

**HB**

**87**

SFIN

FILE

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT  
 MAY 11 2007  
 SENATE FINANCE COMMITTEE

DATE: 5/8/07

FURTHER:

 DATE TURNED  
 IN TO OFFICE: 11 May 2007

Finance Committee considered CS FOR HOUSE BILL NO. 87(FIN) am

## HB 87 CITIZEN ADVISORY COMM ON FEDERAL AREAS

"An Act relating to the Citizens' Advisory Commission on Federal Management Areas in Alaska; and providing for an effective date."

and recommends:

- be replaced with  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

**SENATE BILL:**

- Same Title
- New Title

**HOUSE BILL:**

- Same Title
- Technical Title Change
- New Title w/ SCR # \_\_\_\_\_

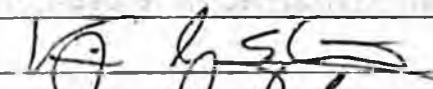
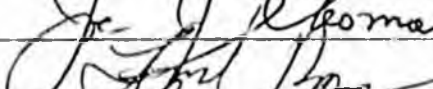
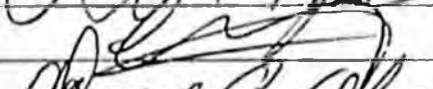
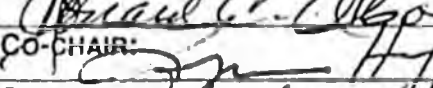



**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
Leg.	2/7/07			✓	#2
DNR	4/2/07	246.2			#4

 APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Elton			✓	
	Thomas	✓			
	Dyson	✓			
	Huggins	✓			
	Olson			✓	
CO-CHAIR: 	Hoffman			✓	
CO-CHAIR: 	Stedman			✓	

## FISCAL NOTE

STATE OF ALASKA  
2007 LEGISLATIVE SESSION

Fiscal Note Number: 2  
Bill Version: CSHB 87(FIN)  
(H) Publish Date: 4/13/07

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Legislature  
Title: "An Act relating to the Citizens' Advisory RDU: Legislative Operating Budget  
Commission on Federal Management Areas in Alaska..." Component: Legislative Operating Budget  
Sponsor: Representative Kelly  
Requester: House Finance Committee Component No.: 796

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<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>

<b>CAPITAL EXPENDITURES</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>
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<b>CHANGE IN REVENUES ( )</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>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<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>

Estimate of any current year (FY2007) cost: 0.0  
Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**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)  
The Citizens Advisory Commission on Federal Management is an Executive Branch Commission. Two members of the Commission are Legislators. Each Presiding Officer will appoint a member, one from the Senate and one from the House of Representatives. The only cost to the Legislature for this Executive Branch Commission are travel costs for the Legislators who are members of the Commission. These travel costs will be absorbed within the existing Legislative Operating Budget.

Prepared by: Karla Schofield, Deputy Director Phone: 465-6626  
Division: Legislative Affairs Agency Date/Time: 2/7/07 9:33 AM  
Approved by: Pamela Varni, Executive Director Date: 2/7/2007  
Agency: Legislative Affairs Agency

# FISCAL NOTE

REPORTED OUT  
MAY 11 2007  
SENATE FINANCE COMMITTEE

STATE OF ALASKA  
2007 LEGISLATIVE SESSION

Fiscal Note Number: 4  
Bill Version: CSHB 87(FIN)  
(H) Publish Date: 4/19/07

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Natural Resources  
Title: Citizens Advisory Commission on RDU: Resource Development  
Federal Areas Component: CACFA  
Sponsor: Rep. Kelly  
Requester: H FIN Component No.: New

