

ALASKA LEGISLATURE

HOUSE and SENATE FINANCE COMMITTEE FILES, 2005-2006 2866

Matthew Gruening  
716 N Nordic Drive  
Petersburg, Alaska 88933

March 1, 2005

Re: HB 130

Dear House Resources Committee:

The proposed land transfer in Baranof Warm Springs Bay directly undermines the existing DNR 2002 Northern SE Area Land Plan. This plan was the result of years of public planning, hearings, scientific studies, on-site visits to areas throughout SE Alaska, as well as hundred's of thousand's of precious state dollars. This comprehensive plan states that it shall be in effect for 20 years (until 2022). In this plan, the Baranof transfer in HB 130 is classified as "RU".

"RU" classification is "Public Recreation and Tourism Undeveloped; May be conveyed to Municipalities depending on the units management intent and the relative value of the recreation resources for which the unit was designated. These lands cannot be sold to individuals"

Management Intent:

Parcel B-32: "to be retained by the state and managed to protect the Warm Springs, maintain the natural resources/scenic value of the parcel, and ensure continuation of it's use for dispersed recreation."

DNR parcel B-33: "to be retained by the state and managed to protect the Salt lagoon, maintain the natural resources/scenic values of the parcel, and ensure continuation of it's use for dispersed recreation"

These 2 parcels are the majority of the proposed land transfer in Baranof Warm Springs included in HB 130. The remainder of the transfer is our public drinking water shed.

*All bolded quotes, Northern SE Area Land Plan 2002*

Please members of the Resource Committee, remove Baranof Warm Springs from this bill. It should have never been in this legislation in the first place. This makes a mockery out of DNR Land Use Plans which you, the Legislature, have funded and supported. Thank you.

Respectfully,

  
Matthew Gruening

*Copy*



217 Second Street, Suite 200 • Juneau, Alaska 99801  
Tel (907) 586-1325 • Fax (907) 463-5480 • www.akml.org

February 28, 2005

House Resources  
Representative Jay Ramras  
State Capitol  
Room 104  
Juneau, Alaska 99801

RE: University Land Bill (HB130)

Dear Representative Ramras,

As Co-Chairs of the Alaska Municipal League Land Use Subcommittee, we are concerned with some aspects of HB130, the impacts it may have on communities and the short time allowed to review land selections.

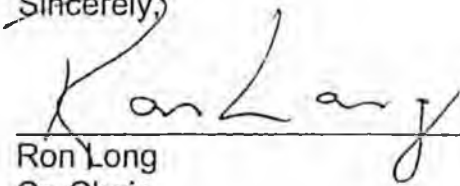
We have questions, posed by some of our members, that we feel need to be addressed before movement is seen on this bill.

- Does the University have staff with expertise to "encourage the development of in-state, value-added industries?" Who will define what constitutes a "value-added" industry or project? Would communities adjacent to these lands have input on these industries, as they might substantially impact local private business? Would these industries or other development on the selected lands be exempt from current area use plans and zoning regulations?
- What criteria were used for the land selection process? If this land is the "best" available in the area, is this not a "disincentive" for borough formation?
- What kind of process will be in place regarding leases and permits and will this process differ from DNR's?
- As the list of site selections was arrived at on January 12<sup>th</sup> of 2005, was there a reason why notice was not given until February 7<sup>th</sup>, 2005? When DNR and/or CZM have permits pending in an area, a notice and map is sent to affected municipalities. Could the same process not have been followed in this case?
- How will lease/permit renewals be handled? Will they even be possible? Will there be fees and how will they be set?
- In the ten years between conveyance and reconveyance of sites with archaeological and/or historic sites, how will those sites be protected in compliance with federal law?
- Who will be paying the selection, platting, surveying and conveyance costs of these transactions?

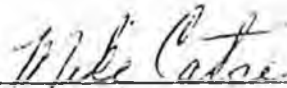
- Will current guidelines required through the Forest Practices Act be applicable to land set aside for timber research purposes?

There may be instances where some of these site selections are beneficial to communities. However, we would ask that ample time be given to communities to address these selections and how they fit in with current community plans. We thank you for the opportunity to comment.

