

ALASKA LEGISLATURE

2106

HOUSE and SENATE FINANCE COMMITTEE FILES, 1999 - 2000

257

SB

135

SFIN

FILE

5/4/99

SENATE FINANCE COMMITTEE REPORT

DATE: 4/21/99

FURTHER:

DATE TURNED IN TO OFFICE: 4 May 1999

Finance Committee considered

SENATE BILL NO. 135

"An Act relating to the membership of a metropolitan highway planning organization."

and recommends:

- be replaced with _____ CS SB 135 (FIN)
- adopt previous _____ CS CS (_____)
- attached amendment(s) forth coming
- adopt Letter of Intent by _____
- refer referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
		<i>[Signature]</i>	✓		
		<i>[Signature]</i>	X		
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal
forthcoming			
SFC FIN to			
replace DEC. "2			

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
DOTPF	4/6/99	✓	

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

WORK DRAFT

WORK DRAFT

WORK DRAFT

1-LS0785H
Utermohle
5/4/99

5/04
moved by Donkey
object Adams - WIT
w/o obj. ADOPTED as
H DRAWN
work draft

CS FOR SENATE BILL NO. 135()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - FIRST SESSION**

BY

Offered:
Referred:

Sponsor(s): **SENATE TRANSPORTATION COMMITTEE**

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the membership and duties of a metropolitan highway
2 planning organization."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * Section 1. AS 19.20 is amended by adding new sections to read:

5 **Article 2. Metropolitan Highway Planning Organizations.**

6 **Sec. 19.20.200. Metropolitan highway planning organizations.** (a) A

7 metropolitan highway planning organization designated, redesignated, or organized
8 under 23 U.S.C. 134 for a metropolitan area with a population greater than 200,000
9 persons shall consist of seven voting members. The commissioner of environmental
10 conservation or the commissioner's designee shall be a nonvoting member of the
11 organization. Four voting members of the organization shall be designated by the
12 municipalities that are located partially or wholly within the metropolitan area and
13 three voting members shall be designated as follows:

14 (1) one member of the senate whose district is located partially or

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WORK DRAFT

I-I.S0785UH

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wholly within the metropolitan area and who is selected by a majority of the members of the senate whose districts are located partially or wholly within the metropolitan area; a person who is selected to serve as a member of a metropolitan highway planning organization under this paragraph may not receive compensation for service on the metropolitan highway planning organization;

(2) one member of the house of representatives whose district is located partially or wholly within the metropolitan area and who is selected by a majority of the members of the house of representatives whose districts are located partially or wholly within the metropolitan area; a person who is selected to serve as a member of a metropolitan highway planning organization under this paragraph may not receive compensation for service on the metropolitan highway planning organization; and

(3) one member appointed by the governor.

(b) Each metropolitan highway planning organization shall submit its current transportation improvement plan prepared under 23 C.F.R. 450.324 or current update of the transportation improvement plan to the legislature by January 15 of each year.

SENATE FINANCE VOID same as
COMMITTEE # 1-LS0785A.2 #2
Amendment Number: #1 Utermohle
Bill Number: SB 135 4/27/99
Sponsor: Donley Date: 4/29/99
Logged In By: J. Mindy

A M E N D M E N T

OFFERED IN THE SENATE
TO: SB 135

BY SENATOR DONLEY

- 1 Page 1, line 9:
- 2 Delete "members. Four"
- 3 Insert "voting members. The commissioner of environmental conservation or the
- 4 commissioner's designee shall be a nonvoting member of the organization. Four voting"

- 5 Page 1, line 11, following "three":
- 6 Insert "voting"

SENATE FINANCE
COMMITTEE

1-LS0785A.2

Amendment Number: 2

Utermohle

Bill Number: SB 135

4/27/99

Sponsor: Donley Date: 5/3/99

A M E N D M E N T Logged In By: J Mindy

OFFERED IN THE SENATE

BY SENATOR DONLEY

TO: SB 135

1 Page 1, line 9:

2 Delete "members. Four"

3 Insert "voting members. The commissioner of environmental conservation or the
4 commissioner's designee shall be a nonvoting member of the organization. Four voting"

5 Page 1, line 11, following "three":

6 Insert "voting"

A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 135

SENATE FINANCE
COMMITTEE
Amendment Number: 3
Bill Number: SB 135
Sponsor: Donby Date: 5/3/99
Logged In By: J. Mindy

1 Page 1, line 1, following "membership":

2 Insert "and duties"

3 Page 1, line 6, following "organizations.":

4 Insert "(a)"

5 Page 2, following line 10:

6 Insert a new subsection to read:

7 "(b) Each metropolitan highway planning organization shall submit its current
8 transportation improvement plan prepared under 23 C.F.R. 450.324 or current update
9 of the transportation improvement plan to the legislature by the 10th legislative day
10 of each regular session."

Alaska State Legislature



Session:
State Capitol, Room 423
Juneau, AK 99801-1182
(907) 465-4921

Interim:
716 W. 4th Avenue, Ste. 450
Anchorage, AK 99501-2133
(907) 258-8183

SENATE TRANSPORTATION COMMITTEE

SPONSOR STATEMENT for SB 135 METROPOLITAN PLANNING AUTHORITY

RECEIVED

MAY 03 1999

Senate Finance
Committee

SB 135 amends the Anchorage Metropolitan Area Transportation Study (AMATS) operating agreement and increases the policy committee membership to seven by:

- adding two Anchorage legislators; one member each from the senate and house;
- increasing the local representation from three members to four; two members chosen by the Mayor and two members chosen by the Assembly;
- decreasing the state administration representation from two members to one.

AMATS was created in 1976 by an agreement between the Governor and the Mayor of Anchorage to comply with federal law requiring communities over 50,000 in population to have a Metropolitan Planning Organization (MPO) in order to qualify for federal highway funding.

Pursuant to that agreement the AMATS Policy Committee is presently composed of two Anchorage Assembly members, one representative from the State Department of Transportation and Public Facilities, one representative from the State Department of Environmental Conservation and the Mayor of Anchorage. **The AMATS Policy Committee has representation from all relevant branches of local and state government except the State Legislature.**

While AMATS policy requires legislative authorization before any federal funds can be expended on AMATS priority projects, no member of the Alaska State Legislature sits on the committee.

The current AMATS format has failed to provide adequate planning for Anchorage road projects and has not provided needed leadership for advocating Anchorage's needs in the state budget process.

During the last 10 years, AMATS, to avoid controversy, ignored and failed to deal with major long term traffic problems, Anchorage witnessed a dramatic increase in both its traffic volume and congestion. Unfortunately, despite the desperate need for traffic solutions, the AMATS committee, until very recently, had not adequately planned for

Senate Bill 135
Sponsor Statement
Page 2

sorely needed major new surface transportation corridors such as; improvements to the intersection at Lake Otis Parkway and Tudor Road, major improvements to the Glenn and New Seward Highways and the connection of Abbott Loop north to Bragaw.

Last year AMATS even increased the ratio of funding allocated to non-road projects to about 15% which is more than 50% above the federal standard despite opposition from the Anchorage Legislative Caucus.

The Federal Highway Administration (FHWA) has stated no objection to changing the composition of the AMATS Policy Committee to include members of the State Legislature. Further, the FHWA has stated that there is no reason the AMATS program would not remain in compliance with federal regulations once the change in membership has been instituted.

An example of a successful Metropolitan Planning Organization with state legislative participation is the Oahu Metropolitan Planning Organization (OMPO) in Honolulu, Hawaii. Under the auspices of the federal government, **created by the State Legislature** in 1975 and reorganized in 1986, the OMPO consists of **six state legislators**, five Honolulu City Council members, an appointee of the Governor and an appointee of the Mayor of Honolulu.

Last year Senate Bill 259, a version similar to Senate Bill 135, passed the State Senate but died in the House Rules committee on the last day of session.

During consideration of last year's Senate Bill 259, the Municipality of Anchorage and the Anchorage Assembly expressed concerns that their ability to prioritize Anchorage transportation projects would have been reduced had SB 259 become law. To accommodate those concerns, SB 135 increases the number of local representation from three members to four. This change preserves the current local government majority on the AMATS committee while still including reasonable legislative representation in Anchorage's transportation project prioritization process.

DD/jja

SENATE FINANCE COMMITTEE

SIGN-IN

SB 135 Metropolitan Planning Authority

NAME: Dennis Poshard Subject/Bill No: SB 135
Co./Dept./Title: DOT & PF Phone: 465-3904
Address: 3132 Channel Dr. - Juneau Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: Bill Cummings Subject/Bill No: SB 135
Co./Dept./Title: Dept. of Law Phone: 465-4164
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

SB

139

SFIN

FILE

SB 139

**was referred to the
Senate Finance
Committee**

Hearing(s) were held

**The bill did not move
from Committee**

Alaska State Legislature

Chairman,
Judiciary Committee

State Capitol
Juneau, Alaska 99801-1182
(907) 465-3873
Fax: (907) 465-3922



50 Front Street
Suite 203
Ketchikan, Alaska 99901
(907) 225-8088
Fax: (907) 225-0713

Senator Robin L. Taylor

SPONSOR STATEMENT

SB 139

An Act relating to the labeling of fish and fisheries products as farmed.

SB 139 adds language to the "misbranded foods" statutes that will require the labeling of all seafood products stating whether they are farmed. The requirements of this bill will be in addition to the requirements for the labeling of salmon already contained in statute.

Presently, many retailers sell farmed shrimp and other farmed seafood. Much of this seafood is farmed in bogs and imported from abroad. Unless a consumer asks a clerk, there is generally no labeling to tell the consumer that the product is farmed. Often, with large prawns, for example, the price would indicate that one was purchasing a wild product. We are now also hearing of farmed halibut in some areas.

We pride ourselves on our wild fish stocks. This is true for other species of fish and shellfish as well as for salmon. The quality of our Alaskan fish is far superior to the quality of the farmed product coming into the state. This bill is intended to promote the sale of Alaskan seafood and to provide additional "Truth in labeling" requirements.

District A:

Hyder • Ketchikan • Kupreanof • Meyers Chuck • Petersburg • Saxman • Sitka • Wrangell



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 112
Juneau, Alaska 99801
907/586-2820
Fax: 907/463-2545
E-Mail: ufa@alaska.net

April 29, 1999

Senator Robin Taylor
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99801-1182

RECEIVED

MAY 03 1999

Senate Finance
Committee

Dear Senator Taylor

United Fishermen of Alaska Supports SB 139 because it will provide the consumer with the label "farmed" for their information. A consumer should have imported farmed products identified to have the choice between buying Alaskan products and farmed. We appreciate Senator Taylor efforts to let Alaskan's know what they are buying at the retail level.

Sincerely,

Rich Davis, President

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Longline Fishermen's Association • Alaska Trullers Association • Bristol Bay Driftnetters Association • Concerned Area "M" Fishermen
Cook Inlet Aquaculture Association • Cordova District Fishermen United • Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association • Kodiak Seiners Association
North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association • Northwest Seiners Association • Peninsula Marketing Association
Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owners Association • Seafood Producers Cooperative
Southeast Alaska Seiners Association • Southern Southeast Regional Aquaculture Association • United Cook Inlet Drift Association • United Southeast Alaska Gillnetters

SB

140

SFIN

FILE

SB 140

was referred to the
Senate Finance
Committee

Hearing(s) were held

The bill did not move
from Committee

Adapted

I-LS0784W
Kurtz ✓
4/28/99

CS FOR SENATE BILL NO. 140()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATE FINANCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to land, relating to the powers and duties of the Department**
2 **of Natural Resources, modifying that department's power to control and manage**
3 **land within the Hatcher Pass Public Use Area, and authorizing municipal selection**
4 **of that land; relating to the Alaska coastal management program; and providing**
5 **for an effective date."**

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 *** Section 1.** AS 38.04.005(a) is amended to read:

8 (a) In order to provide for maximum use of state land consistent with the
9 public interest, it is the policy of the State of Alaska to [PLAN AND] manage state-
10 owned land [TO ESTABLISH A BALANCED COMBINATION OF LAND
11 AVAILABLE] for both public and private purposes. [THE CHOICE OF LAND BEST
12 SUITED FOR PUBLIC AND PRIVATE USE SHALL BE DETERMINED
13 THROUGH THE INVENTORY, PLANNING, AND CLASSIFICATION PROCESSES

1 SET OUT IN AS 38.04.060 - 38.04.070.]

2 * Sec. 2. AS 38.04.005(b) is amended to read:

3 (b) In [CLASSIFYING AND] making state land available for private use and
4 settlement purposes, the director shall consider the natural resources and conditions
5 present on the land and shall seek to minimize the adverse effect of private settlement
6 on wildlife, fishery, mineral, timber, and other significant resources of the land; the
7 director shall also make adequate provision for public open space which is accessible
8 to communities so that natural areas are easily reached from all communities and
9 settled areas. The amount of that land shall be sufficient to meet existing and
10 projected needs for accessible public recreation land. Special care shall be taken to
11 preserve public access to public water and to retain state ownership of sufficient land
12 which combine high value for recreation and other public purposes with accessibility
13 to settled areas. [THIS CLASSIFICATION FOR PUBLIC PURPOSES DOES NOT
14 CONSTITUTE DEDICATION TO OPEN SPACE, BUT THE DIVISION'S
15 MANAGEMENT OF LAND SO CLASSIFIED SHALL BE IN A MANNER TO
16 PRESERVE THE IDENTIFIED VALUES.]

17 * Sec. 3. AS 38.04.005(e) is amended to read:

18 (e) The involvement of a proximately located municipality and of local
19 residents is essential in [CLASSIFYING AND] making state land available for private
20 use and settlement. The director shall, when appropriate, hold public meetings in the
21 communities most affected by the disposal to solicit the views of the residents of the
22 communities affected.

