

HB

130/

SB

96

Mary Jackson

From: Sen. Tom Wagoner
Sent: Monday, April 18, 2005 11:52 AM
To: Mary Jackson
Subject: FW: New Pom:HB 130 University Land Grant/state Forest

-----Original Message-----

From: POMS@legis.state.ak.us [mailto:POMS@legis.state.ak.us]
Sent: Monday, April 18, 2005 11:42 AM
To: Sen. Tom Wagoner
Subject: New Pom:HB 130 University Land Grant/state Forest

David Swingley
12304 Keystone Place

Eagle River 99577,

State lands planned for sale by UA should be sold only under conditions in which subsistence, native cultural claims and ecological habitat provisions take top priority.

Sherrie Wick

From: "Sherrie Wick" <gwick@c2i2.com>
To: <Senator_Bert_Stedman@legis.state.ak.us>
Sent: Wednesday, March 09, 2005 3:29 PM
Subject: U of A Land Grant for Moser Bay, Ketchikan

Dear Senator Stedman:

We are concerned about the possibility of the University of Alaska acquiring ownership of the timber land in and around Moser Bay located north of Ketchikan.

My wife and I were born and raised in Ketchikan. Over the years, due to economic factors, various bays and inlets in the Ketchikan area have been logged and of course that changes the esthetics of those areas. Moser Bay is the last pristine area along the coast north of Ketchikan that has not been molested by human intervention. The inlet is close enough to the Ketchikan narrows which allows the weekend boater to enjoy the beauty, fishing and crabbing. Moser Bay has two medium sized fish creeks that would be in harms way if logged. We enjoy watching the fish go up the stream every fall. Moser Bay could be compared to the Leets Bay argument for not granting land in pristine areas that support abundant wildlife and salmon streams. Also there is a coastal management plan for future development, initiated by the state, that indicates a site in Moser Bay as a potential future site for a resort. Who would want to spend thousands of dollars on a resort fishing vacation located in the middle of a logging operation or an area that has been logged off. Doesn't this ruin the very experience that folks come to our beautiful state to enjoy? Do not buy the argument that the University of Alaska would not log land if it was granted by the state. If we grant them the land they can always log the timber whenever they need the revenue.

Surely there is land the state can grant the U of A for the purposes of future revenue without granting them the Moser Bay area which is the last of the unmolested area that the residents can get to by boat on a weekend.

Sherrie and I wish to go on record as being opposed to granting the U of A any of the Moser Bay land.

May we be advised on future developments that concern the Moser Bay area.

Thank you for considering our comments.

Larry and Sherrie Wick.

gwick@c2i2.com

*attn SB 96
Mary Jackson
1-907-465-4779*

4/13/2005

-SB 96

Jason Esler- Cultural Anthropologist

For the past two summers I have been conducting anthropological research in the remote community of McCarthy, Alaska. The focus of my study looks at the relationship between the federal administration of the National Park Service and the rural frontier communities that shape the Alaskan lifestyle protected under ANILCA. My analysis includes observations regarding a lack of cultural relativity among administrative decisions and the shortcomings of cultural resource management in rural Alaska today.

The land that is being proposed for transfer in the McCarthy-Nizina region has great implications for the Alaskan community and lifestyles that subsist within the area. These lands are some of the most important in the area for wood collection and hunting purposes. As the federal regulation of resources has strengthened over the past twenty years, community members have learned to adapt and locate resources that are viable for wood collection and other subsistence activities. These communal resources on state land allow the people of the area to continue their lifestyle, while at the same time, allowing the National Park Service to uphold their goals of preservation.

The state land is an active example of a "buffer zone". These buffer zones are crucial in finding the common ground between the needs and desires of the subsistence lifestyles and the environmentalist ideals that shape current frontier politics. In McCarthy, the buffer zones are limited and often further from the community than would be desired. Since heat and food supplies are not easily found in the McCarthy area due to the amount of federal land that the National Park Service currently operates, these buffer zones act as a very important compromise between Alaska residents and NPS officials. Again, this allows the federal management to maintain the integrity of their property, while also supplying the locals with much needed wood and game.