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	166.3	166.3	166.3	166.3	166.3	166.3
Travel	34.0	34.0	34.0	34.0	34.0	34.0
Contractual	32.4	32.4	32.4	32.4	32.4	32.4
Supplies	4.0	4.0	4.0	4.0	4.0	4.0
Equipment	9.5	0.0	0.0	0.0	0.0	0.0
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>246.2</b>	<b>236.7</b>	<b>236.7</b>	<b>236.7</b>	<b>236.7</b>	<b>236.7</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	246.2	236.7	236.7	236.7	236.7	236.7
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>246.2</b>	<b>236.7</b>	<b>236.7</b>	<b>236.7</b>	<b>236.7</b>	<b>236.7</b>

Estimate of any current year (FY2007) cost: 0.0  
Check this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

Full-time	2	2	2	2	2	2
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
This legislation reestablishes the Citizens' Advisory Commission on Federal Management Areas in Alaska. The fiscal note establishes a new budget component to reflect these costs.  
  
This Commission was housed in the Department of Natural Resources from FY1987 through FY1999. The budget included funding for an Executive Director and a small amount of travel and commodities. The funding for the Commission was eliminated in FY2000 under a statewide unallocated budget reduction.

Prepared by: Dick Mylius Phone: 907-269-8625  
Division: Director, Mining Land and Water Date/Time: 4/2/2007  
Approved by: Tom Irwin, Commissioner Date: 4/12/2007  
Agency: Natural Resources

FISCAL NOTE #4

STATE OF ALASKA  
2007 LEGISLATIVE SESSION

BILL NO. CSHB 87(FIN)

ANALYSIS CONTINUATION

This fiscal note addresses the cost for the department to support the reestablished Citizens Advisory Commission on Federal Areas, including travel/per diem for commission meetings/hearings, and providing for a full-time director and support staff located in Fairbanks.

**Commission Member Support**

We have assumed that the commission will meet three times per year, once each in Anchorage, Fairbanks, and Juneau. Distribution of the locations is intended to provide uniform access of residents to commission meetings and distribute the burden of travel evenly between the commission members.

TRAVEL (airfare, lodging and per diem for 12 Commission members) - \$30.0

**Commission Staff**

PERSONAL SERVICES COST - \$166.3 annual cost:

Director- One Natural Resource Manager (NRM) II (range 20C) - 12 Mo./yr. = \$93.1

One Natural Resource Specialist (NRS) II (range 16C) - 12 Mo./yr. = \$73.2 for meeting planning/preparation, issues review/research, and general support to director and commission members.

**TRAVEL, CONTRACTUAL, SUPPLIES**

Travel estimated at \$4.0 annually to attend public meetings/hearings held in either Fairbanks or Juneau.

Contractual is estimated to be \$20.0 annually to cover the costs to provide for meeting facilities, ads and public notice of scheduled commission meetings or hearings. For a minimum of three commission meetings per year the cost of legal notices would be a minimum of \$6.3/yr. An additional \$4.0 is requested to provide public display ads to maximize public awareness and notification of proposed commission meetings and hearings. While the department anticipates that public-owned meeting facilities would be used whenever possible, \$4.0 is estimated to rent meeting facilities when no public facilities are available or sufficient to accommodate the anticipated public attendance. Finally, \$5.7 is budgeted to facilitate the commission holding public meetings and hearings in communities statewide as proposed in section 1 of the legislation (proposed AS 41 37.220). Historically, the commission held such meetings to identify and address local issues and concerns.

Other contractual costs include \$12.4 annually for office space, telephones, core allocated service charges and related expenses for the two new positions starting in FY08.

Supplies are budgeted at \$4.0 per year. FY08 includes one-time start-up costs for computer and office equipment of \$9.5.