23 * Sec. 4. AS 38.04.010 is amended to read:

24 **Sec. 38.04.010. Public interest in making land available for private use.**

25 (a) The primary public interest in conveying rights to state land surface to private
26 parties is to make them available to individuals and other persons [FOR DIRECT USE
27 IN AREAS CLASSIFIED AS SUITABLE FOR THESE PURPOSES]. In making state
28 land available for private use, the director may [SHALL] seek to guide year-round
29 settlement to areas where public services already exist, or can be extended with
30 reasonable economy, or where development of a viable economic base is probable.

31 (b) State land that is located beyond the range of existing schools and other

1 necessary public services, or that is located where development of sources of
2 employment is improbable, may be made available for seasonal recreational purposes
3 or for low density settlement. The seasonal recreation use or low density settlement
4 may [SHALL] have sufficient separation between residences so that public services
5 will not be necessary or expected. The availability of timber, firewood, and water
6 resources shall be considered in determining separation between residences. By
7 considering the availability of timber, firewood, and water under this subsection or in
8 making any disposal decision, the state does not by virtue of that consideration imply
9 any right of the person receiving the disposal to an exclusive or other right to the
10 timber, firewood, or water, that the state will not make any other disposals in the area,
11 or that any disposals made will be limited in type or any other manner.

12 * Sec. 5. AS 38.04.020(a) is amended to read:

13 (a) The commissioner shall establish a land disposal bank containing state land
14 [CLASSIFIED] for disposal into private ownership.

15 * Sec. 6. AS 38.04.020(c) is amended to read:

16 (c) Land to be retained in state ownership may be classified by the
17 commissioner into multiple-use management categories under AS 38.05.300. Land
18 outside a municipality to be retained in state ownership consists of land classified for
19 retention in state ownership by the commissioner by July 1, 1985. Land conveyed to
20 the state by the federal government that is to be retained in state ownership consists
21 of land classified by the commissioner within two years of receipt of tentative approval
22 or patent, whichever occurs first. State land not classified for retention in state
23 ownership or selected by a municipality under this section may [SHALL] be classified
24 and shall be included in the land disposal bank. The commissioner shall ensure that
25 the bank includes at least 500,000 acres.

26 * Sec. 7. AS 38.04.020(g) is amended to read:

27 (g) After July 1 of each year, the commissioner shall direct the expenditure of
28 money appropriated for the disposal of land in response to requests made under (e) and
29 (f) of this section for the following:

30 (1) land [LAND] designated as suitable for homestead disposal shall
31 be classified or [AND] surveyed under this chapter and AS 38.05 and made available

1 for staking and lease under AS 38.09; [.]

2 (2) land [LAND] designated as suitable for subdivision and homesite
3 disposal shall be surveyed, subdivided, [CLASSIFIED,] and disposed of under this
4 chapter, AS 38.05, and AS 38.08; [.]

5 (3) land [LAND] designated agricultural, commercial, industrial, or
6 suitable for other disposal shall be sold under AS 38.05.055 or 38.05.057.

7 * Sec. 8. AS 38.04.020(j) is amended to read:

8 (j) A person or an agency of the state may nominate land retained in state
9 ownership for inclusion in the land disposal bank or may nominate land in the land
10 disposal bank for retention in state ownership. The commissioner shall hold public
11 hearings semiannually to take nominations under this subsection. A transfer of land
12 from retention in state ownership to the land disposal bank or from the land disposal
13 bank to retention in state ownership shall be accomplished [THROUGH A
14 CLASSIFICATION ORDER UNDER AS 38.05.300 AND] with notice under
15 AS 38.05.945. The commissioner shall make a written determination within six
16 months after receipt of a nomination if the commissioner determines that the land
17 nominated will not be included in the land bank or retained in state ownership
18 [CLASSIFIED OR RECLASSIFIED] as requested.

19 * Sec. 9. AS 38.04.020(k) is amended to read:

20 (k) The commissioner may withdraw from the land disposal bank state land
21 that has been offered for disposal but not conveyed within five years after the inclusion
22 in the land disposal bank. [STATE LAND WITHDRAWN FROM THE LAND
23 DISPOSAL BANK UNDER THIS SECTION MUST BE RECLASSIFIED UNDER
24 AS 38.04.065.]

25 * Sec. 10. AS 38.04.060 is amended to read:

26 **Sec. 38.04.060. Inventory.** (a) The commissioner may [SHALL] prepare and
27 maintain on a continuing basis an inventory of all state land and water and their
28 resource and other values, giving priority to areas of potential settlement, economic
29 development, and critical environmental concern. This inventory shall be kept current
30 so as to reflect changes in conditions and to identify new and emerging resource and
31 other values.

1 (b) The commissioner's inventory may [MUST] include land and water under
2 interagency assignment of land management authority and land and water proposed for
3 such an assignment. That land and water may [MUST] be reviewed at regular
4 intervals to analyze current and proposed uses as these uses relate to alternative uses
5 for all or part of the land and to determine the uses that [WHICH] best provide for
6 the public interest.

7 (c) As funds and manpower are made available, the commissioner may
8 [SHALL] provide local and federal governments and major private landowners with
9 data from the inventory for the purpose of planning and managing the uses of land in
10 proximity to state land.

11 * Sec. 11. AS 38.04.065(a) is amended to read:

12 (a) Except as provided in (d) and (h) of this section, to provide an income
13 base for state government, to facilitate economic development, or to provide for
14 public discussion of a project or proposal, the commissioner shall, with local
15 governmental and public involvement under AS 38.05.945, adopt, maintain, and, when
16 funds allow [APPROPRIATE], revise regional land use plans that provide for the use
17 and management of state-owned land.

18 * Sec. 12. AS 38.05.035(f) is amended to read:

19 (f) The director shall grant a preference right to the purchase or lease without
20 competitive bid of up to five acres of state land to an individual who has erected a
21 building on the land and used the land for bona fide business purposes for five or more
22 years under a federal permit or without the need for a permit and, after selection by
23 the state, under a state use permit or lease, if the business produced no less than 25
24 percent of the total income of the applicant for the five years preceding the application
25 to purchase or lease the land. The director shall sell or lease the land at a price
26 determined by the director to represent the current fair market value of the unimproved
27 land but in no event less than the cost of administration including survey if required.
28 If the director determines in a written finding that the purchase or lease of the land
29 would interfere with public use by residents of the area, the director may condition the
30 purchase or lease to mitigate the adverse effects on the public use or may reject the
31 application for the preference right. A lease granted under this subsection may not be

1 for a period in excess of 50 years. [IN THIS SUBSECTION, "BUSINESS
2 PURPOSES" MEANS A PURPOSE PERMITTED UNDER THE CLASSIFICATION
3 OF THE LAND AT THE TIME THE LAND WAS ENTERED.]

4 * Sec. 13. AS 38.05.069(a) is amended to read:

5 (a) On a determination that the highest and best use of unoccupied land is for
6 agricultural purposes and that it is in the best interests of the state to sell or lease the
7 land, the commissioner may [SHALL] grant to an Alaska [ALASKAN] resident
8 owning and using or leasing and using land for agricultural purposes a first option at
9 the auction to purchase or lease the unoccupied land situated adjacent to land presently
10 held by the Alaska [ALASKAN] resident for the amount of the high bid received at
11 public auction. If more than one Alaska [ALASKAN] resident qualifies for a first
12 option under this section, eligibility for the first option shall be determined by lot, and
13 the option must be exercised on the conclusion of the public auction. A parcel of
14 agricultural land sold under this section may not be less than 20 acres, and a parcel of
15 agricultural land that is acquired by exercise of the option granted in this subsection
16 may not exceed 320 acres. Agricultural land that is acquired under this section must
17 be used for agricultural purposes as required by law.

18 * Sec. 14. AS 38.05.300(a) is amended to read:

19 (a) The commissioner may [SHALL] classify for surface use land in areas
20 considered necessary and proper. This section does not prevent reclassification of land
21 where the public interest warrants reclassification, nor does it preclude multiple
22 purpose use of land whenever different uses are compatible. If the area involved
23 contains more than 640 contiguous acres, state land, water, or land and water area may
24 not, except by act of the state legislature, (1) be closed to multiple purpose use, or (2)
25 be otherwise classified by the commissioner so that mining, mineral entry or location,
26 mineral prospecting, or mineral leasing is precluded or is designated an incompatible
27 use, except when the classification is necessary for a land disposal or exchange or is
28 for the development of utility or transportation corridors or projects or similar projects
29 or infrastructure, or except as allowed under (c) of this section.

30 * Sec. 15. AS 38.05.945(b) is amended to read:

31 (b) When notice is required to be given under this section,

1 (1) the notice must contain sufficient information in commonly
2 understood terms to inform the public of the nature of the action and the opportunity
3 of the public to comment on it;

4 (2) if the notice is of a preliminary written finding described in
5 (a)(3)(A) of this section, the department shall give notice at the beginning of the public
6 comment period for the preliminary written finding, notifying the public of the right
7 to submit comments; the department shall give notice by

8 (A) publication of a legal notice in a newspaper
9 [NEWSPAPERS] of statewide circulation and in a newspaper
10 [NEWSPAPERS] of general circulation in the vicinity of the proposed action
11 at least once a week for two consecutive weeks;

12 (B) publication of a notice in display advertising form in the
13 newspapers described in (A) of this paragraph at least once a week for two
14 consecutive weeks;

15 (C) public service announcements on the electronic media
16 serving the area to be affected by the proposed action or publication by
17 electronic means that can be recovered by a member of the public from a
18 computer data base; and

19 (D) one or more of the following methods:

20 (i) posting in a conspicuous location in the vicinity of
21 the action;

22 (ii) notification of parties known or likely to be affected
23 by the action; or

24 (iii) another method calculated to reach affected parties;

25 (3) if the notice is of an action described in (a) of this section, other
26 than notice of an action under (a)(3)(A) of this section, the department shall give
27 notice at least 30 days before the action by publication in a newspaper
28 [NEWSPAPERS] of statewide circulation and in a newspaper [NEWSPAPERS] of
29 general circulation in the vicinity of the proposed action and one or more of the
30 following methods:

31 (A) publication through public service announcements on the

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electronic media serving the area affected by the action or publication by electronic means that can be recovered by a member of the public from a computer data base;

(B) posting in a conspicuous location in the vicinity of the action;

(C) notification of parties known or likely to be affected by the action; or

(D) another method calculated to reach affected persons.

* Sec. 16. AS 38.05.945(c) is amended to read

(c) Notice at least 30 days before action under (a) of this section shall also be given to the following:

(1) to a municipality if the land is within the boundaries of the municipality [, TO A COORDINATING BODY ESTABLISHED BY COMMUNITY COUNCILS IN A MUNICIPALITY IF THE COORDINATING BODY OR A COMMUNITY COUNCIL WITHIN THE AREA SERVED BY A COORDINATING BODY REQUESTS NOTICE IN WRITING: IF THERE IS NO COORDINATING BODY WITHIN THE MUNICIPALITY, NOTICE SHALL BE PROVIDED TO EACH COMMUNITY COUNCIL ESTABLISHED BY THE CHARTER OR ORDINANCE OF THE MUNICIPALITY IF THE LAND IS LOCATED WITHIN THE BOUNDARIES OF THE MUNICIPALITY AND IF THE COMMUNITY COUNCIL REQUESTS NOTICE IN WRITING];

(2) to a regional corporation if the boundaries of the corporation as established by 43 U.S.C. 1606 (sec. 7(a) of the Alaska Native Claims Settlement Act) encompass the land and the land is outside a municipality;

(3) to a village corporation organized under 43 U.S.C. 1607 (sec. 8(a) of the Alaska Native Claims Settlement Act) if the land is within 25 miles of the village for which the corporation was established and the land is located outside a municipality;

(4) to the postmaster of a permanent settlement of more than 25 persons located within 25 miles of the land if the land is located outside a municipality, with a request that the notice be posted in a conspicuous location [;

1 (5) TO A NONPROFIT COMMUNITY ORGANIZATION OR A
2 GOVERNING BODY THAT HAS REQUESTED NOTIFICATION IN WRITING
3 AND PROVIDED A MAP OF ITS BOUNDARIES, IF THE LAND IS WITHIN THE
4 BOUNDARIES].

5 * Sec. 17. AS 38.08.010(a) is amended to read:

6 (a) The director shall designate [, CLASSIFY] and make available for homesite
7 entry state land in amounts and at times as required in AS 38.04.020 or as may
8 otherwise be required by law.

9 * Sec. 18. AS 38.08.010(b) is amended to read:

10 (b) Land designated [CLASSIFIED] as homesite entry land shall be divided
11 into parcels not exceeding five acres in reasonably compact form, with boundaries
12 conforming as nearly as practicable to natural geologic and topographic features.
13 However a parcel may exceed five acres if the director determines that the larger
14 parcel is necessary to

15 (1) comply with local zoning ordinances; or

16 (2) permit the design of a subdivision because of topographical features,
17 soil conditions, on-site sewage disposal requirements, or water drainage or supply
18 considerations unique to the subdivision.

19 * Sec. 19. AS 38.08.010(d) is amended to read:

20 (d) The director shall, to as great an extent as possible, designate [CLASSIFY]
21 land for homesite entry based upon the distribution of population in the state.

22 * Sec. 20. AS 39.50.200(b)(38) is amended to read:

23 (38) Alaska Coastal Policy Council members and their alternates
24 (AS 44.37.060) [(AS 44.19.155)];

25 * Sec. 21. AS 41.21.492(b) is amended to read:

26 (b) Nothing in AS 41.21.491 - 41.21.495 affects the responsibilities of

27 (1) the Department of Fish and Game, the Board of Fisheries, or the
28 Board of Game under AS 16 and AS 41.99.010;

29 (2) the Department of Environmental Conservation under AS 46.03; or

30 (3) state agencies and municipalities under AS 44.37.080(2)
31 [AS 44.19.145(a)(11)] and AS 46.40.100.