Without these state lands, the community of McCarthy would be cut from such areas. Where should they turn for resources if the land they now use is sold either as private parcels or to the National Park Service? This frontier culture depends specifically on the 12,500 acre area that is being proposed for transfer. Allowing this section to remain on HB 130 would inevitably leave the residents of McCarthy with no neutral areas to collect wood and hunt from. This is a problem that has continually devastated communities across the last frontiers of America. Without these resources, there is little room to continue on with a subsistence lifestyle. More important for the future is the precedent that this land transfer sets for rural Alaska. If the McCarthy-Nizina region remains of HB 130 it will go on to shape future decisions, eventually leaving the communities of rural Alaska with no land and no resources to legally subsist with.

As an anthropologist, I would also like to note the structural ramifications that this will have on the people of McCarthy in regards to their positions and attitudes toward land protection and state trust. During my research I continually noticed the respect and compassion that the McCarthy residents have for their state representatives and governor. Recent years of environmental protection have driven a gap between the federal government and rural Alaskans, leaving many people feeling like they do not belong in the area. These communities depend on the state to uphold their desires and help them continue their lifestyle of subsistence practices. Confidence and reassurance are found in state decisions that affect rural communities and I fear that if this land transfer includes the McCarthy area, they may lose some of that trust and honor that they have for state

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representation. As the environmentalist movement continues to limit the lifestyle of these communities, it is crucial that the state act with resident concerns in mind. Without the state protecting the land resources of the people, rural Alaska will surely diminish over the next several years.

While I understand that ANILCA is a federal mandate, it is important to note that these federal representations have recently dwindled in WSENP. It was the intention of Alaskan legislation to support these rural community desires when land issues are decided upon. This has not happened with HB 130.

More importantly than the land itself, is what this transfer says about current frontier politics as cultural resource management moves into the twenty first century.. This land transfer under HB 130 was given no community input. There were no public hearings, and most of the people in the McCarthy area were not even aware that their local resources were about to change ownership until about two weeks ago.

Any rural Alaskan will tell you that if you plan on making changes or developing parts of land surrounding yours, an Environmental Impact Statement (EIS) is required. This is used to judge the amount of change that will occur in any ecosystem surrounding the project. For years the people of rural Alaska have respected this law and complied with the necessary assessments. My research supports the concept of a Cultural Impact Statement (CIS), one that assesses the changes which a community will face if a specific land transfer is approved. It seems only fair that the communities of rural Alaska would be given the same respect for their ecosystem as they have shown for the state and federal government when they conduct change in an area. Without detailing the impact on this community, the state is showing the Alaskan people that their decisions are made with out any consideration of the people or their lifestyles.

The governments of this country have seen what can happen when frontier cultures are not considered in land decisions. Across the lower forty eight we have seen numerous rural communities and cultures destroyed at the hands of misrepresentation and broken promises. ANILCA was intended to stop this recurring thematic pattern in frontier politics. In 1980, the legislatures made a bold and much needed move to protect the cultures that shape our final frontiers in America. Have we not learned from past mistakes regarding rural communities? As social scientists, we now understand that rural communities are impacted by federal and state land exchanges on a variety of levels. These impacts are accumulated over time, eventually breaking down the stability of a community one small piece at a time. Allowing this land near McCarthy to be apart of the transfer not only violates the mandate of ANILCA, but also exemplifies my research conclusion that current frontier politics are failing the Alaskan people as we move into the next century.

As a concerned anthropologist, I ask that this committee remove the 12,500 acre McCarthy-Nizina land section from HB130. I would also urge that any future consideration of land transfers in the area be contingent upon a detailed Cultural Impact Statement (CIS). If the state of Alaska wishes to uphold the desire of protecting rural communities, than a CIS must be completed by an anthropologist before the McCarthy-Nizina area is accepted in HB130.



Mary Jackson

From: Sen. Tom Wagoner
Sent: Monday, April 11, 2005 1:54 PM
To: Mary Jackson
Subject: FW: SB 96

From: Jane Button [mailto:jane@alaska-hobbitole.com]
Sent: Monday, April 11, 2005 1:49 PM
To: Sen. Tom Wagoner
Subject: SB 96

Dear Senator Wagoner,

I've been a resident of the Inian Islands near Elfin Cove for 11 years and am strongly opposed to Governor Murkowski's University Lands bill SB 96 in its current form. As written, it would transfer state-owned lands in Idaho Inlet, Mite Cove and Pelican, among many others, to the University of Alaska. This transfer of land is unsuitable for several economic reasons. Not to mention that this land give-away is a poor substitute for University funding.

