 29.65.030(a), as amended in sec. 2 of this Act, is a partial entitlement for the borough. After completion of the Northwest Area Plan prepared under AS 38.04.065, the governor shall submit to the legislature recommendations for additional general grant land entitlements for the Northwest Arctic Borough consistent with the general grant land entitlement policy developed by the governor. The governor shall also submit recommendations for additional general grant land entitlements for other newly-formed municipalities

consistent with the general grant land entitlement policy developed by the governor."

Section 9, ch. 51, SLA 1991 provides that, notwithstanding subsection (b), as amended by § 2, ch. 51, SLA 1991, "the director of lands may not certify an entitlement to a municipality until after January 2, 1994. Each entitlement for which certification is delayed under this section shall be certified by the director no later than January 1, 1996. The director shall by January 1, 1996, for each municipality incorporated after June 1, 1986, for which an entitlement was certified before June 16, 1991, redetermine and recertify the entitlement in accordance with AS 29.65.030(a), as amended in § 1, ch. 51, SLA 1991."

Under § 10, ch. 51, SLA 1991, the 1991 amendment to subsection (a) is retroactive to June 2, 1986.

**Sec. 29.65.040. Status of entitlements.** (a) After July 1, 1978, general grant land entitlements provided in former AS 29.18.201 and 29.18.202 are vested property rights that must be fulfilled as provided in AS 29.65.050 or 29.65.080. After January 1, 1988, general grant land entitlements provided in AS 29.65.010 are vested property rights that must be fulfilled as provided in AS 29.65.050 or 29.65.080.

(b) General grant land entitlements provided by AS 29.65.030 are property rights that vest on the date of incorporation of the municipality. The entitlement shall be fulfilled as provided in AS 29.65.050.

(c) Land may be selected or nominated for selection by a municipality to satisfy a general grant land entitlement under former AS 29.18.201 and 29.18.202 at any time before October 1, 1980. Land may be selected or nominated for selection by a municipality to satisfy a general grant land entitlement under AS 29.65.010 at any time before October 1, 1990. However, if a municipal selection or nomination or a part of a municipal selection or nomination is rejected by the director, the municipality may, not later than 90 days after receipt of the rejection or final decision on an appeal filed under AS 29.65.050(d), select additional state land as necessary to satisfy its entitlement.

Date Referred: March 26, 1993

FURTHER REFERRALS:

Resources  
Finance

Date of Committee Action: 2-8-94

The COMMUNITY AND REGIONAL AFFAIRS Committee considered:

HB 259

HOUSE BILL NO. 259

GENERAL GRANT LAND ENTITLEMENT

"An Act relating to general grant land entitlements for certain boroughs and unified municipalities; and providing for an effective date."

RECOMMENDATIONS: [ ] the same title  
be replaced with \_\_\_\_\_ [ ] a new title

[ ] have attached amendments(s)

[ ] do pass

[ ] do not pass

no recommendations

[ ] individual recommendations

[ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

[ ] fiscal impact \_\_\_\_\_

[ ] fiscal note(s) \_\_\_\_\_

zero fiscal note CARH, NR

[ ] zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Car Brents</i>	✓	<i>Henry Sanders</i>		✓	
<i>Julia D. Tooke</i>	✓	<i>John N. Charles</i>		✓	
		<i>Ed Willis</i>		✓	
		<i>W.K. William</i>		✓	
		<i>Harley Olvera</i>		✓	

*Harley Olvera*  
CHAIRMAN'S SIGNATURE

TCN: 40554 DATE & TIME: 03/23/94 08:15 TO 10:00 STATUS:7 STATS: 14

\*\*\*\* ORDER SUMMARY \*\*\*\*

SPONSOR: HRFS HOUSE RESOURCES CHAIRS: WILLIAMS  
PURPOSE: PUB PUBLIC HEARING LEGISLATIVE  
CONTACT: MARY McDONELL TEL#: (907)465-3715  
CHAIRING SITE: JUNEAU CAPITOL CAP124

SPONSOR REMARKS(PUB): TESTIMONY ALLOWED 3 MINUTE LIMIT  
TESTIMONY WILL BE TAKEN WITH A 3 MINUTE LIMIT.  
TCN REQUESTED ON 03/23/94 AND HAS 2 UPDATES