1 * Sec. 22. AS 41.21.504(b) is amended to read:

2 (b) Nothing in AS 41.21.500 - 41.21.514 affects the applicability of

3 (1) AS 41.99.010 and AS 16 regarding the responsibilities of the
4 Department of Fish and Game or the Board of Fisheries or the Board of Game;

5 (2) AS 46.03 regarding the responsibilities of the Department of
6 Environmental Conservation; or

7 (3) AS 44.37.080(2) [AS 44.19.145(a)(11)] and AS 46.40.100 regarding
8 the responsibilities of state agencies and municipalities.

9 * Sec. 23. AS 41.23.130 is amended to read:

10 **Sec. 41.23.130. Hatcher Pass Public Use Area.** The vacant and
11 unappropriated state-owned land and water and the state land and water acquired in the
12 future that lie within the boundaries described in this section are designated as the
13 Hatcher Pass Public Use Area, are reserved for all uses compatible with their primary
14 function as public use land, and are assigned to the department for control and
15 management:

16 Township 19 North, Range 1 East, Seward Meridian

17 Section 1: NW1/4NW1/4, NW1/4NE1/4NW1/4, W1/2SW1/4NW1/4,
18 NE1/4SW1/4NW1/4

19 Section 2: NE1/4, SE1/4NW1/4, SE1/4NE1/4NW1/4,
20 SE1/4SW1/4NW1/4, SW1/4 exclusive of S1/2SW1/4SW1/4,
21 NW1/4SE1/4, SW1/4SE1/4, NW1/4SE1/4SE1/4.

22 W1/2NE1/4SE1/4, NE1/4NE1/4SE1/4

23 [SECTION 10: E1/2E1/2]

24 Section 11: W1/2, NW1/4NE1/4, exclusive of Tract A

25 Section 14: W1/2, exclusive of Tract A

26 [SECTION 15: E1/2E1/2]

27 [SECTION 22: E1/2E1/2]

28 Section 23: W1/2

29 Section 26: W1/2SW1/4, SW1/4NW1/4

30 [SECTION 27: E1/2E1/2]

31 Township 20 North, Range 1 East, Seward Meridian

- 1 Section 25: S1/2S1/2SE1/4
 2 Section 35: SE1/4, SE1/4SE1/4NE1/4
 3 Section 36: NE1/4, SW1/4, E1/2NW1/4, SW1/4NW1/4,
 4 SE1/4NW1/4NW1/4, NW1/4SE1/4, NW1/4NE1/4SE1/4,
 5 NW1/4SW1/4SE1/4
 6 Township 20 North, Range 2 East, Seward Meridian
 7 Section 9: E1/2SE1/4, E1/2SW1/4SE1/4, SE1/4SE1/4NE1/4
 8 Section 10: W1/2SW1/4, E1/2NW1/4, SW1/4NW1/4,
 9 E1/2NW1/4NW1/4, W1/2NE1/4SW1/4, NW1/4NE1/4,
 10 NW1/4SW1/4NE1/4
 11 Section 15: W1/2W1/2NW1/4
 12 Section 16: SE1/4, E1/2NE1/4, E1/2W1/2NE1/4
 13 Section 21: E1/2SW1/4, E1/2SW1/4SW1/4, SW1/4SW1/4SW1/4,
 14 SE1/4NW1/4SW1/4, NW1/4SE1/4, W1/2SW1/4SE1/4,
 15 NE1/4SW1/4SE1/4, W1/2NE1/4, W1/2NE1/4NE1/4,
 16 NW1/4SE1/4NE1/4, SE1/4NW1/4, E1/2NE1/4NW1/4,
 17 SW1/4NE1/4NW1/4
 18 Section 28: NW1/4, W1/2NW1/4NE1/4, NW1/4SW1/4,
 19 NW1/4SW1/4SW1/4, NW1/4NE1/4SW1/4
 20 Section 29: E1/2SE1/4, SE1/4NE1/4, SW1/4SE1/4, S1/2 NW1/4SE1/4,
 21 NE1/4NW1/4SE1/4, S1/2SW1/4, S1/2NE1/4SW1/4
 22 Section 30: S1/2S1/2S1/2, S1/2SE1/4
 23 Section 31: NW1/4, N1/2NE1/4, N1/2S1/2NE1/4
 24 Section 32: N1/2NW1/4, N1/2SW1/4NW1/4, NW1/4NW1/4NE1/4.

25 * Sec. 24. AS 41.23.420(d) is amended to read:

26 (d) The provisions of AS 41.23.400 - 41.23.510 do not affect the authority of

27 (1) the Department of Fish and Game, the Board of Fisheries, the
 28 Board of Game, or the Department of Commerce and Economic Development under
 29 AS 08.54, AS 16, or AS 41.99.010;

30 (2) the Department of Environmental Conservation under AS 46.03; or

31 (3) state agencies and municipalities under AS 44.37.080(2)

1 [AS 44.19.145(a)(11)] and AS 46.40.100.

2 * Sec. 25. AS 44.37 is amended by adding new sections to read:

3 **Sec. 44.37.060. Alaska Coastal Policy Council.** (a) There is created in the
4 Department of Natural Resources the Alaska Coastal Policy Council. The council
5 consists of the following:

6 (1) nine public members appointed by the governor from a list
7 composed of at least three names from each region nominated by the municipalities
8 of each region; the nominees shall be the mayor or member of the assembly or council
9 of a municipality; one public member shall be appointed from each of the following
10 general regions:

11 (A) northwest Alaska, including, generally, the area of the North
12 Slope Borough and the Northwest Arctic Borough;

13 (B) Bering Strait, including, generally, the area of the Bering
14 Strait regional educational attendance area;

15 (C) southwest Alaska, including, generally, the area within the
16 Lower Yukon, Lower Kuskokwim, and Southwest regional educational
17 attendance areas and the Bristol Bay and Lake and Peninsula Boroughs;

18 (D) Kodiak-Aleutians, including the area of the Kodiak Island
19 and Aleutians East Boroughs and the Aleutian, Adak, and Pribilof regional
20 educational attendance areas;

21 (E) Upper Cook Inlet, including the Municipality of Anchorage
22 and the Matanuska-Susitna Borough;

23 (F) Lower Cook Inlet, including, generally, the area within the
24 Kenai Peninsula Borough;

25 (G) Prince William Sound, including, generally, the area east
26 of the Kenai Peninsula Borough to 141 West longitude;

27 (H) northern Southeast Alaska, including the area southeast of
28 141 West longitude and north of 57 North latitude, including the entirety of the
29 City and Borough of Sitka; and

30 (I) southern Southeast Alaska, including that portion of
31 southeastern Alaska not contained within the area described in (H) of this

1 paragraph;

2 (2) each of the following:

3 (A) the director of the office of management and budget;

4 (B) the commissioner of commerce and economic development;

5 (C) the commissioner of community and regional affairs;

6 (D) the commissioner of environmental conservation;

7 (E) the commissioner of fish and game;

8 (F) the commissioner of natural resources; and

9 (G) the commissioner of transportation and public facilities.

10 (b) Each public member appointed by the governor under (a)(1) of this section
11 serves a term of two years and until a successor is appointed and qualified. A public
12 member may be reappointed.

13 (c) The council shall designate co-chairs, one of whom shall be selected from
14 among the public members appointed under (a)(1) of this section and one of whom
15 shall be selected from among the members designated in (a)(2) of this section.

16 (d) Each member of the council shall select one person to serve as a
17 permanent alternate at meetings of the council. If a member of the council is unable
18 to attend, the member shall advise the alternate, who may attend and act in the place
19 of the member. The alternate for a public member appointed under (a)(1) of this
20 section shall, at the time of the alternate's designation and throughout the period of
21 service as a permanent alternate, be the mayor or member of the assembly or council
22 of a municipality within the region from which the permanent member is appointed.
23 The alternate for the director of the office of management and budget, serving under
24 (a)(2)(A) of this section, shall be the director's designee within that office. The
25 alternate for a designated member serving under (a)(2)(B) - (G) of this section shall
26 be a deputy commissioner of the department or the director of a division in the
27 department. The names of alternates shall be filed with the council.

28 (e) Four public members and three designated members of the council
29 constitute a quorum, but one or more of the members designated by the council may
30 hold hearings. All decisions of the council shall be by a majority vote of the members
31 present and voting.

1 (f) Members of the council or their alternates are entitled to per diem and
2 travel expenses authorized by law for members of boards and commissions.

3 (g) If an incumbent public member ceases to meet the qualifications prescribed
4 in (a)(1) of this section for nomination to the council or if a vacancy exists among the
5 public members for any other reason except for a vacancy due to the expiration of the
6 term of a public member, the governor shall, within 30 days of the establishment of
7 the vacancy by lack of qualification or other reason, make an appointment, to be
8 immediately effective, for the unexpired portion of the term. An appointment by the
9 governor made under this subsection to fill an unexpired term of a public member shall
10 comply with the requirements of (a)(1) of this section; however, the governor may
11 appoint from qualified persons without soliciting from municipalities nominations of
12 persons to fill the unexpired portion of the term.

13 **Sec. 44.37.065. Powers of the council.** The council may

14 (1) apply for and accept grants, contributions, and appropriations,
15 including application for and acceptance of federal funds that may become available
16 for coastal planning and management;

17 (2) contract for necessary services;

18 (3) consult and cooperate with

19 (A) persons, organizations, and groups, public or private,
20 interested in, affected by, or concerned with coastal area planning and
21 management;

22 (B) agents and officials of the coastal resource districts of the
23 state, and federal and state agencies concerned with or having jurisdiction over
24 coastal planning and management;

25 (4) take any reasonable action necessary to carry out the provisions of
26 AS 44.37.060 - 44.37.080.

27 **Sec. 44.37.070. Duties of the council.** In conformity with 16 U.S.C. 1451-
28 1464 (Coastal Zone Management Act of 1972), as amended, the council shall

29 (1) through the public hearing process and the recording of the minutes
30 of the hearings, develop guidelines and standards for the preparation of, and approve,
31 in accordance with AS 46.40, the Alaska coastal management program;

1 (2) establish continuing coordination among state agencies to facilitate
2 the development and implementation of the Alaska coastal management program; in
3 carrying out its duties under this paragraph, the council shall initiate an interagency
4 program of comprehensive coastal resource planning for each geographic region
5 described in AS 44.37.060(a)(1);

6 (3) assure continued provision of data and information to coastal
7 resource districts to carry out their planning and management functions under the
8 program.

9 **Sec. 44.37.075. Council staff.** The council shall use the staff of the office of
10 coastal management within the Department of Natural Resources in discharging its
11 powers and duties. The coordinator of the office of coastal management, under the
12 direction of the council co-chair who is selected from among the members designated
13 in AS 44.37.060(a)(2), may contract with or employ personnel or consultants the
14 coordinator considers necessary to carry out the powers and duties of the council.

15 **Sec. 44.37.080. Local job and economic development plans; consistency**
16 **determinations.** The Department of Natural Resources shall

17 (1) prepare and maintain local job and economic development plans;
18 and

19 (2) render, on behalf of the state, all federal consistency determinations
20 and certifications authorized by 16 U.S.C. 1456 (sec. 307, Coastal Zone Management
21 Act of 1972), and each conclusive state consistency determination when a project
22 requires a permit, lease, or authorization from two or more state resource agencies.

23 **Sec. 44.37.085. Planning assistance for development and maintenance of**
24 **district coastal management programs.** The Department of Natural Resources shall
25 conduct a program of research, training, and technical assistance to coastal resource
26 districts necessary for the development and implementation of district coastal
27 management programs under AS 46.40. The technical assistance must include the
28 direct granting to the coastal resource districts of a portion of any funds received by
29 the state from the federal coastal zone management program, in amounts to be
30 individually determined for each coastal resource district by the commissioner of
31 natural resources. State agencies shall assist the department in carrying out the

1 purposes of this section.

2 * Sec. 26. AS 44.62.800(1) is amended to read:

3 (1) "agency" means a department, an institution, or a division or other
4 administrative unit of the executive branch of state government authorized or required
5 by law to make regulations, except that "agency" does not include

6 (A) a board; a commission; a council, except the Alaska Coastal
7 Policy Council established in AS 44.37.060 [AS 44.19.155]; an authority; or
8 a public corporation of the executive branch of state government authorized or
9 required by law to make regulations; or

10 (B) the Department of Corrections;

11 * Sec. 27. AS 44.62.800(2) is amended to read:

12 (2) "agency head" means

13 (A) the commissioner or other head of an agency who has the
14 authority to adopt regulations for the agency; or

15 (B) for the Alaska Coastal Policy Council established in
16 AS 44.37.060 [AS 44.19.155], the co-chair of the council designated under
17 AS 44.37.060(a) [AS 44.19.155(c)] from the members listed in
18 AS 44.37.060(a)(2) [AS 44.19.155(a)(2)];

19 * Sec. 28. AS 46.40.010(a) is amended to read:

20 (a) The Alaska Coastal Policy Council established in AS 44.37.060
21 [AS 44.19.155] shall approve, in accordance with this chapter, the Alaska coastal
22 management program.

23 * Sec. 29. AS 46.40.094(c)(1) is amended to read:

24 (1) "agency responsible for the consistency determination" means

25 (A) the Department of Natural Resources [OFFICE OF
26 MANAGEMENT AND BUDGET], for a consistency determination required
27 to be made under AS 44.37.080(2) [AS 44.19.145(a)(11)]; and

28 (B) the commissioner of the resource agency that coordinates
29 a consistency review for a proposed use or activity, or for a proposed phase of
30 a use or activity, when required by this chapter for which a permit, lease, or
31 authorization is required to be approved or issued only by that resource agency;

1 * **Sec. 30.** AS 46.40.096(b) is amended to read:

2 (b) If a consistency review is not subject to AS 44.37.080(2)
3 [AS 44.19.145(a)(11)] because the project for which a consistency review is made
4 requires a permit, lease, or authorization from only one state agency, that state agency
5 shall coordinate the consistency review of the project. The state agency shall
6 coordinate the consistency review according to the requirements of the regulations
7 adopted by the council under this section.