Sincerely,



Ron Long  
Co-Chair  
AML Land Use Subcommittee



Mike Catsi  
Co-Chair  
AML Land Use Subcommittee

cc:

Representative Peggy Wilson  
Representative Bill Thomas  
Representative Gabrielle LeDoux  
Representative Jim Elkins  
Representative Paul Seaton  
Representative Ralph Samuels  
Representative Carl Gatto  
Representative Kurt Olson  
Representative Harry Crawford  
Representative Mary Kapsner

**HB**

**130**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT

MAY 8 2005

SENATE FINANCE  
COMMITTEE

DATE: 4/25/05

FURTHER:

DATE TURNED  
IN TO OFFICE: 8 May 2005

Finance Committee considered CS FOR HOUSE BILL NO. 130(FIN) am

## HB 130 UNIVERSITY LAND GRANT/STATE FOREST

"An Act relating to the grant of certain state land to the University of Alaska; relating to the duties of the Board of Regents; establishing the university research forest; and providing for an effective date."

and recommends:

- be replaced with S CS CS HB 130 (FIN)
- adopt previous \_\_\_\_\_ CS CS forthcoming
- attached amendment(s)
- adopt Letter of Intent by House Finance Committee
- further referral to \_\_\_\_\_ Committee

**CS Senate Bill:**

Same Title

New Title

**SCS House Bill:**

Same Title

Technical Title Change

New Title w/ SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Ind.	Zero	FN#

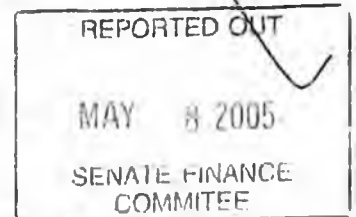
**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Ind.	Zero	FN#
F&G	1/25/05			✓	#1
Law	1/11/05	21.6			#2
DNR	1/21/05	380.			#3
Univ.	2/4/05	500.			#4

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>			✓	
<i>[Signature]</i>		✓		
COCHAIR: <i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>	✓			

# ALASKA STATE LEGISLATURE HOUSE FINANCE COMMITTEE



Representative Mike Chenault  
Co-Chairman  
(907) 465-3779

Fax: (907) 465-2833  
Representative\_Mike\_Chenault@legis.state.ak.us

145 Main St. Loop #223  
Kenai, Alaska 99611



Representative Kevin Meyer  
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(907) 465-4945

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716 W. 4<sup>th</sup> Avenue  
Anchorage, Alaska 99501

State Capitol, Juneau, Alaska 99801-1182

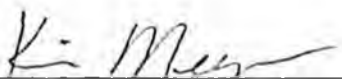
## House Finance Committee Letter of Intent CS HB 130 (FIN)


It is the intent of the 24<sup>th</sup> Alaska State Legislature that the University of Alaska maintain its role in the state as an academically strong and financially secure state university system in order to remain a cornerstone of the long-term development of a stable population and contribute to a healthy, diverse economy in the state.

State of Alaska and the University of Alaska have identified particular lands to be conveyed to the Board of Regents in trust for the University of Alaska. The 24<sup>th</sup> Alaska State Legislature intends that the Board of Regents of the University of Alaska receive land in trust for the University of Alaska under the provisions in House Bill 130 in an expeditious manner; and encourage the development of in-state value-added industries to the extent economically feasible and practicable when it develops the land conveyed.

The University has agreed that land conveyed at Cold Foot Node will not be used for the purposes of establishing businesses that would compete with an existing business that has entered into a long-term lease with the Department of Natural Resources. It is the intent of the Legislature to approve that arrangement between those parties and the University.

Further, it is the intent of the Legislature that the University of Alaska uses the land for development purposes that contribute to the economic diversification and vitality of Alaska. The University may not convey the land to a not-for-profit corporation or to an entity that intends to set the land aside in trust for conservation purposes or non-economically productive uses.

  
Representative Kevin Meyer  
Co-Chairman  
House Finance Committee

  
Representative Mike Chenault  
Co-Chairman  
House Finance Committee

Adopted by the House  
April 22, 2005

**COMMITTEE COPY**

# FISCAL NOTE

REPORTED OUT

MAY 8 2005

SENATE FINANCE  
COMMITTEE

STATE OF ALASKA  
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1  
 Bill Version: HB 130  
 (H) Publish Date: 2/7/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Fish and Game  
 Title: Draft University Lands Bill RDU \_\_\_\_\_  
 Component \_\_\_\_\_  
 Sponsor: Rules Committee  
 Requester: Governor Component No. \_\_\_\_\_

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

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

Estimate of any current year (FY2005) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page, if necessary)  
 Passage of this legislation would have no fiscal impact.