First, selling land in big chunks will depress the value of real estate currently for sale in areas such as Pelican, Elfin Cove and Excursion Inlet and will likely depress land values for decades.

Southeast Alaska is being asked to give a disproportionate share of its state lands in this transfer. 10% of Southeast's state lands are among the selections, while the percentage for the rest of the state is 0.21%. If these SE parcels are chosen, virtually all of the state lands of Northwest Chichagof Island will be unavailable for future allotments and borough selections. Tiny Mike Island in front of Elfin Cove will be the **only** state land left in this area.

This land transfer would only exacerbate Northwest Chichagof Island's economically depressed status. I've already seen that when resources are sold to non-residents, the buyers bring in their own people as labor, they buy their food elsewhere and they sometimes don't purchase power from the local utility. The only economic boost they provide is the purchase of fuel. If these lands are sold to non-residents, there will be no net gain to the economy of the state. It's important to keep some state lands in our "economic futures" savings account.

The University has claimed that it will work with locals to find mutually beneficial solutions. By their behavior in my community's locale, I doubt their ability to keep this promise. The University was given 835 acres of Yakobi Island, which they then sold in 2001 for \$1.5 million. Local people were told nothing about this sale and given no chance to comment.

Please fix this bill so that it doesn't hurt local people and communities. I believe Bruce Weyrauch's Committee Substitute bill addresses many of these issues. Please consider its changes. Please find more appropriate ways to fund the University. Let's find a method of University funding that belongs in the 21st century, not the 19th.

Thank you very much for your consideration. Please enter these comments into the SB 96's official record.

Jane D. Button
Hobbit Hole, Inian Islands
PO Box 9

4/11/2005

Elfin Cove, AK 99825
(907) 723-8514

4/11/2005

April 11, 2005

The Honorable Thomas Wagoner, Chair
Senate Resources committee
Alaska State Legislature

Dear Senator Wagoner,

I am writing today to voice my strong objection to the transfer of land at Olive Cove on Etolin Island as proposed in SB 96, the companion Bill to HB 130. I ask that this letter be included in the SB 96 Official Record.

It is obvious that no consideration has been given to the fact that a significant anadromous stream crosses this parcel. Apparently, many are under the impression that every stream in Southeast has fish in it. While this may be true to some extent, not every stream has significant populations of Coho, Pinks, Chum, Steelhead, Cutthroat and Dolly Varden. We're talking wild populations - not hatchery enhanced. Such is the case at Olive Cove. It seems the Central/Southern Southeast Area Plan published in November 2000 by the DNR is being totally ignored. I have attached page 3-206 of that Area Plan to this letter.

So how would SB 96 affect this area? First of all, the intent of the bill is to generate money for the University. There are two obvious ways this is done:
#1 Logging - removal of the forest surrounding the stream habitat;
#2 Divide the area into parcels for sale - creating lots abutting the stream itself.
With either of these scenarios fish habitat is compromised by the potential development in the watershed.

Olive Creek, also known as Snake Creek to locals, is important to the people of Wrangell. It is used by the people of Wrangell. It provides fishing opportunities both as a designated subsistence area as well as its contribution to the commercial fisheries in the area. Our state fishery management system is based on a sustainable yield. Part of the equation in sustaining fish is protecting their spawning habitat. We have an obligation not to change the character of streams that are supporting significant fish populations.

I urge you to withdraw the Olive Cove Parcel from transfer in SB 96.

Thank you,

Sincerely,
Gayle Gross
PO Box 11
Wrangell, AK 99929
(907) 874-2577 gsmokerv@aptalaska.net