8 * **Sec. 31.** AS 46.40.096(f) is amended to read:

9 (f) For a consistency review subject to AS 44.37.080(2) [AS 44.19.145(a)(11)],
10 the council may, by regulation, limit consideration of a petition under (e) of this
11 section seeking review of a proposed consistency determination to the extent necessary
12 to meet the deadlines set by federal law for timely submission of a federal consistency
13 determination as allowed by 16 U.S.C. 1456.

14 * **Sec. 32.** AS 46.40.096(g)(2) is amended to read:

15 (2) "reviewing entity" means the

16 (A) Department of Natural Resources [OFFICE], for a
17 consistency review subject to AS 44.37.080(2) [AS 44.19.145(a)(11)];

18 (B) state agency identified in (b) of this section, for a
19 consistency review not subject to AS 44.37.080(2) [AS 44.19.145(a)(11)].

20 * **Sec. 33.** AS 46.40.100(b) is amended to read:

21 (b) A party that is authorized under AS 46.40.096(e)(1) or (g) of this section
22 may file a petition showing that a district coastal management program is not being
23 implemented, enforced, or complied with. On receipt of a petition, the council, after
24 giving public notice in the manner required by (f) of this section, shall convene a
25 hearing to consider the matter. A hearing called under this subsection shall be held
26 in accordance with regulations adopted by the council. After hearing,

27 (1) if the petition was filed under AS 46.40.096(e) and the council finds
28 that

29 (A) the Department of Natural Resources [OFFICE] or the
30 state agency responsible for coordinating the consistency review has not fairly
31 considered the petitioner's comments in the development of a proposed

1 consistency determination, the council shall remand the proposed consistency
2 determination to the Department of Natural Resources [OFFICE], or to the
3 state agency responsible for coordinating the consistency review, for
4 preparation of a revised proposed consistency determination that gives fair
5 consideration to the petitioner's comments;

6 (B) a remand of the consistency determination is not required
7 under (A) of this paragraph, the council shall dismiss the petition;

8 (2) if the petition was not filed under AS 46.40.096(e), the council may
9 order that the coastal resource district or a state agency take any action the council
10 considers necessary to implement, enforce, or comply with the district coastal
11 management program.

12 * Sec. 34. AS 46.40.120(b) is amended to read:

13 (b) The commissioner of natural resources [COMMUNITY AND
14 REGIONAL AFFAIRS] may, after public hearings held in the area affected,
15 consolidate two or more regional educational attendance areas as a single coastal
16 resource service area

17 (1) if a substantial portion of the coastal area contains land and water
18 area owned by the federal government over which it exercises exclusive jurisdiction
19 or land held in trust by the federal government for Alaska Natives over which the state
20 would not exercise control as to use; or

21 (2) if, after giving due consideration to the standards applicable to
22 incorporation of borough governments and the likelihood that a borough will be
23 incorporated within the area, the commissioner determines that the functions to be
24 performed under this chapter could be undertaken more efficiently through the
25 combination of two or more regional educational attendance areas as a single coastal
26 resource service area.

27 * Sec. 35. AS 46.40.120(d) is amended to read:

28 (d) For purposes of coastal zone management only, the commissioner of
29 natural resources [COMMUNITY AND REGIONAL AFFAIRS] may, after public
30 hearings held in the regional educational attendance area affected, divide an existing
31 regional educational attendance area into no more than three coastal resource service

1 areas according to geographic, cultural, economic, environmental, or other features
2 relevant to coastal management planning. However,

3 (1) each coastal resource service area formed by dividing an existing
4 regional educational attendance area must contain at least one first class city or home
5 rule city;

6 (2) a city within a coastal resource service area formed by dividing an
7 existing regional educational attendance area may not elect to exclude itself from the
8 coastal resource service area; and

9 (3) a coastal resource service area formed before June 1, 1980, may not
10 be divided for coastal management planning purposes.

11 * Sec. 36. AS 46.40.140(c) is amended to read:

12 (c) The commissioner of natural resources [COMMUNITY AND
13 REGIONAL AFFAIRS], after consultation with residents of a coastal resource service
14 area, may divide a service area into sections only for the purpose of nominating and
15 electing board members. Division of a service area into sections for the purpose of
16 nomination and election shall be in accordance with the provisions of AS 14.08.051(a).
17 Division may be proposed in the petition submitted under AS 46.40.130(a)(1), in the
18 resolution submitted under AS 46.40.130(a)(2), at the direction of the council under
19 AS 46.40.130(a)(3), or may be proposed at any time by the members of the coastal
20 resource service area board. If proposed by the board, the division of the service area
21 into sections is subject to approval of a majority of the qualified voters voting on the
22 question in the coastal resource service area at the next regular election or at a special
23 election called for that purpose and, if approved, takes effect at the next regular
24 election of members of the coastal resource service area board.

25 * Sec. 37. AS 46.40.170(a) is amended to read:

26 (a) If residents of a coastal resource service area reject organization of the
27 service area at an election called for the purpose and the council finds, after public
28 hearing, that major economic development activity has occurred or will occur within
29 the service area, the council may direct the department [DEPARTMENT OF
30 COMMUNITY AND REGIONAL AFFAIRS] to prepare and recommend for
31 consideration by the council and for submission to the legislature a district coastal

1 management program for the service area.

2 * **Sec. 38.** AS 46.40.170(b) is amended to read:

3 (b) At the request of the council, the department [DEPARTMENT OF
4 COMMUNITY AND REGIONAL AFFAIRS] shall complete the district coastal
5 management program in accordance with this chapter and the guidelines and standards
6 adopted by the council for a coastal resource service area that [WHICH] has been
7 organized but [WHICH] has failed to make substantial progress in the preparation of
8 an approvable district coastal management program within 18 months of certification
9 of the results of an organization election or [WHICH] has not submitted for approval
10 to the council a program within 30 months of certification of the results of its
11 organization election. Preparation of the program shall be conducted in consultation
12 with the coastal resource service area and shall, to the maximum extent consistent with
13 this chapter, reflect the expressed concerns of the residents of the service area.

14 * **Sec. 39.** AS 46.40.180(a) is amended to read:

15 (a) Before adoption by a coastal resource service area board, or by the
16 department [DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS] under
17 AS 46.40.170, a district coastal management program shall be submitted for review to
18 each city or village within the coastal resource service area. The council of a city or
19 traditional village council shall consider the program submitted for review. Within 60
20 days of submission, the council of a city or traditional village council shall either
21 approve the program or enter objections to all or any portion of the program.

22 * **Sec. 40.** AS 46.40.180(d) is amended to read:

23 (d) For purposes of this section, "village" means an unincorporated community
24 where at least 25 persons reside as a social unit [AS DETERMINED BY THE
25 DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS].

26 * **Sec. 41.** AS 46.40.190(a) is amended to read:

27 (a) A city within the coastal area that [WHICH] is not part of a coastal
28 resource service area shall be included for purposes of this chapter within an adjacent
29 coastal resource service area unless its governing body, by resolution adopted by a
30 majority of its membership, chooses to exclude the city from an adjacent coastal
31 resource service area and a copy of the resolution is filed with the commissioner of

1 natural resources [COMMUNITY AND REGIONAL AFFAIRS].

2 * Sec. 42. AS 46.40.210(5) is amended to read:

3 (5) "department" means the Department of Natural Resources
4 [COMMUNITY AND REGIONAL AFFAIRS];

5 * Sec. 43. AS 38.05.945(h); AS 44.19.145(a)(2), 44.19.145(a)(11), 44.19.155, 44.19.160,
6 44.19.161, 44.19.162; AS 44.47.095; and AS 46.40.210(6) are repealed.

7 * Sec. 44. AVAILABILITY OF HATCHER PASS PUBLIC USE AREA LAND FOR
8 GENERAL GRANT LAND ENTITLEMENT OF THE MATANUSKA-SUSITNA
9 BOROUGH. Notwithstanding the reservation of land, designation of the reserved land as the
10 Hatcher Pass Public Use Area, and assignment of control and management of the land to the
11 Department of Natural Resources made by AS 41.23.130, and notwithstanding selection
12 procedures applicable to municipal general grant land entitlements under AS 29.65.010 -
13 29.65.140, the following land within Township 19 North, Range 1 East, Seward Meridian, that
14 is part of the Hatcher Pass Public Use Area is available for selection and conveyance to the
15 Matanuska-Susitna Borough to fulfill the borough's general grant land entitlement under
16 AS 29.65.010 - 29.65.140:

17 Section 2: S1/2SW1/4SW1/4

18 Section 10: E1/2E1/2

19 Section 11: Tract A

20 Section 14: Tract A

21 Section 15: E1/2E1/2

22 Section 22: E1/2E1/2

23 Section 27: E1/2E1/2.

24 * Sec. 45. TRANSITIONAL PROVISIONS. (a) Sections 20 - 43 of this Act do not
25 terminate the existing Alaska Coastal Policy Council or affect the terms of its current
26 members; sections 20 - 43 of this Act move the existing Alaska Coastal Policy Council from
27 the Office of the Governor to the Department of Natural Resources.

28 (b) Litigation, hearings, investigations, and other proceedings pending under a law
29 amended or repealed by secs. 20 - 43 of this Act, or in connection with functions transferred
30 by secs. 20 - 43 of this Act, continue in effect and may be continued and completed
31 notwithstanding a transfer or amendment or repeal provided for in secs. 20 - 43 of this Act.

1 Certificates, orders, guidelines, approvals, and regulations issued or adopted under authority
2 of a law amended or repealed by secs. 20 - 43 of this Act remain in effect for the term issued,
3 or until revoked, vacated, or otherwise modified under the provisions of secs. 20 - 43 of this
4 Act. Contracts, rights, liabilities, and obligations created by or under a law amended or
5 repealed by secs. 20 - 43 of this Act, and in effect on the effective date of this bill section,
6 remain in effect notwithstanding secs. 20 - 43 of this Act taking effect. Records, equipment,
7 appropriations, and other property of agencies of the state whose functions are transferred
8 under secs. 20 - 43 of this Act shall be transferred to implement the provisions of secs. 20 -
9 43 of this Act.

10 * Sec. 46. Sections 20 - 22 and 24 - 45 of this Act take effect June 15, 1999.

11 * Sec. 47. Section 23 of this Act takes effect on the date of conveyance by the Department
12 of Natural Resources to the Matanuska-Susitna Borough of all land described in sec. 44 of this
13 Act. The commissioner of natural resources shall promptly notify the revisor of statutes of
14 the conveyance made by the Department of Natural Resources to the Matanuska-Susitna
15 Borough of land described in sec. 44 of this Act.

SB 140: Impacts to the Coastal Program
Prepared by the Division of Governmental Coordination
April 19, 1999



The Knowles Administration and the Coastal Policy Council oppose SB 140.

- The ACMP is a well-established program that has been located in the Office of the Governor since 1979. DGC's implementation has been evaluated several times in recent years. A 1994 Division of Legislative Audit report found "DGC appears to be the most appropriate agency for administering the ACMP." Further, the report states that "DGC's placement in the Office of the Governor provides a more objective centralized oversight and coordination function for all state agencies." In addition, DGC received an excellent evaluation from the federal Office of Ocean and Coastal Resource Management as part of their triennial section 312 evaluation under the Coastal Zone Management Act.
- The proposed bill does not result in any saving to State general fund dollars, and may result in increased costs associated with start-up of the program by new staff in a different agency. Short-term inefficiencies are also anticipated as a result of the change in lead agency. A program amendment would need to be prepared and submitted to NOAA OCRM. Delays and/or decreases in federal funds could impact not only State agency functions, but funding that is provided to the coastal districts and communities of the state.
- The ACMP is a networked program that relies on existing authorities. While all of the resource agencies conduct permitting activities and some have planning functions, each has unique mandates and none match the mandates of the ACMP.
- The sponsor statement suggests that the ACMP can be moved to DNR because both agencies have similar planning and permitting functions. As described above, not only are the agency mandates different, but DGC has other responsibilities with which DNR staff are not familiar, including developing state positions on coastal resource issues and providing conflict resolution as needed during planning and permitting. In addition, although DNR manages activities on state land, the scope of the ACMP is broader in that it includes activities on private and federal lands.

STATE OF ALASKA

OFFICE OF THE GOVERNOR

TONY KNOWLES, GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF GOVERNMENTAL COORDINATION

☐ SOUTHCENTRAL REGIONAL OFFICE
3601 "C" STREET, SUITE 370
ANCHORAGE, ALASKA 99503-5930
PH: (907) 269-7470/FAX: (907) 561-6134

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P.O. BOX 110030
JUNEAU, ALASKA 99811-0030
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☐ PIPELINE COORDINATOR'S OFFICE
411 WEST 4TH AVENUE, SUITE 2C
ANCHORAGE, ALASKA 99501-2343
PH: (907) 271-4317/FAX: (907) 272-0690

April 19, 1999

The Honorable Randy Phillips
State Capitol
Juneau, AK 99801

Re: SB 140, "An Act relating to the powers and duties of the Department of Natural Resources and to the Alaska coastal management program."

Dear Senator Phillips:

I am writing to respond to the concepts discussed in the draft mission analysis and sponsor statement we received from your office regarding SB 140. There are a number of issues that require further explanation. These issues are summarized in bold text, below.

The draft mission analysis fails to recognize the unique responsibilities of DGC.

The Division of Governmental Coordination (DGC) FY2000 Mission is to provide access to uniquely qualified individuals, information, technical expertise and federal funding to resolve resource development and permitting issues. In addition to the permit coordination noted in your sponsor statement, DGC funds and facilitates coastal district program development and develops state positions on coastal resource issues, resolving conflicts among a variety of stakeholders in many different forums.

Coastal district maps are distinct from DNR area plan maps.

Coastal district maps are developed by a coastal district (a municipality or coastal resource service area) and submitted to DGC for Coastal Policy Council and federal approval as part of a district program. These maps depict, at a minimum, the district boundary and the coastal zone boundary. These maps are companion to district programs, which contain enforceable policies designed to balance conflicting uses and activities in the coastal zone. The district policies are applied to avoid, minimize or

mitigate impacts to coastal resources within the district's coastal zone. Some district maps may also designate subsistence zones or recreation areas in which more specific policies apply. They do not determine the locations in which various activities are permitted.