# ALASKA STATE LEGISLATURE

## Juneau

State Capitol Bldg., Rm. 513  
Juneau, AK 99801-1182  
Phone (907) 465-4976  
Fax (907) 465-3883  
Toll Free 866-465-4976

## Fairbanks

1292 Sadler Way, Ste. 323  
Fairbanks, AK 99701  
Phone (907) 452-6084  
Fax (907) 452-6096

## REPRESENTATIVE MIKE KELLY HOUSE DISTRICT 7

## Member

House Finance Committee  
Legislative Budget & Audit

### Sponsor Statement

#### CS House Bill 87

#### **An Act reestablishing the Citizens' Advisory Commission on Federal Areas in Alaska**

The Citizens' Advisory Commission on Federal Areas was first established in 1981 to provide assistance to the citizens of Alaska who are affected by the management of federal lands within the state. The Commission was terminated in 1999 when funding was not allocated by the administration. The need for the Commission arose primarily from the passage of the Alaska National Interest Lands Conservation Act (ANILCA) in 1980.

Of the 239 million acres in Alaska which remain under Federal management, there are more than 150 million acres with conservation restrictions in refuges, parks, and wilderness. In addition, there have been significant changes in the management directions for all Federal public lands throughout the country. Even lands with no specific statutory conservation restrictions are subject to a steadily increasing number of administrative designations and withdrawals that can result in reductions in public uses, including hunting, fishing, trapping, timber harvest, mineral extraction, grazing, and other resource use opportunities on the Federal public lands.

The commission, through this enabling legislation, is charged with the responsibility of researching issues and determining the impact of federal statutes, regulations and management decisions on the citizens of Alaska in order to minimize or resolve potential conflicts. The commission assists individual citizens in wading through federal land management requirements in order to conduct the activities allowed on the federal lands.

The commission was, and will again be effective in assuring that federal land management decisions are consistent with Congressional intent and protect the interests of Alaska's citizens.

## Statement by Supporters

### **Minerals Commission**

*The economic constitutional rights of private property owners, including owners of valid mining property in-holdings within National Parks in Alaska must be recognized, protected and respected.*

*We find that a number of federal land issues are becoming problems and continue to be problems year-after-year.*

### **Fairbanks North Star Borough**

*"... a percentage of Alaska's land remains owned and regulated by the federal government. For us to ignore the need for citizen representation as decisions are made that affect our use of that land is wrong."*

### **Alaska Miners Association**

*"...commission provided valuable input regarding actions by the federal land management agencies and was in a sense a reservoir of information on the actions, proposals and promises made by federal agencies.*

*"The need for this commission is crucial and it is immediate. Actions by federal agencies continue to erode away the rights and promises that have been made to the State of Alaska and to the citizens of the state."*

### **Kenai River Sport-fishing Association**

*"...commission should be reestablished to assure that federal land management decisions are consistent with both statutory language and congressional intent, and protecting the interests of Alaska's citizens."*

### **Alaska Outdoor Council**

*"AOC supports the passage of HB87 - Alaska's future lies in the land."*



# ALASKA MINERS ASSOCIATION, INC.

3305 Arctic Blvd., #105, Anchorage, Alaska 99503 • (907) 563-9229 • FAX (907) 563-9225 • www.alaskaminers.org

April 27, 2007

Honorable Mike Kelly  
Alaska State House  
Capitol Building  
Juneau, AK 99801

RE: House Bill 87, Citizens' Advisory Commission on Federal Areas

Dear Representative Kelly,

The Alaska Miners Association supports House Bill 87 which would reestablish a Citizens' Advisory Commission on Federal Areas. This Commission will fill an important need in our state where 59% of the land area is held by the federal government and an even greater percentage is affected by what is and is not done on the federal lands.

For many years after passage of the Alaska National Interest Lands Conservation Act (ANILCA) such a commission was in place. That commission provided valuable input regarding actions by the federal land management agencies and was in a sense a reservoir of information on the actions, proposals and promises made by federal agencies.

The need for this Commission is crucial and it is immediate. Actions by federal agencies continue to erode away the rights and promises that have been made to the State of Alaska and to the citizens of the state. In some cases these actions are due to ignorance of the past. In other instances the actions add questionable new conditions and restrictions and grab for more power. There is therefore need for a Commission like the one being proposed that will, at the very least, expose these actions to the light of public scrutiny.