Management Intent	Resources/Uses for which Unit is to be Managed	Parcel Description and Related Information
<p>Unit W-15 MTRS T. 065S., R. 085E., Section 34; T. 066S., R. 086E., Section 8</p> <p>The area of the parcel adjacent to Olive Cove is to be managed for the protection of habitat and wildlife within the estuarine areas. The remainder of the parcel is designated Gu (General Use) and is to be managed during the planning period for dispersed recreation. Portions of the Gu area may be appropriate for eventual residential development, but land disposals are not scheduled during the planning period. The need for a residential land disposal should be re-evaluated at the time of plan update, however.</p> <p>Timber harvest or other development activities are not to be authorized adjacent to the estuary (approximately 500 feet from mean high water). In other areas, timber sales may be designed to provide access and/or promote subdivision at such time as a land disposal is undertaken. Consideration will be given for, but not limited to, buffers along major waterbodies, leave areas for community recreation and leave areas to minimize visual impacts of adjacent land intended for residential development.</p>	<p>Name Olive Cove drainage (Elkln Island)</p> <p>Managed Resources: settlement area, habitat/wildlife and anadromous stream.</p> <p>Areas within and near Olive Cove are important habitat areas; Olive Cove itself is an anadromous stream, contains estuarine wetlands, and has important concentrations of both wildlife and fish species. Black bears concentrate in the fall along the cataloged anadromous fish stream that flows into Olive Cove. Offshore of this parcel Olive Cove is a pink, chum and coho salmon rearing and schooling area and Dungeness crab concentration and harvest area. Shorebirds and waterfowl concentrate in Olive Cove in spring and fall and the area has been identified as an osprey summer foraging area. Olive Cove is a traditional anchorage used by black bear and deer hunters and by trappers.</p>	<p>Acres 450.0</p> <p>Designations Gu Ru</p> <p>Parcel is located on a flat coastal plain vegetated, in part, by hemlock and spruce forest. An existing subdivision (ASLS 81-233) adjoins the parcel to the north. TLRMP designates the area of the Olive Creek drainage as 'Old Growth Habitat' and all other areas adjacent to the parcel, as 'Scenic Viewshed'. There is an LTF operated by the Forest Service on federal land northeast of the unit. Olive Creek is an anadromous stream.</p>
<p>Unit W-16.00 MTRS T. 066S., R. 088E., Section 8 ASLS 81-233</p>	<p>Name Parcel adjacent to W-15 at mouth of Olive Cove</p> <p>Resources: subdivision area.</p>	<p>Acres 15.8</p> <p>Designations</p> <p>Parcel is a previous state subdivision (ASLS 81-233). All lots are or will be conveyed to private parties. A large, undeveloped state parcel (W-15) adjoins this unit to the south. This area adjoins a travel shrimp commercial harvest area. It lies along the route of the Alaska Marine Highway, cruise ships, charter boats and private pleasure craft, traversing southeast Alaska to view scenery and wildlife.</p>

Gu General Use
Ru Undeveloped Recreation

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Mary Jackson

From: Sen. Tom Wagoner
Sent: Monday, April 18, 2005 11:47 AM
To: Mary Jackson
Subject: FW: SB 96, and Thank-you

From: Jennifer Price [mailto:Jen@soundsailing.com]
Sent: Friday, April 15, 2005 11:43 AM
To: Sen. Tom Wagoner
Subject: SB 96, and Thank-you

Dear Senator Wagoner,

I am finally home with a computer again, after floatplaning out of Warm Springs Bay and Sitka in order to testify in opposition to HB 130/ SB 96 this week. I spoke to you briefly after that long drawn out hearing on Monday evening, and I again would like to thank you for giving each individual the chance to testify against SB 96, even into the dinner hour--poor you and Senator Stevens!

I just wanted to reiterate that this HB 130/SB 96 is flawed, and extremely controversial. I appreciated your adamancy when you told me that the bill is "a mess", and that you would not pass it out of committee until something is done to rectify the public outcry regarding most of the southeast parcels. I think your idea of getting Senators Stedman and Elton together with DNR is a fine one, and I hope that you will follow up on this tactic before passing the bill out of committee. This is a clear indication that you have listened to your constituents, and that you are a worthy public servant looking out for the welfare and the trust Alaskans have put in our representatives, as well as the Department of Natural Resources.

If nothing else, it is important to withdraw from the bill those parcels of land designated "RU," or public recreation and undeveloped tourism including Lynn Canal, Mite Cove, Read Island, Whitney Island, and particularly the five acre archeological Tlingit parcel in Sanford Cove called Sum Dum.

Again, Senator, thank-you for taking the time to listen to all those who testified Monday evening. I hope your dinner was easy to reheat!

Sincerely,

Jennifer Price

1802 B Alder Way
Sitka, AK 99835
(907) 747-7473

Cell: (206) 618-5817 (best while caretaking at Warm Springs Bay 'til May)

4/18/2005

Mary Jackson

From: Sen. Tom Wagoner
Sent: Monday, April 18, 2005 11:45 AM
To: Mary Jackson
Subject: FW: Comments on SB 96

From: EDWINA L BARNETT SIMMONS [mailto:simmonsbarnett@msn.com]
Sent: Tuesday, April 12, 2005 8:18 PM
To: Sen. Tom Wagoner
Subject: Comments on SB 96

Dear Senator Wagoner:

We urge you to remove the Pelican, Mite Cove and Idaho Inlet parcels from being transferred to the University as it has been done in HB 130.