SB 140 does not result in any efficiencies by combining the Division of Governmental Coordination (DGC) with the Division of Land, Department of Natural Resources (DNR).

When we responded to your initial request for information, we stated that "efficiencies may be gained if the director and administrative staff were fully or partially absorbed by an existing structure." However, after further consultation with DNR, we must conclude that these efficiencies cannot be realized. Due to the federal grant administration and coordination functions of DGC and the lack of administrative staff within DNR, we anticipate the need to retain administrative staff to carry out the functions of the ACMP.

Indeed, efficiency in the delivery of program services is anticipated to decrease in the short term, with little or no gain in the long term. There will be inefficiencies associated with the start-up of the ACMP with new staff who must carry out new assignments within a new agency structure. DNR/Div. of Lands experience is primarily in the management of state-owned lands. DNR is not experienced in resolving conflicts where private and federal land interests are involved, nor does the agency have experience with grant administration.

Short term inefficiencies are anticipated as a result of the change in lead agency. A program amendment would need to be prepared and submitted to NOAA/OCRM. Delays and/or decreases in federal funds could impact not only state agency functions, but funding that is provided to local communities through the ACMP.

DGC and DNR tasks are distinct.

DNR's central mission is to plan for and manage state-owned lands. In contrast, DGC administers a program that manages coastal uses and activities on private and federal land, as well as state land. DGC brings all the players together to ensure that certain activities on federal, state and private lands are consistent with the statewide standards and the district enforceable policies of the Alaska Coastal Management Program.

Because Alaska does not have a coastal permit, consistency is implemented through existing agencies authorities. In order to avoid duplication, DNR, DFG and DEC (as well as affected coastal districts) review and comment on proposed projects with respect to the standards and enforceable policies within their area of expertise. DGC disseminates information, establishes the review schedule, receives comments, renders the state position, and mediates conflict among the parties with standing. This interagency coordination is dissimilar from the tasks currently carried out by DNR.

A networked coastal program must interact with numerous staff within the permitting agencies and coastal districts.

Your statement indicates the number of staff with whom the DGC interacts. This level of interaction is necessary to avoid duplication in the coastal program. As explained above, the ACMP is a networked program that relies upon existing authorities. During consistency reviews and coastal program development, DGC contacts a variety of agency personnel as are best suited to the project or coastal program under review.

The agency positions indicated in your statement are not solely dedicated to ACMP tasks. Instead, these are DGC's contacts throughout state government, who participate in coastal management during their routine permitting and planning assignments. In exchange, their permitting tasks are counted as state match for the federal dollars received. Additional tasks are federally funded through a reimbursable services agreement between DGC and DNR. This networked structure within the ACMP achieves the most federal dollar "bang" for state dollar "buck." Relocating the program within DNR would not result in fewer staff positions.

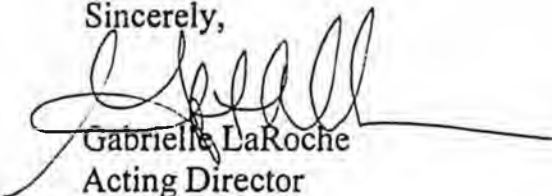
DGC does not cost \$2,812,00 in federal funds.

In FY99, DGC received \$2,701,600 in federal funds. Of this total, state agencies participating in the program received \$932,700, coastal districts received \$1,161,400, and the Coastal Policy Council and DGC received \$607,500. Additionally, state general funds allocated to DGC are used to offset match requirement to coastal districts, another example of the ACMP structure making the most of federal dollars.

Summary

The Division of Governmental Coordination appreciates the opportunity to work with your office on issues of importance to the Alaska Coastal Management Program. If you have any questions about this response, please do not hesitate to call.

Sincerely,



Gabrielle LaRoche
Acting Director

cc: Coastal Districts
Coastal Legislators



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Silver Spring, Maryland 20910

APR 19 1999

Honorable Rick Halford, Chair
Senate Resources Committee
Alaska State Capitol
Juneau, AK 99801

Dear Senator Halford:

I am writing to express my concerns regarding SB 140, which changes the lead agency for the Alaska Coastal Management Program (ACMP) from the Division of Governmental Coordination (DGC) to the Department of Natural Resources (DNR). As the Federal agency charged with administering the Federal Coastal Zone Management Act of 1972, as amended, (CZMA) the Office of Ocean and Coastal Resource Management (OCRM) views this move, which requires significant public discussion and review prior to legislative action, as a major change to the Federally approved ACMP. As we were only made aware of the Bill and the hearings late last week, our comments are preliminary in nature. We would also be available to respond to any questions regarding the CZMA and its implementing requirements.

Adequate public participation: The CZMA contains specific requirements regarding public involvement in program development, implementation and program changes. It appears that the public has not had adequate time to review the Bill and understand the rationale and consequences of the proposed change. We would urge you to provide adequate time at the scheduled hearings to consider the comments of affected local communities and various interests.

Federal requirements for lead agency: The Federal regulations for coastal management program (CMP) development include factors for selecting state CMP lead agencies. In the case where states rely on a "network" of state and local planning and permit programs, state agencies with strong coordination and conflict resolution functions are more often than not the best suited to be the lead agency. The DGC, as its name connotes, is well suited to coordinate the full range of ACMP lead agency activities.

The objectiveness of ACMP consistency review may suffer: The success of the state consistency process (6 AAC 50) is due largely to the objective facilitation role of the DGC. External parties could question whether the DNR would be as objective as the DGC and could provide the balance needed as promoter and State permit agency for major oil and gas, mining, forestry resource development. Such a change might adversely affect efficient and effective decision making in these areas. In addition, such an impact on the ACMP's decision making



ability in these areas raises the question as to whether the ACMP would continue to adequately consider the national interest in these areas, which is a requirement for continued Federal approval of the ACMP pursuant to the CZMA.

Lack of clear justification for the change: Several recent Federal evaluations of the ACMP, including OCRM's recent section 312 evaluation and the two year comprehensive ACMP Assessment, did not find any need for change in the lead agency. Our review of the draft "Mission Analysis," and "Sponsor Statement" provided with the Bill suggests that a more detailed analysis of the functions of each agency is necessary to form a basis for discussion and decisions of the public policy implications of the change.

Moving ACMP to DNR may not result in a cost savings: Based on the limited information provided us, it is unclear whether moving the ACMP to the DNR will result in any cost savings due to dissimilar functions of each agency. For example, the objectives and areas covered by local coastal district planning and management activities required under the coastal program are different than the objectives and areas subject to the Title 38 public lands planning undertaken by the DNR. In addition, we would note that negotiations regarding the State's FY2000 Federal grant indicate that available federal funds are barely adequate to support the major State agency and local coastal district components of the ACMP program. Finally, we should note that Federal funds can not be used to supplant state funds in this matching grant program.

Effect of agency change on FY 2000 award to the State: We are currently completing the processing of the Alaska FY2000 award, scheduled to be awarded on July 1, 1999. The CZMA requires that we approve changes to State CZM programs prior to our funding of such changes. Therefore, if there is a change in the designated lead agency for the ACMP, we would need to work out a mechanism to cover the 4-6 month period that would be necessary for OCRM to review this change. Most likely we would condition the cooperative agreement to allow expenditure of a portion of the Federal funds for activities as specified in the application submitted by DGC, and then address the use of the remaining funds upon completion of our amendment review.

Sincerely,



for Joseph A. Uravitch, AICP
Chief, Coastal Programs Division

cc: Office of the Governor
DGC

FISCAL NOTE

**STATE OF ALASKA
1999 LEGISLATIVE SESSION**

BILL NO. SB 140

Revision Date/Time (Note if correction) _____ Dept. Affected Office of the Governor
 Title An Act relating to the powers & duties of the BRU Governmental Coordination
 Dept of Natural Resources & to the Alaska Coastal Management Component Governmental Coordination
 Sponsor Senate Finance
 Requester _____ Component Serial No. 18

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services	(1,071.6)	0.0	0.0	0.0	0.0	0.0
Travel	(35.0)	0.0	0.0	0.0	0.0	0.0
Contractual	(157.6)	0.0	0.0	0.0	0.0	0.0
Supplies	(2.6)	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
TOTAL OPERATING	(1,266.8)	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

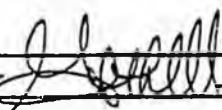
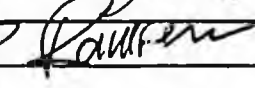
1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	(1,266.8)	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	(1,266.8)	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: _____

POSITIONS

Full-time	-24					
Part-time						
Temporary	-2					

ANALYSIS: (Attach a separate page if necessary)
 This fiscal note only reflects state match dollars associated with the transfer of the ACMP to DNR. Federal funds would be granted to the Governor's Office until such time that a program amendment for the transfer of the program to DNR was approved by NOAA OCRM. It is assumed that these funds \$2,812.3 could be provided to DNR thru a RSA. It is also possible that NOAA OCRM would withhold federal funding until they have the opportunity to review & approve the program amendment. General Fund remaining with DGC is associated with 1 FTE & related support that currently carries out ANILCA coordination for the Office of the Governor. Funding level represents Governor's request. Any reduction to the funding level per the legislative process is not reflected in this fiscal note.

Prepared by Gabrielle LaRoche Acting Director  Phone 465-3562
 Division Governmental Coordination Date/Time 4/16/99 4:24 PM
 Approved by Jim Ayers, Chief of Staff  Date _____
 Agency Office of the Governor

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Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

Sponsor Statement

CSSB 140

Senate Bill 140 provides statutory changes to the land planning and classification process in Title 38 as required by budget reductions to the Division of Land. Budget efficiencies arise from making the planning and classification processes permissive, rather than a required activity prior to a land use "Best Interest Finding," lease, sale or disposal of state interest. Existing plans are preserved.

SB 140 also investigates mission alignment and efficiencies in government from establishing the Division of Governmental Coordination as a section in the Division of Land, Department of Natural Resources. DGC is now a part of the Office of Management and Budget.

The Division of Governmental Coordination is tasked with multi-agency coordination and a public review and consistency determination process for land use activities in the coastal regions of Alaska. The Division of Governmental Coordination is the State's one-stop-shop for land use permitting processes within Coastal Areas.

The Division of Land provides land use planning, permitting and public review for all state land. These processes are not identical, but both involve land use activities.

In its review actions the Division of Governmental Coordination interacts with approximately 46 staff from the Department of Natural Resources, 28 from the Department of Environmental Conservation and 17 from the Department of Fish and Game.

Budget "efficiencies may be gained if the director and administrative staff (5 positions) were fully or partially absorbed by an existing structure" (DGC, 3/24/99). The division is currently without a director. DGC costs approximately \$1,465,000 in general funds and \$2,812,000 in federal funds.

The Division of Land, in the Department of Natural Resources, consists of approximately 120 positions with approximately \$6 - 7,000,000 in general funds and \$49,800 in federal funds.



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

Sectional

CSSB 140\N

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. Make land classification permissive.

Section 11. Provides guidance to the land planning process, and the flexibility to carry out land planning "when funds allow."

Section 12, 13, 14. Make land classification permissive.

Section 15 and 16. Provides efficiency in the public notice process and includes the Internet.

Section 17, 18, 19. Make land classification permissive.

Section 20, 21, 22. Technical statute references.

Section 23. Modifies the boundary of the Hatcher Pass Public Use Area to allow DNR and the Municipality to create a Ski Area.

Section 24. Technical reference.

Section 25. Moves the Alaska Coastal Policy Council from the Office of Management and Budget to the Department of Natural Resources. There is no policy change.

Sections 26, 27, 28, 29, 30, 31, 32, 33. Technical statute references

Sections 34, 35, 36, 37, 38, 39, 40, 41, and 42. Transfers authority for the Coastal Management Program to the Department of Natural Resources from the Department of Community and Regional Affairs. No policy change.

Section 43. Repeals code moved from the Office of Management and Budget to the Department of Natural Resources.

Section 44. Relates to the Hatcher Pass Public Use Area.

Section 45. Provides for a smooth transition of regulations to the Department of Natural Resources.

Section 46 and 47. Effective Dates.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

April 26, 1999

Senate Finance Committee
Alaska State Capitol — via fax

RE: SB 140

Dear Senate Finance Committee:

The following is submitted as testimony for the upcoming hearing on SB 140. The City and Borough of Sitka and its Sitka Coastal Management Program have had a long and productive relationship with the Alaska Coastal Management Program (ACMP) and its managing agency, the Division of Governmental Coordination (DGC). Sitka's Coastal Program, approved in 1981 with significant amendment in 1989, was founded on the premise that the plan gives Sitka "a seat at the table" when dealing with State and Federal decision makers on projects of importance to our community.

DGC has provided a coordinating mechanism to balance all the different interests of project applicants, various local, state and federal agencies and governments, and the public in dealing with permits and other issues in the coastal zone. As a line agency with its own land and water management interests, the Department of Natural Resources (DNR), which is already woefully understaffed, does not have the staff nor mandate to address the "big picture" in assuring that all ACMP requirements are met. Forcing the ACMP on DNR could compromise DNR's mission.

SB 140 would do a disservice to both DNR, which cannot now adequately manage the State's resources, and to DGC, which has done an outstanding job of managing Alaska's Coastal Management Program and working with local coastal programs as well. The ACMP receives considerable federal funding, and moving the program to DNR would not save significant general fund dollars and could greatly weaken the Program at a time when it is very successful and local coastal districts depend on the federal funding assistance to manage their local programs.

Sitka's Coastal Management Program involvement in State and Federal decision making in cooperation with Division of Governmental Coordination has been extremely beneficial to all parties. Please do not compromise this very important program by moving it out of DGC with its proven coordination and success record into a line agency whose functions do not include the objective centralized oversight of the local, state and federal consistency review process and other ACMP functions. The Sitka Coastal Program opposes SB 140 and requests "if it ain't broke, don't fix it." Thank you for the opportunity to comment.