\*\*\*\* AGENDA \*\*\*\*

1 HB 259 GENERAL GRANT LAND ENTITLEMENT

\*\*\*\* PARTICIPATING SITES \*\*\*\*

ANC ANCHORAGE 716 W 4TH, #200 LOCATION STAFF  
\* JRU JUNEAU CAPITOL CAP124 LOCATION STAFF

\*\*\*\* VOLUNTEER & OFFNET SITES \*\*\*\*

ZZZ OFFNET 1 KING SALMON GLEN VERNON (907)246-3421

PARTICIPANTS IN: ANCHORAGE

ANC

1 MR. JEFF PARKER ANC P&G ADV/COMT TSYF, HB 259  
1201 HYDER ANCHORAGE AK 99501 (907)272-9377  
2 MR. CLIFF EAMES AK STR/ENVIROMEN TSYF, HB 259  
519 W 8TH AVE, #201 ANCHORAGE AK 99501 (907)274-3621  
3 MR. DAVID HULEN ANC DAILY NEWS OBSV, HB 259  
1001 NORTHWAY DR ANCHORAGE AK 99508 (907)000-0000  
4 MS. FRAN BENNIS OBSV, HB 259  
21407 BOUVERI LN CHUGIAK AK 99567 (907)688-7827

PARTICIPANTS IN: JUNEAU

JRU

1 REP B WILLIAMS TSYF, ALL ITEMS  
AK (907)000-0000  
2 REP C BUNDE TSYF, ALL ITEMS  
AK (907)000-0000  
3 REP P CARNEY TSYF, ALL ITEMS  
AK (907)000-0000  
4 REP J GREEN TSYF, ALL ITEMS  
AK (907)000-0000  
5 REP B HUDSON TSYF, ALL ITEMS  
AK (907)000-0000  
6 REP J JAMES TSYF, ALL ITEMS  
AK (907)000-0000  
7 REP D FINKLESTEIN TSYF, ALL ITEMS  
AK (907)000-0000  
8 REP E HULDER TSYF, ALL ITEMS  
AK (907)000-0000  
9 REP J DAVIES TSYF, ALL ITEMS  
AK (907)000-0000  
10 TO OBSERVE OBSV, ALL ITEMS  
11 TO OBSERVE OBSV, ALL ITEMS  
12 TO OBSERVE OBSV, ALL ITEMS  
13 TO OBSERVE OBSV, ALL ITEMS  
14 TO OBSERVE OBSV, ALL ITEMS

TCN: 40554 DATE & TIME: 03/23/94 08:15 TO 10:00 STATUS:7 STATS: 14

PARTICIPANTS IN: JUNEAU

JRU

15 TO OBSERVE OBSV, ALL ITEMS  
16 TO OBSERVE OBSV, ALL ITEMS  
17 TO OBSERVE OBSV, ALL ITEMS  
18 TO OBSERVE OBSV, ALL ITEMS  
19 TO OBSERVE OBSV, ALL ITEMS  
20 TO TESTIFY TSYF, ALL ITEMS  
21 TO TESTIFY TSYF, ALL ITEMS

PARTICIPANTS IN: OFFNET 1

ZZZ OFF1

1 MR. GLEN VERNON TSYF, ALL ITEMS  
KING SALMON AK (907)000-0000



HOUSE RESOURCES COMMITTEE

DATE: 3/23/94

PLACE: Capitol, Room 124

SUBJECT OF MEETING:  
 HB 259 - General Grant Land Entitlement  
 HB 443 - Fish + Wildlife Confidential Records

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Willy Duane ✓	AK Env Lobby	PO Box 22151 Juneau	99802		463-3366	(Y) N	HB 259
Wayne Regelin	Fish & Game	PO Box 25526 Juneau	99801			(Y) N	HB 443
Karen BrAWO	Rep MOSES	Rm 204			3765	(Y) N	HB 259
Ron Swanson	DNR	PO Box 107005	99510		763-2092	(Y) N	HB 259
Frank Rue	ADF&G				405-4105	(Y) N	HB 259
Bob Walsh	DIRA	333 W 4th Ave Anch	99517		269-4500	(Y) N	HB 259
HAMAR COTTEN		Lake & PER. BOU			5861292	(Y) N	HB 259
		P.O. 103733 Anchorage	99510			Y N	
						Y N	
						Y N	
						Y N	