Prepared by: Sarah Gilbertson Phone: 465-6137  
 Division: Legislative Liaison Date/Time: 1/25/05 4:55 PM  
 Approved by: Acting Commissioner Wayne Regelin Date: 1/25/2005  
 Agency: Alaska Department of Fish & Game

(Revised 12/2003 CRG)

MAY 8 2005

SENATE FINANCE  
COMMITTEE

# FISCAL NOTE

STATE OF ALASKA  
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2  
Bill Version: HB 130  
(H) Publish Date: 2/7/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: LAW  
Title: "An Act granting certain state lands to the RDU CIVIL  
University of Alaska..." Component: Natural Resources  
Sponsor: Possible Governor Component No. \_\_\_\_\_  
Requester: \_\_\_\_\_

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

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	18.6					
Travel	0.1					
Contractual	2.1					
Supplies	0.4					
Equipment	0.4					
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>21.6</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

1002 Federal Receipts						
1003 GF Match						
1004 GF	21.6					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>21.6</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2005) cost: 0.0  
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill is intended to expedite the conveyance of state land to the University of Alaska initiated under prior legislation, ch. 136, SLA 2000. The Department of Law does not anticipate a significant long-term fiscal impact from passage of this legislation; however, it is clear that court tests on the land agreement may be expected. It is estimated that approximately 100 attorney hours might be required in defending such challenges.

Prepared by: Kathryn Daughhelee, Director Phone 465-5427  
Division: Administrative Services Date/Time 1/11/05 11:28 AM  
Approved by: Kathryn Daughhelee for Greg J. D. Renkes, Attorney General Date 1/11/2005  
Agency: Department of Law

THE  
FOLLOWING  
DOCUMENT(S)  
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COPIES

# FISCAL NOTE

REPORTED OUT

MAY 8 2005

SENATE FINANCE COMMITTEE

STATE OF ALASKA  
2005 LEGISLATIVE SESSION

Fiscal Note Number: 3  
 Bill Version: HB 130  
 (H) Publish Date: 2/7/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Natural Resources  
 Title: Grant of Lands to the University of Alaska RDU: Resource Development  
 Component: Title Acquisition and Defense  
 Sponsor: Rules  
 Requester: Governor Component No.: 2459

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

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	72.0	72.0	72.0	0.0	0.0	0.0
Travel	2.5	2.5	0.0	0.0	0.0	0.0
Contractual	300.5	236.7	5.5	0.0	0.0	0.0
Supplies	5.0	5.0	5.0	0.0	0.0	0.0
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>380.0</b>	<b>316.2</b>	<b>82.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

FUND SOURCE	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
1002 Federal Receipts						
1003 GF Match						
1004 GF	380.0	316.2	82.5	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>380.0</b>	<b>316.2</b>	<b>82.5</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of current year (FY2005) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

POSITIONS	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Full-time	1	1	1	0	0	0
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 This bill requires DNR to convey title to 260,000 acres of specifically identified parcels to the University of Alaska by June 30 2007. Conveying the title (including title search, reserving easements, reserving navigable waters, and resolving any title problems) requires staff time to prepare legal descriptions, determine condition of title and resolve problems that are discovered, prepare conveyance documents and update the state's computerized records system. Because of these requirements, and due to a shortage of existing trained staff, contractual monies have been requested to outsource the title work to private contractors. It is anticipated that one full-time staff position will be necessary:  
 One (1) Natural Resource Manager I for 3 years (FY06, FY07 and FY08) at a cost of \$72,000/year, to coordinate, issue title contract and oversee the work of the contractors, to serve as the point of

Prepared by: Bob Loeffler Phone: 209-8625  
 Division: Mining, Land and Water Date/Time: 1/12/2005  
 Approved by: Tom Irwin, commissioner Date: 1/12/2005  
 Agency: Natural Resources

(Analysis cont.)

contact for the project, coordinating with University staff, and reviewing the title research. This position will also be responsible for resolving any clouds on title issues.

Other costs include occasional travel to perform title research or survey inspection work. Contractual also includes office space rental (\$6,200 per person/year), phones, photo-copying, postage, etc. Supplies include basic office supplies and computer/software purchases.