Sincerely,


Mariene A. Campbell
Coastal Management Coordinator

cc: Sitka Assembly
Administrator Gary L. Paxton
Providing for today...preparing for tomorrow

James A. Heumann, P.E.
P.O. Box 020207
Juneau, Alaska 99801

April 16, 1999

Senator John Torgerson
Alaska State Legislature
Senate Resources Committee

Re: Please vote against Senate Bill 140

Dear Senator Torgerson:

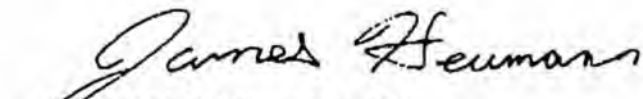
As a 25-year Alaskan citizen and a professional civil engineer in the State of Alaska I am writing to urge you to please vote "no" on Senate Bill 140.

I have worked with DGC personnel on a number of projects and found them to be professional, prompt and courteous in addressing sensitive permit issues. I am asking you to vote no because of the following reasons:

- Alaska's existing Department of Governmental Coordination (DGC) - coordinated Consistency Review process works! It has a proven track record of providing predictable and timely coordination of multiple permit applications.
- It provides a neutral forum for mediating and resolving differences between agencies, applicants, affected coastal districts and local residents.
- It effectively documents the manner in which conflicts are resolved and insures that permit application time lines are adhered to.
- It is supported by the Coastal Policy Council as indicated in their signed resolution of 4/14/99.

Thank you in advance for your consideration, if its not broke, don't fix it.

Sincerely:


James A. Heumann, P.E.

Kevin R. Keeler
5460 E. 112th Ave.
Anchorage, AK 99516

May 3, 1999

Senate Finance Committee
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Re: CSSB 140; revision of Hatcher Pass Public Use Area boundaries

Dear Sirs:


I am writing in opposition to the sections of CSSB 140 that would transfer approximately 900 acres of the Hatcher Pass Public Use Area to the Mat-Su Borough. I am a landowner in the vicinity, owning a 2.25 acre parcel and cabin approximately a half mile from the proposed transfer boundaries. From the outset, you should know that this transfer is part of much larger 3,700 acre transfer of lands to the Mat-Su Borough from the State that has had virtually no public involvement in the proceedings. I have been informed by DNR staff that these lands will be transferred to the Borough at the same time the Hatcher Pass Public Use Area lands transfer will occur (if authorized under SB 140), and that the only thing holding up the transfer was the classification of the 940 acres as Public Use Area.

I am strongly opposed to the transfer for the following reasons:

- the Hatcher Pass Public Use Area is an important legislatively designated area that provides for public access and habitat while allowing the development of the ski area. Twenty percent of the public use area would be eliminated with this bill.
- transfer of these lands would abandon a number of conservation agreements made by the state as a compromise for ski area development (see attached list of conservation agreements). Many participants in the planning process were opposed to ski area development without these conditions. These conditions protect public access for hunting, hiking, snowmobiling and ATVing, and moose and salmon habitat. These conditions would be abandoned with a transfer to Borough ownership.
- virtually no public involvement has occurred in the planning of this land transfer. The transfer of lesser interest to the Borough by DNR was given only one tiny legal notice in the newspapers; none of the public (including myself) was aware of it at that time. The Borough or State has never contacted adjacent landowners, even though documents indicate they have been planning such a transfer since February 1998.
- the transfer of these lands would be premature as the success of the ski area is not guaranteed. The current transfer of lesser interest to the Borough allows the consideration of reverting that interest to the State in three years if the ski area has not moved forward, yet under SB 140, the Borough would permanently gain title to the land. This is not appropriate!

I strongly urge you to amend CSSB 140 to drop the sections dealing with the transfer of the Hatcher Pass Public Use Area. If you have questions, I can be reached at 346-3475. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Keeler', written in a cursive style.

Kevin Keeler

Att. (1)

**Habitat and Public Access Provisions
Of the 1989 Amended H. Pass Mgt. Plan
Potentially Lost If Land Title is Transferred to MSB
Under SB 140 and Municipal Selections**

The following are some of the many conservation provisions put into the current Hatcher Pass Management Plan. Have the following been provided for in the transfer of lands to the Mat-Su Borough? How will they be provided for?

Intent of Plan

- p. 6 – "preserve scenic values"; "leave as much open space and moose habitat as possible"

Public involvement

- p.7 – public hearings on design will be provided in Anchorage and Valley

No Commercial Development in Little Susitna corridor

- p. 13 – a. recreational businesses will not be allowed in the Little Susitna road corridor

Planning to Ensure Trail Connections thru Little Susitna corridor

- p. 14 – b. State Parks will do trail planning; to ensure connections for trail corridors

East Boundary of Resort Area

- p. 15 – f. east boundary of resort area is Hatcher Pass Road

Resort Design Guidelines

- p. 17 – J. extensive siting, design review, etc. conditions

When to Develop Subunit B

- p. 21 – only in conjunction with Subunit A; not separate

Limitation on Total Acreage for Resort Housing

- p. 23 – I. 150 acres

Public Desire to Establish State Recreation Area

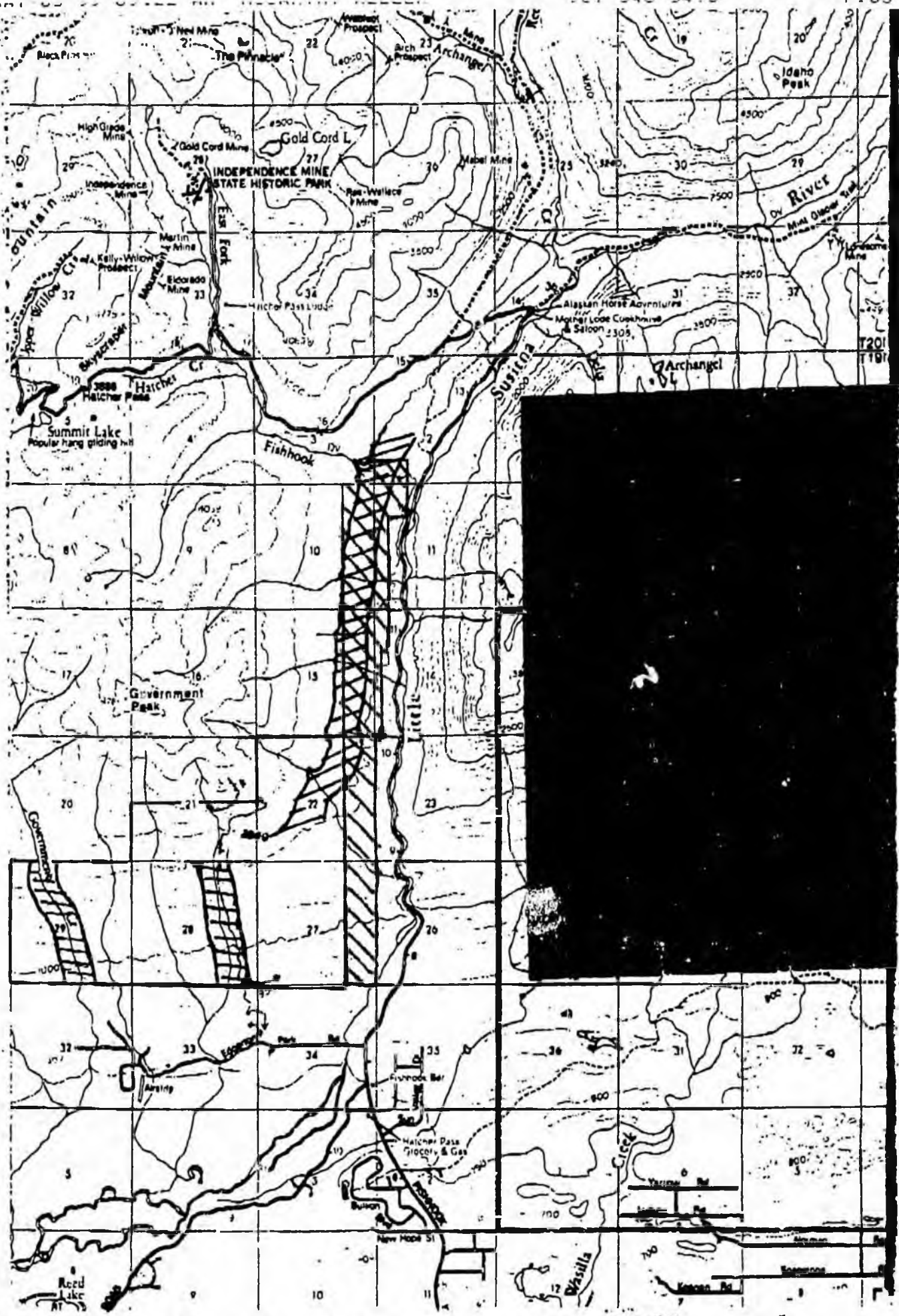
- p. 33 – b. for sections 27, 28, 29, 30, 31

Provide Moose Habitat Greenbelt in Public Use Area to Connect Subunit A to B

- p. 36 – g. to run north south, a one-quarter mile wide greenbelt extending downward from the 2,000 foot contour, in Subunit A

Provide Habitat Greenbelts in Subunit B

- p. 36 – h. provide one-quarter mile greenbelts on Government Creek and anandramous streams in east half of sections 21 and 28.



□ = GOLD SELECTED

▨ = 59 140

▧ = SALMON GREEN-BELT

▩ = ROY'S GREEN-BELT

1" = 1 MILE

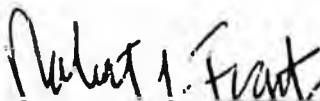
Resolution 99-1


ALASKA COASTAL POLICY COUNCIL

Opposing Senate Bill 140 "An Act relating to the powers and duties of the Department of Natural Resources and to the Alaska coastal management program."

- WHEREAS, The Alaska Coastal Management Program (ACMP) has been located in the Office of the Governor since the inception of the program in 1979;
- WHEREAS, The ACMP is a networked program that relies upon existing authorities and consensus among the agencies which is best achieved under the umbrella of the Office of the Governor;
- WHEREAS, The Division of Governmental Coordination (DGC) frequently facilitates the development of State positions on coastal issues for the Office of the Governor;
- WHEREAS, The proposed Senate Bill 140 does not result in any savings to State general fund dollars and may in fact result in increased costs associated with start-up of the program with new staff in a new agency;
- WHEREAS, DGC's track record for implementing the ACMP is excellent as evidenced in the triennial federal Section 312 evaluation by the federal Office of Ocean and Coastal Resource Management, as well as the 1995 audit conducted by Legislative Affairs Agency;

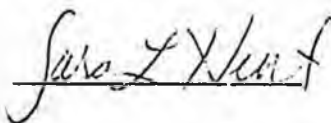
NOW, THEREFORE, BE IT RESOLVED, THAT THE Alaska Coastal Policy Council opposes Senate Bill 140 and supports the ACMP as it is currently structured within the Office of the Governor.


Robert Fagerstrom, Co-Chair


Gabrielle LaRoche, Co-Chair

Dated this 14th day of April, 1999

Attest:





ARTICLE VIII. NATURAL RESOURCES.

SECTION 1. STATEMENT OF POLICY. It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

SECTION 2. GENERAL AUTHORITY. The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.

SECTION 3. COMMON USE. Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

SECTION 4. SUSTAINED YIELD. Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

SECTION 5. FACILITIES AND IMPROVEMENTS. The legislature may provide for facilities, improvements, and services to assure greater utilization, development, reclamation, and settlement of lands, and to assure fuller utilization and development of the fisheries, wildlife, and waters.

SECTION 6. STATE PUBLIC DOMAIN. Lands and interests therein, including submerged and tidal lands, possessed or acquired by the State, and not used or intended exclusively for governmental purposes, constitute the state public domain. The legislature shall provide for the selection of lands granted to the State by the United States, and for the administration of the state public domain.

SECTION 7. SPECIAL PURPOSE SITES. The legislature may provide for the acquisition

of sites, objects, and areas of natural beauty or of historic, cultural, recreational, or scientific value. It may reserve them from the public domain and provide for their administration and preservation for the use, enjoyment, and welfare of the people.

SECTION 8. LEASES. The legislature may provide for the leasing of, and the issuance of permits for exploration of, any part of the public domain or interest therein, subject to reasonable concurrent uses. Leases and permits shall provide, among other conditions, for payment by the party at fault for damage or injury arising from noncompliance with terms governing concurrent use, and for forfeiture in the event of breach of conditions.

SECTION 9. SALES AND GRANTS. Subject to the provisions of this section, the legislature may provide for the sale or grant of state lands, or interests therein, and establish sales procedures. All sales or grants shall contain such reservations to the State of all resources as may be required by Congress or the State and shall provide for access to these resources. Reservation of access shall not unnecessarily impair the owners' use, prevent the control of trespass, or preclude compensation for damages.

SECTION 10. PUBLIC NOTICE. No disposals or leases of state lands, or interests therein, shall be made without prior public notice and other safeguards of the public interest as may be prescribed by law.

SECTION 11. MINERAL RIGHTS. Discovery and appropriation shall be the basis for establishing a right in those minerals reserved to the State which, upon the date of ratification of this constitution by the people of Alaska, were subject to location under the federal mining laws. Prior discovery, location, and filing, as prescribed by law, shall establish a prior right to these minerals and also a prior right to permits, leases, and transferable licenses for their extraction. Continuation of these rights shall depend upon the

performance of annual labor, or the payment of fees, rents, or royalties, or upon other requirements as may be prescribed by law. Surface uses of land by a mineral claimant shall be limited to those necessary for the extraction or basic processing of the mineral deposits, or for both. Discovery and appropriation shall initiate a right, subject to further requirements of law, to patent of mineral lands if authorized by the State and not prohibited by Congress. The provisions of this section shall apply to all other minerals reserved to the State which by law are declared subject to appropriation.