Sincerely,
Avery & Edwina Simmons
Lisianski Inlet, Pelican Alaska

4/18/2005

Mary Jackson

From: Sen. Tom Wagoner
Sent: Monday, April 18, 2005 11:44 AM
To: Mary Jackson
Subject: FW: SB 96

From: KUHOOK@aol.com [mailto:KUHOOK@aol.com]
Sent: Friday, April 15, 2005 12:21 PM
To: nlcarrson@att.net; steve@highlinerlodge.com; Sen. Ben Stevens; Sen. Bert Stedman; Sen. Fred Dyson; Sen. Gretchen Guess; Sen. Kim Elton; Sen. Ralph Seekins; Sen. Tom Wagoner
Cc: greg-donica@gci.net; kylebcarrson@hotmail.com; scott_carrson428@yahoo.com; cityhall@pelicanacity.net; elvira@ptialaska.net; mig@anton.yk.ca; chicobiak@hotmail.com; talair@alaska.net; pdjep@ptialaska.net; akseaplanes@alaska.com; carol@pelicanacity.net; artour@alaska.com; croland@alaska.net; pelbar@ptialaska.net; terri@ptialaska.net; simmons Barnett@msn.com; dspencerak@yahoo.com; jim@jimslater.com; hwmedic2@netscape.net; kathie@akml.org; Rep. Peggy Wilson
Subject: Re: SB 96

I agree with Norm, it would be better to give land to the university that is closer to town and will actually do some good. The only use I can see from the current land would be a another large lodge, some logging or summer homes for out of towners. None of these will help any local people in the long term and in fact will have a negative aspect for locals just like it does in many parts of the world where large economic interests take precedence over local peoples best interest. You probably all know of nice places in the world that are now ruined by too much development. As for a short term benefit of jobs and income, everybody is eating so far and I don't know many people in Pelican, besides Steve and Chris, that are in favor of this plan.

This is an important decision for our future, lets take the time to deveop a smart plan and forget the knee-jerk idea that any development is good. I want Pelican to still be a desirable place to visit twenty years from now. The worst land to develop for me is the mite cove soapstone area, second is land directly around my lodge.

Denny Corbin
Lisianski Inlet Lodge, Pelican, Alaska

Amendments to HB 130
Senate Resources Committee
April 18, 2005
Department of Natural Resources

Amendments in CSHB 130(Res)

The House Resources version included amendments to protect public access, make minor boundary adjustments, allow DNR to correct miscellaneous errors and omissions in the Land List, address Native Allotments, protect timber harvest in the University Research Forest, ensure that potential municipalities do not receive less acreage as a result of the bill and codify public notice requirements for the University. The Resources Committee Substitute also eliminated seven parcels from the Lands List including: Neets Bay, Kodiak Lunch complex, Warm Springs Bay, Lena Creek, Port Alexander, Kelp Bay, and Duke Island. The amendments in the CS reduced the acreage by approximately 7000 acres. The amendments bring the total acreage to approximately 253,000. A more detailed analysis of the CS follows.

The page numbers below conform to CB 96, Work Draft version G.

page 5, line 27-28 - section on reserving valid existing rights, added "including a federal, state, or municipal agency".

page 6, line 2-4 was added to allow DNR to reserve existing access routes, trails, roads in addition to those required under AS 38.05.127.

page 7, lines 21-24, new section (m) allows DNR to make minor boundary adjustments to correct errors and omissions

page 7 - 8, new section (n) deletes seven parcels from the land list. These are:

- (1) Parcel Number CS.DI.1001, Duke Island;
- (2) Parcel Number CS.KI.1001, Kelp Island;
- (3) Parcel Number JU.LM.1001, Lena Creek;
- (4) Parcel Number KT.1004, Neets Creek;
- (5) Parcel Number MA.KR.1001, Kodiak Rocket Range;
- (6) Parcel Number PA.1001, Port Alexander; and
- (7) Parcel Number ST.1002, Warm Springs Bay.

page 8, lines 4-9. new section (o) prevents DNR from conveying two parcels (Biorka Island and Lisianski Peninsula) "until all Native Allotment applications ...have been denied".