This bill is intended to expedite the conveyance of state lands, including the mineral estate, to the University of Alaska by conveying to the Board of Regents by quitclaim deed those state lands identified for conveyance to the University in a document entitled "University of Alaska Land Grant List 2005." This "Land Grant List" includes lands that make up part of the Nenana oil and gas basin.

\*\*\*Based on the subsurface information currently available, the Nenana basin is thought to be gas-prone. DNR believes that the gas potential of this basin ranges from moderate to good. The basin is also in close proximity to markets in Fairbanks. Andex Resources currently has an oil and gas exploration license for part of the Nenana Basin. It is impossible without further exploration to predict the exact fiscal impacts. However, the conveyance of part of the Nenana oil and gas basin to the University of Alaska could result in a significant new source of revenue and /or energy for the University with a corresponding decrease in general and permanent fund revenues.

There is a similar but lesser impact from transferring the surface and subsurface from other lands that DNR would otherwise sell or lease. That is, the Department anticipates an unspecified decrease in future revenues from the loss of these lands.

MAY 8 2005

SENATE FINANCE  
COMMITTEE

# FISCAL NOTE

STATE OF ALASKA  
2005 LEGISLATIVE SESSION

Fiscal Note Number: 4  
Bill Version: HB 130  
(H) Publish Date: 2/7/05

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: University of Alaska  
Title: University Lands RDU: Statewide Programs & Services  
Component: Statewide Services  
Sponsor: House Rules Committee Component No.: 730  
Requester: Governor Murkowski

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

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual	500.0	250.0	250.0	250.0	250.0	250.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
<b>TOTAL OPERATING</b>	<b>500.0</b>	<b>250.0</b>	<b>250.0</b>	<b>250.0</b>	<b>250.0</b>	<b>250.0</b>

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

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)	500.0	250.0	250.0	250.0	250.0	250.0
<b>TOTAL</b>	<b>500.0</b>	<b>250.0</b>	<b>250.0</b>	<b>250.0</b>	<b>250.0</b>	<b>250.0</b>

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 In the short term (6 years) this bill would provide very little operating revenue, due to the fact that the funding resulting from this bill is deposited into UA's Land Grant Trust Fund (LGTF, an endowment that has a payout policy similar to the POMV principles i.e., 5% of the prior five year endowment average), however in the long term, after substantial additions to the LGTF endowment UA can see modest operating revenue i.e., in approximately 20 years UA anticipates annual investment earnings on new land sales to reach 1% of state general fund support or \$2.6M.  
 UA Land Management will add minimal staff to accomplish management of the new lands as this land transfer would roughly replace land inventory available for sale. Land Management operating costs are already considered in the net revenue projections.

Prepared by: Pat Pitney, Associate Vice President Phone: \_\_\_\_\_  
 Division: Planning and Budget Development Date/Time: 2/4/05 2:18 PM  
 Approved by: Pat Pitney, Associate Vice President Date: 2/4/2005  
 Agency: Planning and Budget Development

**Annual Land Sales Investment Endowment  
(All Figures x\$1,000)**

<u>Fiscal Year</u>	<u>UA LGTF Endowment Annual Additional Principle</u>	<u>UA LGTF Endowment Cumulative Increment</u>	<u>UA Annual Operating Revenue (Based on UA LGTF endowment using POMV principles 5% of prior 5 year endowment average)</u>
FY2006	2,000.0	2,000.0	0.0
FY2007	3,000.0	5,000.0	0.0
FY2008	4,000.0	9,000.0	30.0
FY2009	5,000.0	14,000.0	100.0
FY2010	5,000.0	19,000.0	220.0
FY2011	5,000.0	24,000.0	390.0
FY2012	5,000.0	29,000.0	610.0
FY2013	5,000.0	34,000.0	850.0
FY2014	5,000.0	39,000.0	1,100.0
FY2015	5,000.0	44,000.0	1,350.0
FY2016	5,000.0	49,000.0	1,600.0
FY2017	5,000.0	54,000.0	1,850.0
FY2018	5,000.0	59,000.0	2,100.0
FY2019	5,000.0	64,000.0	2,350.0
FY2020	5,000.0	69,000.0	2,600.0