SECTION 12. MINERAL LEASES AND PERMITS. The legislature shall provide for the issuance, types and terms of leases for coal, oil, gas, oil shale, sodium, phosphate, potash, sulfur, pumice, and other minerals as may be prescribed by law. Leases and permits giving the exclusive right of exploration for these minerals for specific periods and areas, subject to reasonable concurrent exploration as to different classes of minerals, may be authorized by law. Like leases and permits giving the exclusive right of prospecting by geophysical, geochemical, and similar methods for all minerals may also be authorized by law.

SECTION 13. WATER RIGHTS. All surface and subsurface waters reserved to the people for common use, except mineral and medicinal waters, are subject to appropriation. Priority of appropriation shall give prior right. Except for public water supply, an appropriation of water shall be limited to stated purposes and subject to preferences among beneficial uses, concurrent or otherwise, as prescribed by law, and to the general reservation of fish and wildlife.

SECTION 14. ACCESS TO NAVIGABLE WATERS. Free access to the navigable or public waters of the State, as defined by the legislature, shall not be denied any citizen of the United States or resident of the State, except that the legislature may by general law regulate and limit such access for other beneficial uses or public purposes.

SECTION 15. NO EXCLUSIVE RIGHT OF FISHERY. No exclusive right or special privilege of fishery shall be created or authorized in the natural waters of the State. This section does not restrict the power of the State to limit entry into any fishery for purposes of resource conservation, to prevent economic distress among fishermen and those dependent upon them for a livelihood and to promote the efficient development of aquaculture in the State.

SECTION 16. PROTECTION OF RIGHTS. No person shall be involuntarily divested of his right to the use of waters, his interests in lands, or improvements affecting either, except for a superior beneficial use or public purpose and then only with just compensation and by operation of law.

SECTION 17. UNIFORM APPLICATION. Laws and regulations governing the use or disposal of natural resources shall apply equally to all persons similarly situated with reference to the subject matter and purpose to be served by the law or regulation.

SECTION 18. PRIVATE WAYS OF NECESSITY. Proceedings in eminent domain may be undertaken for private ways of necessity to permit essential access for extraction or utilization of resources. Just compensation shall be made for property taken or for resultant damages to other property rights.

ARTICLE IX. FINANCE AND TAXATION.

SECTION 1. TAXING POWER. The power of taxation shall never be surrendered. This power shall not be suspended or contracted away, except as provided in this article.

SECTION 2. NONDISCRIMINATION. The lands and other property belonging to citizens of the United States residing without the State shall never be taxed at a higher rate than the

(6) The Governor of the State has designated a single State agency to receive and administer grants for implementing the management program.

(7) The State is organized to implement the management program.

(8) The management program provides for adequate consideration of the national interest involved in planning for, and managing the coastal zone, including the siting of facilities such as energy facilities which are of greater than local significance. In the case of energy facilities, the Secretary shall find that the State has given consideration to any applicable national or interstate energy plan or program.

(9) The management program includes procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, historical, or esthetic values.

(10) The State, acting through its chosen agency or agencies (including local governments, areawide agencies, regional agencies, or interstate agencies) has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power—

(A) to administer land use and water use regulations to control development to ensure compliance with the management program, and to resolve conflicts among competing uses; and

(B) to acquire fee simple and less than fee simple interests in land, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.

(11) The management program provides for any one or a combination of the following general techniques for control of land uses and water uses within the coastal zone:

(A) State establishment of criteria and standards for local implementation, subject to administrative review and enforcement.

(B) Direct State land and water use planning and regulation.

(C) State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any State or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings.

(12) The management program contains a method of assuring that local land use and water use regulations within the coastal zone do not unreasonably restrict or exclude land uses and water uses of regional benefit.

(13) The management program provides for—

(A) the inventory and designation of areas that contain one or more coastal resources of national significance; and

(B) specific and enforceable standards to protect such resources.

(14) The management program provides for public participation in permitting processes, consistency determinations, and other similar decisions.

(15) The management program provides a mechanism to ensure that all State agencies will adhere to the program.

(16) The management program contains enforceable policies and mechanisms to implement the applicable requirements of the Coastal Nonpoint Pollution Control Program of the State required by section 1455b of this title.

(e) Amendment or modification of State management program for coastal zone

A coastal state may amend or modify a management program which it has submitted and which has been approved by the Secretary under this section, subject to the following conditions:

(1) The State shall promptly notify the Secretary of any proposed amendment, modification, or other program change and submit it for the Secretary's approval. The Secretary may suspend all or part of any grant made under this section pending State submission of the proposed amendments, modification, or other program change.

(2) Within 30 days after the date the Secretary receives any proposed amendment, the Secretary shall notify the State whether the Secretary approves or disapproves the amendment, or whether the Secretary finds it is necessary to extend the review of the proposed amendment for a period not to exceed 120 days after the date the Secretary received the proposed amendment. The Secretary may extend this period only as necessary to meet the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). If the Secretary does not notify the coastal state that the Secretary approves or disapproves the amendment within that period, then the amendment shall be conclusively presumed as approved.

(3)(A) Except as provided in subparagraph (B), a coastal state may not implement any amendment, modification, or other change as part of its approved management program unless the amendment, modification, or other change is approved by the Secretary under this subsection.

(B) The Secretary, after determining on a preliminary basis, that an amendment, modification, or other change which has been submitted for approval under this subsection is likely to meet the program approval standards in this section, may permit the State to expend funds awarded under this section to begin implementing the proposed amendment, mod-

CSSB 140
Mission Analysis

Division of Governmental Coordination

The Division of Governmental Coordination is located in the Office of Management and Budget.

Federal law requires that the state agency operating a Coastal Management Program have power to "direct State land and water use planning and regulation." or "Provide administrative review for consistency with the management program of all development plans, projects, or land and water use regulations . . . proposed by any state or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings."

The Office of Management and Budget does not have this authority, DNR does.

The Division of governmental Coordination consists of 24 staff, with an additional 2 staff funded through the Coastal Program in the Department of Community and Regional Affairs. Total budget is GF = \$1,349.0 and \$2,812.3 in federal funds.

Division of Land, DNR

The Division of Land in the Department of Natural Resources is responsible for authorizing state land and water use. The department has statutory and constitutional requirements to provide public notice and evaluate a broad range of competing public interests.

DNR considers: multiple use, compatibility of land uses, oil, gas, mining, timber, agriculture, recreational values, economic benefits, local job base, personal use, fish and wildlife habitat, protection of important wildlife habitat, watershed management, retention of riparian, wetland, and ocean-shoreline vegetation critical for fish and wildlife habitat, tourism, other resources and uses appropriate to an area, other physical, and social factors affecting an area and involving other agencies and the public in achieving a systematic interdisciplinary approach. (AS 38.04.065 and .05)

The Division of land is also responsible for planning, classification, Best Interest Findings, sales and leases involving a broad range of public and private uses and users. DNR allocates state land and resources.

The Division of Land consists of approximately 117 staff, including a director. It receives over \$6 million in GF and \$49.8 thousand in federal funds.

An Act making approximately 939.01 acres from the Hatcher Pass Public Use Area available for selection and conveyance to the Matanuska-Susitna Borough under the Municipal Land Act.

Add a new section AS 41.23.135 to read:

Sec. 41.23.135. Making land available to the Matanuska-Susitna Borough. The following land that is located within the Hatcher Pass Public use Area shall be made available for selection and conveyance to the Matanuska-Susitna Borough under AS 29.65:

Township 19 North, Range 1 East, Seward Meridian

Section 2: S1/2SW1/4SW1/4

Section 10: E1/2E1/2

Section 11: Tract A

Section 14: Tract A

Section 15: E1/2E1/2

Section 22: E1/2E1/2

Section 27: E1/2E1/2

When the land is conveyed to the Matanuska-Susitna Borough it will no longer be considered to be a part of the Hatcher Pass Public Use Area and not subject to its provisions.

Legislative Intent

In 1986 the Alaska Legislature created the Hatcher Pass Public Use Area. The area encompasses a total of 5,200 acres. The purpose of the Public Use Area was to provide for public recreation activities, protect and enhance the fishery, waterfowl, and wildlife resources, including fishing, hunting and trapping and to protect the water quality and scenic resources within the area.

In 1986 the Department of Natural Resources adopted the Hatcher Pass Management Plan. This plan was later amended in 1989 to facilitate several needed changes identified by the public. One of these changes allowed the development of a four-season ski resort in the Government Peak area.

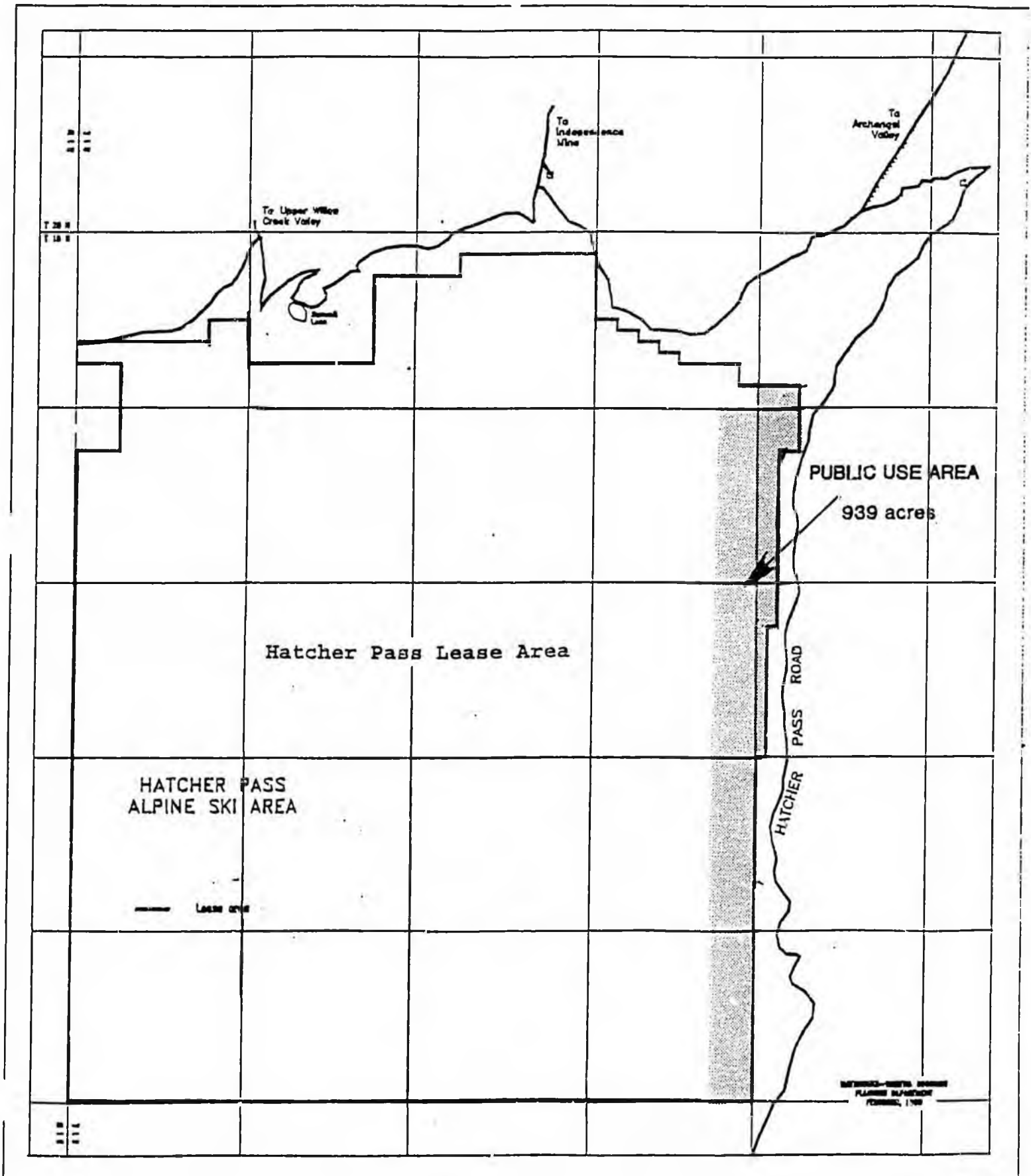
In September 1993 the state issued a lease for a ski resort for 10,635 acres, some of which overlaps the Public Use Area. In February 1998 the Matanuska-Susitna Borough, under the Municipal Land Act selected a sizable portion of the lease area. This was later reduced to 3,659 acres, most of which was in the development zone. However, there are 939 acres of this selection which, although adjacent to the development zone, falls within the public use area as well.

In April 1998 the Department of Natural Resources and Matanuska-Susitna Borough entered into an agreement that would eventually transfer management of the lease to the Matanuska-Susitna Borough. The lease was transferred to the Borough in January 1999.