We urge that this bill be passed and enacted at the earliest possible date.

Sincerely,

Steven C. Borell, P.E.  
Executive Director



## Alaska Outdoor Council

PO Box 73902

Fairbanks, AK 99707-3902

Ph: (907) 455-4262 / FAX: 455-6447

[aoc@alaska.net](mailto:aoc@alaska.net)

[www.alaskaoutdoorcouncil.org](http://www.alaskaoutdoorcouncil.org)

January 29, 2007

Representative Carl Gatto, Co-Chairman  
Representative Craig Johnson, Co-Chairman  
House Resources Committee  
State Capitol Building  
Juneau, Alaska 99811

Representatives,

The Alaska Outdoor Council (AOC) supports the passage of HB 87 – Re-establishing the Citizens' Advisory Commission on Federal Areas in Alaska.

The AOC is a statewide group of 2,500 members and 45 clubs for a collective membership of 10,000 Alaskans. Our members enjoy the Alaskan outdoor lifestyle and traditions that are so unique to our state. As you know, the federal government owns and manages millions of acres of land in Alaska. Many of our members have historically used those lands for the taking of fish, game, and other resources as well as for outdoor recreational enjoyment.

Since the passage of ANILCA, in addition to other subsequent federal legislation and administrative rule-making, a number of conflicts have arisen between Alaskans and their federal government. In its former life, the Citizen's Advisory Commission was effective in defining those conflicts so our state policymakers could address them. AOC believes that recent decisions by federal bureaucrats to redefine the balance of power between our state and federal government necessitate a response by the legislature to empanel, and empower, Alaskans.

Alaska's future lies in the land. What will keep future generations here if we can not access federal lands to hunt, fish, trap, dig, recreate, and yes, just view the landscape? With these issues of land ownership, management, and control, so vitally important, it is equally important that we have someone to focus solely on such issues. Please re-establish the Citizen's Advisory Commission on Federal Areas in Alaska as that entity.

Sincerely,

Rod Arno, Executive Director



State of Alaska  
**MINERALS  
COMMISSION**

*Irene Anderson, Chairman*

Department of Commerce, Community & Economic Development  
Office of Economic Development  
Mineral Development

February 9, 2007

**Irene Anderson**  
Bering Straits Native  
Corporation, Nome

**Del Ackels**  
Goldust Mines,  
Fairbanks

**Leo Mark Anthony,**  
C-D Development  
Co., Anchorage

**Gregory Beischer**  
Bristol  
Environmental &  
Engineering Services,  
Corp., Anchorage

**Bartly Colley**  
Usibelli Coal Mine,  
Inc., Fairbanks

**Don Cook**  
Cook International,  
Fairbanks

**Karl Hanneman**  
Teck Pogo, Inc.,  
Fairbanks

**Charlotte MacCay**  
Bristol  
Environmental &  
Engineering Services  
Corp., Anchorage

**Dr. Lance D. Miller**  
Juneau Economic  
Development  
Council, Juneau

**Rob Retherford**  
Alaska Earth  
Sciences, Inc.  
Anchorage

**Mark Robinson**  
Olympic Resources  
Group LLC,  
Wrangell

**Richard A. Hughes**  
Staff - Fairbanks

The Honorable Mike Kelly  
Alaska House of Representatives  
State Capitol, Rm 513  
Juneau, AK 99801-1182

Dear Representative Kelly:

The Alaska Minerals Commission is pleased to advise its support of HB 87, "An Act relating to the Citizens' Advisory Commission on Federal Management Areas in Alaska; and providing for an effective date."

We find that a number of federal land issues are becoming problems and others continue to be problems year-after-year. See our "Report of the 2007 Alaska Minerals Commission", pages 14 - 16 and 4. Of particular importance are

- ANILCA Mineral Assessments
- Outdated Land Segregations
- Coal Program Federal Funding
- RS 2477 Rights-of-Way (p. 4 of our report)
- Navigability Determinations (p. 4 of our report)
- Private In-holdings in National Parks - we find significant abuse to providing fair compensation for "takings" of mining claims.