# Alaska State Senate

## Senate Finance Committee

Official Business

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1182

### FAX COVER SHEET

DATE: 8 May 2005 TIME: 8:10 pm

TO: Legal Services

NUMBER OF PAGES, INCLUDING COVER SHEET: 1

FROM: MINDY ROWLAND  
SENATE FINANCE COMMITTEE SECRETARY  
PHONE: 465-4935  
FAX: 465-2187

NOTES: Final Please

SCS CS HB 130 (FIN) 24-GH1034\ P

Bullock 5/5/05

no changes

Thx

Mindy

\_\_\_\_\_

SENATE FINANCE COMMITTEE  
5/8/2005 COMMITTEE ACTION

Bill Number	HB 130		
Amendment			
Motion	report from Committee.		
<u>Motion by</u>	Stedman		
<u>Objection by</u>			
<u>Removed</u>			
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	<u>Vote</u>	N
Senator Bunde			
Senator Dyson	✓		
Senator Hoffman	✓		
Senator Olson	✓		
Senator Stedman			✓
Co-Chair Wilken	✓		
Co-Chair Green	✓		
<u>Tally</u>			
Yea		5	
Nay		1	
Absent			
<b>MOTION</b>			

SENATE CS FOR CS FOR HOUSE BILL NO. 130(FIN)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:  
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL  
FOR AN ACT ENTITLED

1 "An Act relating to the grant of certain state land to the University of Alaska; relating to  
2 the duties of the Board of Regents; establishing the university research forest; and  
3 providing for an effective date."

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

5 \* Section 1. AS 14.40.170(a) is amended to read:

6 (a) The Board of Regents shall

7 (1) appoint the president of the university by a majority vote of the  
8 whole board, and the president may attend meetings of the board;

9 (2) fix the compensation of the president of the university, all heads of  
10 departments, professors, teachers, instructors, and other officers;

11 (3) confer such appropriate degrees as it may determine and prescribe;

12 (4) have the care, control, and management of

13 (A) all the real and personal property of the university; and

14 (B) land

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(i) conveyed to the Board of Regents by the commissioner of natural resources in the settlement of the claim of the University of Alaska to land granted to the state in accordance with the Act of March 4, 1915 (38 Stat. 1214), as amended, and in accordance with the Act of January 21, 1929 (45 Stat. 1091), as amended; and

(ii) [SELECTED BY THE UNIVERSITY OF ALASKA AND] conveyed to the Board of Regents in trust for the University of Alaska [IT] by the commissioner of natural resources under AS 14.40.365;

(5) keep a correct and easily understood record of the minutes of every meeting and all acts done by it in pursuance of its duties;

(6) under procedures to be established by the commissioner of administration, and in accordance with existing procedures for other state agencies, have the care, control, and management of all money of the university and keep a complete record of all money received and disbursed;

(7) adopt reasonable rules for the prudent trust management and the long-term financial benefit to the university of the land of the university;

(8) provide public notice of sales, leases, exchanges, and transfers of the land of the university or of interests in land of the university;

(9) administer, manage, market, and promote a postsecondary education savings program, including the Alaska Higher Education Savings Trust under AS 14.40.802 and the Alaska advance college tuition savings fund under AS 14.40.803 - 14.40.817.

\* Sec. 2. AS 14.40.291(a) is amended to read:

(a) Notwithstanding any other provision of law, university-grant land, state replacement land that becomes university-grant land on conveyance to the university, land [SELECTED BY AND] conveyed to the Board of Regents in trust for the University of Alaska under AS 14.40.365, and any other land owned by the university [UNIVERSITY OF ALASKA] is not and may not be treated as state public domain land. Land conveyed to the Board of Regents in trust for the University of Alaska under AS 14.40.365 shall be managed as nontaxable trust land under AS 14.40.365 -

1        14.40.367 [AS 14.40.365 - 14.40.368] and policies of the Board of Regents [OF THE  
2        UNIVERSITY OF ALASKA].

3        \* Sec. 3. AS 14.40.365 is repealed and reenacted to read:

4                Sec. 14.40.365. University land grant. (a) Except as provided in (b) of this  
5        section, before July 1, 2008, the commissioner of natural resources shall convey to the  
6        Board of Regents in trust for the University of Alaska, by quitclaim deed, the state  
7        land identified for conveyance to the university and described in the document titled  
8        "University of Alaska Land Grant List 2005," dated January 12, 2005.