Page 8, Section 6, was significantly expanded to reinstate more of what was in 2000 legislature's SB 7 regarding UA's process.

Page 10, lines 20-22 were added as an additional requirement before land in the University Research Forest can be disposed of, specifically "that the disposal of the land will not interfere with commercially viable timber harvest and resource development".

Page 10, new section 9, adds to AS 29.65 a requirement that DNR include the acreage conveyed to UA under this bill when calculating entitlements for new municipalities.

Amendments in CSHB 130(Fin)

House Finance amended the bill to delete the findings and intent sections, delete three additional parcels from the Land List; add Lena Loop back to the Land List; delete (o) that pertained to Native Allotments and address them in a different section; create a new section (o) that addresses potential borough formation in Wrangell or Petersburg; and added a new section (c) that directs the University's sale process. A more detailed summary follows. The page numbers pertain to CSHB 130 (Fin).

Deleted Section 1 Findings and Section 2 Legislative Intent

Page 2, line 24, **added** a new subsection as follows:

(10) ensure that the University of Alaska's Cooperative Extension Service is adequately staffed to meet the needs of the public.

Page 4, line 1, **added** Native Allotments after right-of-way

Page 6, line 7, **Deleted** (3) Parcel Number JU.LM 1001, Lena Creek

Page 6, line 4, **added** Parcel Number MF.1002, Idaho Inlet;

Page 6, line 6, **added** Parcel Number PA.1002 Mite Cove;

Page 6, line 9, **added** Parcel Number ST.1002. Pelican;

Page 6, line 12

Added new Section (o) Notwithstanding (a) of this section, the state land identified in this subsection and described in the document entitled "University of Alaska Land Grant List 2005", dated January 12, 2005, may not be conveyed to the University of Alaska under this section if the land is included in a borough formed before July 1, 2009, that includes Wrangell or Petersburg. If such a borough is not formed before July 1, 2009, the following land shall be conveyed to the University of Alaska on July 1, 2009;

- (1) Parcel Number SD.1001, Favor Peak;
- (2) Parcel Number CS.OV.1001, Olive Cove;
- (3) Parcel Number SD.1001, Read Island; and
- (4) Parcel Number SD.1001, Whitney Island.

Page 6, lines 4-9

Deleted previous (o) Notwithstanding (a) of this section, each of the following parcels described in the document entitled University of Alaska Land Grant List, 2005", dated January 12, 2005 may not be conveyed to the University of Alaska under this section until all Native Allotment applications applicable to that parcel have been denied:

- (1) Parcel Number PA. 1002, Biorka Island
- (2) Parcel Number NS.NS.1001, Lisianski Peninsula

Note: Native Allotments are now addressed on page 4, line 1

Page 7, Line 4

Added new section (c) and renumbered accordingly

(c) Before the Board of Regents of the University of Alaska offers a parcel of land for sale under this section, the board

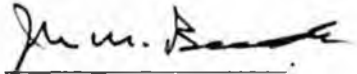
- (1) shall offer first refusal to the closest municipality; and
- (2) may offer second refusal to a nonprofit organization established under the laws of the state that is located in the same region as the land that is offered for sale and that has been established for the purposes of managing, developing, selling or using land consistent with historic uses.

The amendments in House Finance delete an additional 1,710 acres from the Land List which brings the total acreage to 251,401 acres. The new AS 14.40.365 (o) puts a hold on the transfer of 2,762 acres until 2009 pending formation of a Wrangell or Petersburg borough.

**LEGISLATIVE INTEND RELATING TO HB 130/SB 96
RESTRICTING DEVELOPMENT OF UNIVERSITY OF ALASKA
LAND GRANT LIST 2005
PARCEL NUMBER MA.HR.1001, HAUL ROAD NODES - COLDFOOT**

Grantor shall not sell, lease or develop the Property for use or activities that directly compete with those lease purposes identified in Lease ADL No. 415217, dated March 22, 1982 for a period of ten (10) years from the date that DNR transfers title to the University of Alaska. This restriction specifically does not apply to use of the property for direct services relating to construction of pipelines.