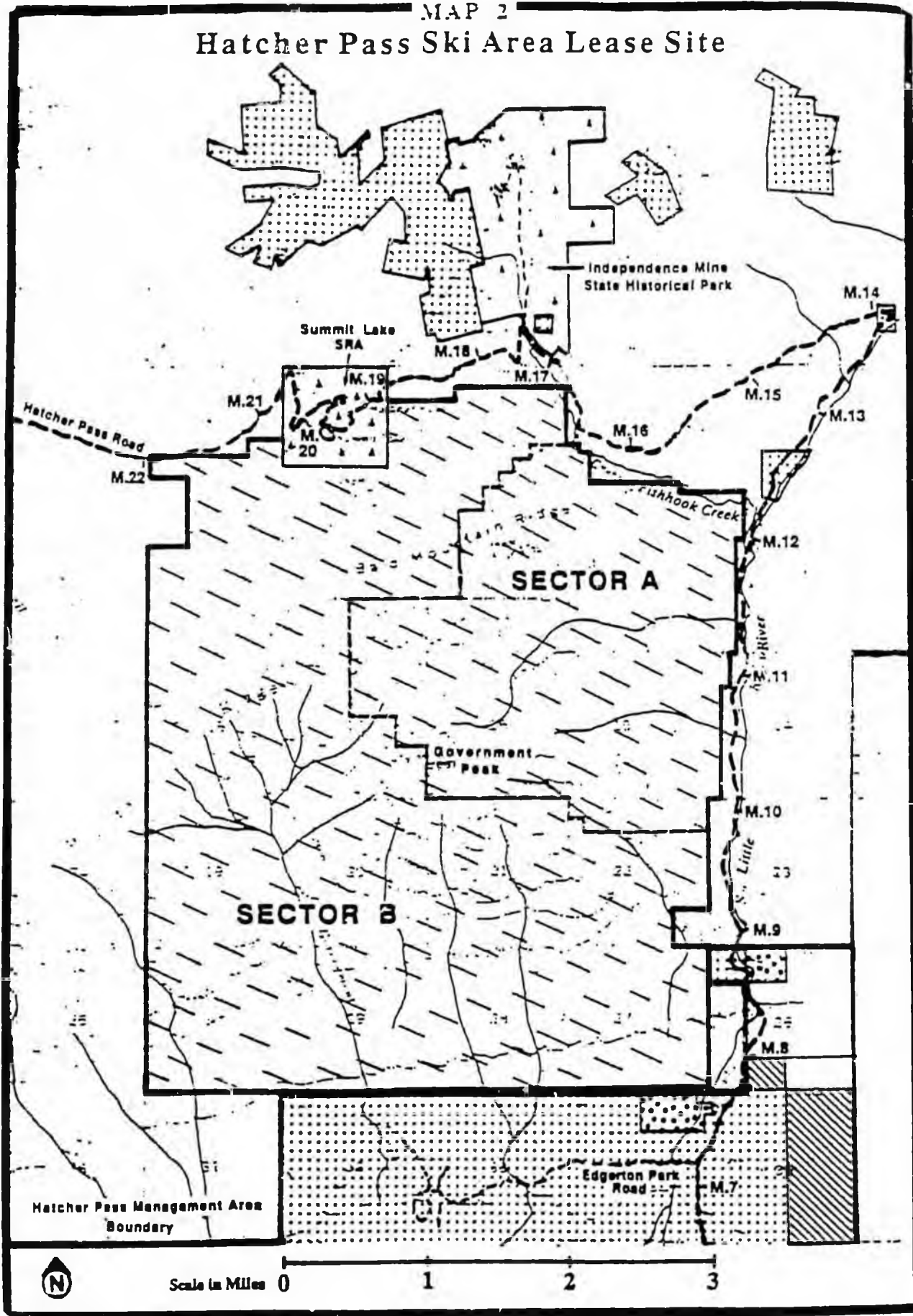
The agreement also stated that DNR would support the Borough's efforts at obtaining title to the land it selected. Management of the lease and ownership of the land are important elements to obtaining financing for the project.

Presently the Borough cannot obtain title to the land in the public use area. This can only be done if the legislature amends the boundaries and allows the Borough to select and obtain title under the Municipal Land Act (acreage charged against the municipalities land entitlement).









Portion of Hatcher Pass Public Use Area within Lease



Hatcher Pass Ski Area Lease Site



Scale in Miles 0 1 2 3

- | | | | |
|---|------------------------------|---|-----------------------|
|  | Alpine Ski Area - Lease Area |  | State Park Units |
|  | State Owned Land |  | Private (Native Land) |
|  | Private Land |  | Roads |
|  | Mat - Su Borough |  | M.23 Mile Posts |

STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LAND

Northern Region
3700 Airport Way
Fairbanks, AK 99709
(907) 451-2705

Southcentral Region
3601 C Street, Suite 1080
Anchorage, AK 99503-5937
(907) 269-8552

Contract Administration
3601 C Street, Suite 1030
Anchorage, AK 99503-5937
(907) 269-8594

Southeast Region
400 Willoughby, #40
Juneau, AK 99801
(907) 465-3400

TRANSFER OF LEASE

Non-refundable filing fee: \$100.00;
\$200.00 if assignee is a corporation

92-0030816

Federal Tax I.D. or SSN # (optional)

ADL 225965

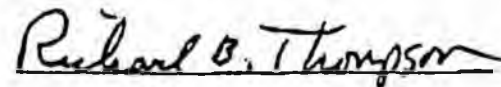
ADL #

Effective this 8th day of January for value received, the State of Alaska whose
mailing address is: Division of Land, Southcentral Region, 3601 "C" Street, Anchorage, AK 99503-5937

Lessor(s) under the lease designated as ADL No. 225965 covering the following described property:

Appendix A and Appendix B of the original lease agreement recorded in Palmer Recording District, Book 0734, Pages 0358-0360.

does hereby assign, its interests as Lessor, for good and valuable consideration, and subject to all decisions, Memorandums of Agreement, terms of the Hatcher Pass Management Plan as amended, all management rights and interest in the above lease to assignee: the Matanuska-Susitna Borough, whose mailing address is: 350 E. Dahlia Avenue, Palmer, AK 99645-6488. All modifications, lease assignments or amendments to ADL No. 225965 require written concurrence from the Division of Land. The state reserves the right to review and approve any future development options which differ from the one currently approved for consistency with state policy goals. If ADL No. 225965 is terminated by either party for any reason, management authority reverts to the Department of Natural Resources, Division of Land. The Division of Land will continue to exercise land management authority for non-lease activities. Upon conveyance of the land title interest in that portion of the lease area currently under selection by the Matanuska-Susitna Borough this transfer is void. This transfer remains in effect for the remainder of the lease area. This assignment may be terminated for cause. This includes, but is not limited to, failure to begin project development with three (3) years of the date this assignment is approved. If significant progress has not occurred within this timeframe the assignor will review the status of project development and may terminate the assignment. The decision to terminate may be appealed in accordance with 11 AAC 02.



ASSIGNOR(S)

STATE OF ALASKA

____ Judicial District

)
) ss.
)

THIS IS TO CERTIFY that on this 27th day of January, 19 99, before me appeared Richard B. Thompson known to me to be the person(s) named as assignor(s) who executed this assignment and acknowledged voluntarily signing the same.



Carole Garris
Notary Public in and for the State of Alaska
My Commission Expires 3/23/99

The Assignee(s), Matanuska-Susitna Borough

herein expressly assume(s) the management of the lease and to fulfill all the terms, conditions and covenants of the lease ADL No. 225965 as of the date of this transfer.

Michael J. Scott
Michael J. Scott
Borough Manager
ASSIGNEE(S)

STATE OF ALASKA

Third Judicial District

)
) ss.
)

THIS IS TO CERTIFY that on this 11th day of January, 19 99, before me appeared Michael J. Scott known to me to be the person(s) named as assignee(s) who executed this assignment and acknowledged voluntarily signing the same.



Kathryn M. Wolf
Notary Public in and for the State of Alaska
My Commission Expires 8/28/02

APPROVED:

Richard B. Thompson
Division of Land Authorized Representative

1/27/99
Date

PLEASE ENSURE THAT YOU HAVE PROVIDED ALL OF THE FOLLOWING:

A. Filing fee; B. Three forms with original signatures and notarization on each; C. A current address for both assignor and assignee; D. Corporate signatures on an assignment require signature by a corporate officer on behalf of a corporation bearing an acknowledgment that the assignee is an officer of, and has been authorized by the corporation to execute the assignment. The assignment must bear the corporate seal. Also submitted with the assignment should be a copy of the Articles of Incorporation and Corporate Resolution.

SPECIAL INSTRUCTIONS

When there are two or more lessees: A. and you are delating one of the original lessees, all signatures are required as assignor and the remaining lessee(s) as assignee(s); B. and/or one of the lessees is assigning his interest to another person, the assignment should reflect the remaining parties as assignee and not just the individual to whom the property is being assigned. (Attach additional sheets as needed).

Assgntr7.doc

COPY

MEMORANDUM OF AGREEMENT

Hatcher Pass Ski Area

between

State of Alaska
Department of Natural Resources
Southcentral Region

and

Matanuska-Susitna Borough

This AGREEMENT is made and entered into this 14 day of April, 1998 among the State of Alaska, acting by and through the Department of Natural Resources, hereinafter called the DEPARTMENT, and the Matanuska-Susitna Borough, acting by and through the Office of the Borough Manager, hereinafter called the BOROUGH.

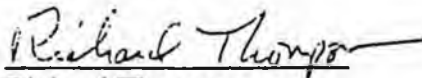
The DEPARTMENT and BOROUGH, in the interest of developing a ski resort, hereby agree:

1. The DEPARTMENT will take those actions necessary to transfer the interest within the existing HATCHER PASS DEVELOPMENT CORPORATION LEASE (ADL 225965), hereinafter called the LEASE, to the BOROUGH;
2. The DEPARTMENT agrees to take those actions necessary to transfer title to the lands which comprise ADL 225965;
3. The DEPARTMENT agrees to cooperate with the BOROUGH in the future transfer of title of additional lands to the BOROUGH. Such additional lands will be mutually agreed upon and will consist of lands where related ski resort development is to occur.
4. The BOROUGH agrees to invest funds and undertake its best efforts towards accomplishing the Hatcher Pass Ski Area project, hereinafter called the PROJECT;
5. The BOROUGH agrees to comply with the Hatcher Pass Management Plan, as amended.

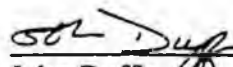
6. The DEPARTMENT shall retain the authority to approve any lease assignment or amendment.
7. Lease payments shall be retained by the BOROUGH.
8. This AGREEMENT may be amended by mutual consent.

AGREED AND SIGNED BY:

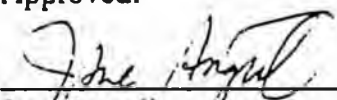
Recommended:


Richard Thompson
Southcentral Regional Manger
Division of Lands
Department of Natural Resources
State of Alaska

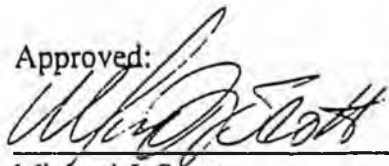
Recommended:


John Duffy
Director of Planning
Matanuska-Susitna Borough

Approved:


Jane Angvik
Director, Division of Lands
Department of Natural Resources
State of Alaska

Approved:


Michael J. Scott
Manager
Matanuska-Susitna Borough

05/03/99
09:38:58

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (TESTIFIERS ONLY)
TCN:90702 SCHEDULED FOR:05/03/99 09:00 TO 11:00
PUBLIC HEARING SENATE FINANCE

LTN1150
BY:JNU
FOR:ALL

LOCATION: ANCHORAGE	✓ <i>Jane</i>	<i>Angvik, DNR</i>		
SB 140	✓ JOHN	BAKER	DEPT OF LAW	TESTIFY
SB 140	NANCY	MICHAELSON		TESTIFY
LOCATION: BARROW				
SB 140	MR. ✓ JON	DUNHAM	N. SLOPE BOROUGH	TESTIFY
LOCATION: DILLINGHAM				
SB 140	✓ JOHN	EASTON	BBCRSA	TESTIFY
LOCATION: KODIAK				
SB 140	MS ✓ LINDA	FREED	KOD IS BOROUGH	TESTIFY
LOCATION: MATSU				
SB 140	MR ✓ BILL	EASTHAM		TESTIFY
SB 140	MS ✓ KATHY	WELLS		TESTIFY
SB 140	MS ✓ KAROL	KOLEHMAINEN		TESTIFY
LOCATION: NOME				
SB 140	MR. ✓ ROBBIE	FAGERSTROM		TESTIFY

SENATE FINANCE COMMITTEE

SIGN-IN

SB 140-COASTAL ZONE MANAGEMENT TO Department of Natural Resources

NAME: GABRIELLE LAROCHE Subject/Bill No: SB140
Co./Dept./Title: DGC, ACTING DIRECTOR Phone: 465-8850
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: MURRAY WALSH Subject/Bill No: SB 140
Co./Dept./Title: _____ Phone: _____
Address: 2974 FOSTER AV. JUNE Zip: 99801

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

SENATE FINANCE COMMITTEE

SIGN-IN

SB 140-COASTAL ZONE MANAGEMENT TO Department of Natural Resources

NAME: MURRAY WALSH Subject/Bill No: SB 140

Co./Dept./Title: _____ Phone: (907) 586-4083

Address: 2974 FOSTER AV. JUNEAU AK Zip: 99801

Do you wish to testify? Yes No Respond To Questions

NAME: CHRISTOPHER LA ROCHE Subject/Bill No: SB 140

Co./Dept./Title: ACTING DIRECTOR Phone: 465-3562

Address: DGC Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____

Co./Dept./Title: _____ Phone: _____

Address: _____ Zip: _____

Do you wish to testify? Yes No Respond To Questions

04/30/99
09:31:22

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (TESTIFIERS ONLY)
TCN:90684 SCHEDULED FOR:04/30/99 09:00 TO 11:00
PUBLIC HEARING SENATE FINANCE

LTN1150
BY:JNU
FOR:ALL

LOCATION:ANCHORAGE

SB 140		CLIFF	EAMES	AK CNTR ENVIRON	TESTIFY
SB 140		JOHN	BAKER	DEPT OF LAW	TESTIFY
SB 140		NORM	STOUT		TESTIFY

LOCATION:DILLINGHAM

SB 140		JOHN	EASTON	BBCRSA	TESTIFY
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LOCATION:KODIAK

SB 140	MS	LINDA	FREED	KOD IS BOROUGH	TESTIFY
SB 151	MR	PAT	CARLSON	BOROUGH-ASSESSOR	UNABLE

LOCATION:MATSU

SB 140	MS	KAROL	KOLEHMAINEN		TESTIFY
SB 140	MS	KATHY	WELLS		TESTIFY

LOCATION:NOME

SB 140	MR.	ROBERT	FAGERSTROM	CPC	TESTIFY
SB 157	MR.	JOHN	HANDELAND	NJUS/CITY OF NOM	TESTIFY

LOCATION:SITKA

LOCATION:OFFNET 2

SB 140	MS	JANE	ANCHORAGE ANGVIK		TESTIFY
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SB

142

SFIN

FILE

SB 142

was referred to the
Senate Finance
Committee

No hearing was held
on this bill