9                (b) As soon as practicable after June 30, 2055, the commissioner of natural  
10        resources shall convey to the Board of Regents in trust for the University of Alaska,  
11        by quitclaim deed, the state land described as the "University Research Forest" and  
12        identified for conveyance to the university in the document titled "University of  
13        Alaska Land Grant List 2005," dated January 12, 2005.

14                (c) As soon as practicable after the receipt of patent from the United States,  
15        but not before the land is otherwise required to be conveyed under this section, the  
16        commissioner of natural resources shall convey to the Board of Regents in trust for the  
17        University of Alaska, by quitclaim deed, federal land that has been selected for  
18        conveyance to the state under the Alaska Statehood Act but is subject to a federal  
19        mining claim, and that is identified in the document titled "University of Alaska Land  
20        Grant List 2005," dated January 12, 2005, for conveyance to the university upon the  
21        state's acquisition of patent.

22                (d) Notwithstanding AS 38.05.125(a), and except as otherwise provided in this  
23        section, the transfer of ownership of land from the commissioner of natural resources  
24        to the Board of Regents in trust for the University of Alaska under this section  
25        includes the interest of the state in the coal, ores, minerals, fissionable materials,  
26        geothermal resources, and fossils, oil, and gas that may be in or on the land.

27                (e) Land conveyed under this section to the Board of Regents in trust for the  
28        University of Alaska is subject to any valid possessory interest or other valid existing  
29        right, including any lease, license, contract, prospecting site, claim, sale, permit, right-  
30        of-way, Native allotment, or easement held by another person, including a federal,  
31        state, or municipal agency, on the effective date of this section.

1 (f) Before conveying land under this section, the commissioner of natural  
2 resources shall reserve access under AS 38.05.127, but other provisions of AS 38.04  
3 and AS 38.05 do not apply to the commissioner's preparation for conveyance of land  
4 to the Board of Regents in trust for the University of Alaska under this section. In  
5 addition to access under AS 38.05.127, the commissioner may reserve in the  
6 conveyance document existing offshore uses such as aquatic fish farm sites,  
7 anchorages for vessels, fish buying stations, trails, roads, and other access routes that  
8 provide public access to adjacent land and public waterways; however, an easement  
9 along tidewater reserved by the commissioner under AS 38.05.127 may not exceed 25  
10 feet.

11 (g) In addition to rights or an interest held by a person under (e) of this  
12 section, land conveyed to the Board of Regents in trust for the University of Alaska  
13 under this section

14 (1) is subject to

15 (A) sec. 6(i) of the Alaska Statehood Act (P.L. 85-508, 72 Stat.  
16 339);

17 (B) AS 19.10.010;

18 (C) any easement, right-of-way, or other access under former  
19 43 U.S.C. 932 (sec. 8, Act of July 26, 1866, 14 Stat. 253);

20 (D) the provisions of any memorandum of agreement entered  
21 into between the University of Alaska and the commissioner of natural  
22 resources governing shared benefits or costs associated with land to be  
23 conveyed to the Board of Regents in trust for the University of Alaska;

24 (E) any interest transferred to the state by quitclaim deed dated  
25 June 30, 1959, under authority of the Alaska Omnibus Act (P.L. 86-70, 73  
26 Stat. 141); and

27 (2) excludes the mineral estate on land that is subject to a valid state  
28 mining claim.

29 (h) As soon as practicable after the extinguishment, release, or expiration of a  
30 valid state mining claim located on land to be conveyed under this section, but not  
31 before the land is otherwise required to be conveyed under this section, the

1 commissioner of natural resources shall convey the mineral estate excluded from  
2 conveyance under (g)(2) of this section.

3 (i) The responsibility for the management of land conveyed to the Board of  
4 Regents in trust for the University of Alaska under this section vests with the Board of  
5 Regents in trust for the University of Alaska on the date of recording of that  
6 conveyance.

7 (j) The Board of Regents of the University of Alaska is entitled to receive any  
8 income derived from land conveyed to the Board of Regents in trust for the University  
9 of Alaska under this section accruing after the date of conveyance, including any  
10 income accruing from an existing lease, license, contract, prospecting site sale, permit,  
11 right-of-way, easement, or trespass claim.