We believe that your bill will provide the mechanism for resolving these issues in an reasonable and effective manner.

Yours truly,

Irene Anderson  
Chairman



**Fairbanks North Star Borough** *Office of the Mayor*

809 Pioneer Road • PO Box 71267 • Fairbanks, Alaska 99707-1267 • 907/459-1300

Fax 907/459-1102

Email [mayor@co.fairbanks.ak.us](mailto:mayor@co.fairbanks.ak.us)

12 February, 2007

Dear Committee Members,

I am writing today to express my support of HB 87: Citizen Advisory Commission On Federal Areas and to thank Representative Mike Kelly for his sponsorship of this valuable piece of legislation.

Too large a percentage of Alaska's land remains owned and regulated by the federal government. For us to ignore the need for citizen representation as decisions are made that affect our use of that land is wrong.

Furthermore, these important needs will be addressed at a diminutive cost to our state budget.

I fully support this legislation recognizing the enormous cost to Alaska if we fail to participate in the process that governs the future of our lands and the uses applied to them.

Sincerely,

Jim Whitaker, Mayor - Fairbanks North Star Borough



January 25, 2007

The Honorable Mi Kelly  
State Capitol, Room 513  
Juneau, AK 99801

Dear Representative Kelly,

The Kenai River Sportfishing Association (KRSA) supports the legislative objective of House Bill 87, an act reestablishing the Citizens' Advisory Commission on Federal Management Areas in Alaska.

We agree that the commission should be reestablished to assure that Federal land management decisions are consistent with both statutory language and Congressional intent, and in protecting the interests of Alaska's citizens.

We feel that if reestablished, it will be of utmost importance that the commission:

- Be fully funded at levels that will ensure it will provide the maximum benefit;
- Remain independent of any particular state agency;
- Have the ability to request the attorney general file suit against a federal official or agency if the commission determines the federal official or agency is acting in violation of an Act of Congress, congressional intent, or the best interests of the state; and
- Have the ability to file suit, independently of the state, or to provide assistance to citizens in those instances where the courts deem the state cannot bring a suit on behalf of its citizens.

State and Federal management of the resources within their respective jurisdictions continues to develop through time. We believe it is vitally important for the state to have a citizens' commission to monitor and keep pace with these important developments. We support HB 87, an act that would reestablish the Citizens' Advisory Commission of Federal Management Areas in Alaska.

Please contact me at your convenience if there are any questions or concerns. Thank you for your time and effort in this important concern.

Respectfully,

Ricky Gease  
Executive Director

# SENATE COMMITTEE REPORT

DATE: 5/3/07

FURTHER: Finance

DATE TURNED IN TO OFFICE: 5/7/07

Resources Committee considered CS FOR HOUSE BILL NO. 87(FIN) am

HB 87 CITIZEN ADVISORY COMM ON FEDERAL AREAS

"An Act relating to the Citizens' Advisory Commission on Federal Management Areas in Alaska; and providing for an effective date."

and recommends:

- be replaced with  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

<b>SENATE BILL:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
<b>HOUSE BILL:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

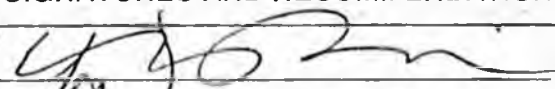
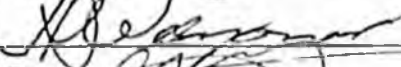


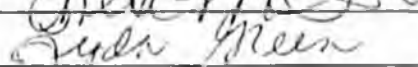

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
LEG	2/7			✓	2
DNR	4/12	✓			4

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Wielechowski			✓	
	WAGONER			✓	
	HIGGINS	✓			
	STEVENS	✗			
	MC BLUE	✓			
	Green	✓			
CHAIR: 