Submitted by:



Joseph M. Beedle
University of Alaska
Vice President for Finance

April 11, 2005

University Lands
HB 130
UA Public Notice Section 6 Amendment – March 3, 2005

Subsection (b) – Public Notice

In HB-130 the University proposed to amend subsection (b) of the existing AS 14.40.366 (2000 Senate Bill 7) to read as follows:

- (b) The University of Alaska shall give public notice of sales, leases, exchanges and transfers of lands conveyed to Board of Regents in trust for the University of Alaska under AS 14.40.365.**

Based on public testimony the university proposes to amend subsection (b) to read as follows:

- (b)(1) On lands conveyed to the Board of Regents in trust for the University of Alaska under AS14.40.365**

(A) the university shall seek public comment on proposals for land development, exchange, or sale;

(B) the Board of Regents shall adopt policies that require the preparation of land development plans and land disposal plans;

(C) the Board of Regents shall adopt policies requiring public notice of not less than 30 days prior to approval of land development plans and land disposal plans including

(i) notice of the proposed action to local legislators, municipalities and legislative information offices in the vicinity of the action and at other locations as the university may designate;

(ii) legal notice to be published in newspapers of general circulation in the vicinity of the proposed action at least once a week for two consecutive weeks;
and

(iii) notice of the proposed action being published on state and university public notice websites.

- (b)(2) As used in this section “development, exchange, or sale” does not include easements, rights of way or development of campus facilities.**

UNIVERSITY OF ALASKA
2005 STATE LAND BILL, UNIVERSITY PROCESS
LEGISLATIVE BRIEFING DOCUMENT

(April 11, 2005)

Public Notice

On an ongoing basis, the University of Alaska will evaluate its inventory of lands to identify opportunities for development and disposal. The University will do this through the creation of Development Plans and Disposal Plans. Development Plans and Disposal Plans will include specific parcels identified for disposal, lease, subdivision, large scale timber harvesting or other significant surface development projects, as defined by Board of Regents Policy. Notice of proposed Development Plans and Disposal Plans will be sent to all local legislators, municipalities, and legislative information offices in the vicinity of the proposed development(s)/disposal(s). Notice will include descriptions of the proposed development(s)/disposal(s) and location, and reference as to where additional detailed information may be obtained. The Development Plans and Disposal Plans will also be posted on the University's Land Management website (www.ualand.com) and the State of Alaska's Public Notice Website, and published in newspapers of general circulation in the vicinity of the proposed action. The public notice process will be initiated at least 30 days before it is scheduled to be considered by the Board of Regents or administratively approved in accordance with Board of Regents Policy. Written comments received during the public notice period will be considered by the University prior to finalizing the Development Plans and Disposal Plans.

Development Project Feasibilities

After Development Plans have been approved, the proposed development projects will be further evaluated for feasibility. Feasibility studies typically include site evaluations, soil analyses, preliminary designs, title reviews, and marketing analyses. It is during this phase that the University typically conducts public workshop(s) in local communities to consider local impacts; appropriate densities and lot sizes; constraints due to availability of services; easements for roads, trails and utilities; covenants; construction standards; road maintenance; environmental constraints; and other factors that influence the design and potential of the project. In addition, University development projects are subject to all local, state, and federal government regulations including the Alaska Forest Practices Act, water and wastewater regulations, wetlands regulations, Coastal Management Plans, and local zoning and platting ordinances, including all associated public comment and hearing requirements. At this stage, the University also considers opportunities for partnering with either communities or private parties for developments.

Following the feasibility phase, the University will decide whether to drop specific projects, defer them until market conditions improve or constraints are resolved, or proceed with development. Once a preliminary plat is developed, the University must seek approval from the local platting authority prior to finalizing the project. This process includes public meetings held by the local municipality or, if in the Unorganized Borough, by the Department of Natural Resources.

Land Sales

In addition to the Disposal Plan public notice process described above, the University also notifies over 7,000 parties interested in receiving announcements relating to its annual land sale. Properties included in Disposal Plans will typically be offered for sale on a competitive basis (the exception is community interest sales). If no offers are received during the competitive offering, the parcels are offered for sale over-the-counter on a first come, first served basis. Minimum offer prices are established at fair market value. The University offers financing, on approved credit, at competitive interest rates. Sales are closed in-house, with title insurance provided through local title agencies, at the University's expense.

Administrative Protest and Appeal Process

Like the State of Alaska, the University has an Administrative process to address aggrieved parties. This includes the right to protest decisions to another level and to appeal the protested decision to an even higher level/hearing officer. After exhausting the administrative process, a party may file a legal action against the University.