12 (k) Notwithstanding any other provision of this section, within 10 years after  
13 conveyance of land under this section, the Board of Regents may reconvey to the  
14 Department of Natural Resources land

15 (1) containing hazardous waste that was present on the land before  
16 conveyance under this section;

17 (2) on which is located a historic or archeological site that is subject to  
18 management under AS 41.35; or

19 (3) that the Board of Regents and the commissioner of natural  
20 resources jointly agree is in the best interests of the state and the university to  
21 reconvey.

22 (l) After the effective date of this section and before the conveyance of a  
23 parcel of land to the Board of Regents in trust for the University of Alaska under this  
24 section, the commissioner of natural resources may not convey, without consent of the  
25 university, any irrevocable interest in a parcel that is required to be conveyed to the  
26 Board of Regents in trust for the University of Alaska under this section.

27 (m) The commissioner of natural resources may make minor adjustments to  
28 the maps or legal descriptions of the state land identified for conveyance to the  
29 university and described in the document titled "University of Alaska Land Grant List  
30 2005," dated January 12, 2005, to correct omissions or errors.

31 (n) Notwithstanding (a) of this section, the following state land described in

1 the document entitled "University of Alaska Land Grant List 2005," dated January 12,  
2 2005, may not be conveyed to the University of Alaska under this section:

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

10 (o) Notwithstanding (a) of this section, the state land identified in this  
11 subsection and described in the document entitled "University of Alaska Land Grant  
12 List 2005," dated January 12, 2005, may not be conveyed to the University of Alaska  
13 under this section if the land is included in a borough formed before July 1, 2009, that  
14 includes Wrangell or Petersburg. If a borough is not formed before July 1, 2009, land  
15 described in this subsection shall be conveyed to the University of Alaska on July 1,  
16 2009. If a borough is formed before July 1, 2009, and the borough does not select  
17 land described in this subsection before January 1, 2013, the land not selected by the  
18 borough shall be conveyed to the University of Alaska on June 30, 2013. The  
19 following land is subject to this subsection:

- 20 (1) Parcel Number SD.1001, Beecher Pass;
- 21 (2) Parcel Number SD.1001, Favor Peak;
- 22 (3) Parcel Number CS.TL.1001, Three Lake Road;
- 23 (4) Parcel Number SD.1001, Read Island;
- 24 (5) Parcel Number SD.1001, Whitney Island;
- 25 (6) Parcel Number CS.EW.1001, Earl West Cove
- 26 (7) Parcel Number CS.OV.1001, Olive Cove; and
- 27 (8) Parcel Number SD.1001, Thoms Place.

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

1 (1) Parcel Number FA.1002, Biorka Island; and

2 (2) Parcel Number NS.NS.1001, Lisianski Peninsula.

3 (q) Notwithstanding (a) of this section, the state land identified in this  
4 subsection and described in the document entitled "University of Alaska Land Grant  
5 List 2005," dated January 12, 2005, may not be conveyed to the University of Alaska  
6 under this section if the land is included in a borough formed before July 1, 2009. If a  
7 borough is not formed before July 1, 2009, the land described in this subsection shall  
8 be conveyed to the University of Alaska on July 1, 2009. If a borough is formed  
9 before July 1, 2009, and the borough does not select land described in this subsection  
10 before January 1, 2013, the land not selected by the borough shall be conveyed to the  
11 University of Alaska on June 30, 2013. The following land is subject to the provisions  
12 of this subsection:

13 (1) Parcel Number MF.1002, Idaho Inlet;

14 (2) Parcel Number PA.1002, Mite Cove; and

15 (3) Parcel Number ST.1002, Pelican.

16 \* Sec. 4. AS 14.40.366 is repealed and reenacted to read:

17 **Sec. 14.40.366. Management requirements for university land.** (a) Before  
18 the conveyance or the disposal of an interest in the land to a third party, land conveyed  
19 to the Board of Regents in trust for the University of Alaska under AS 14.40.365 shall  
20 be managed in a manner that, to the extent practicable, permits reasonable activities of  
21 the public, including historic recent public uses, that do not interfere with the use or  
22 management of the land by the university.

23 (b) For land conveyed to the Board of Regents in trust for the University of  
24 Alaska under AS 14.40.365, the Board of Regents shall

25 (1) seek public comment on proposals for land development,  
26 exchange, or sale; and

27 (2) adopt policies that require the preparation of land development  
28 plans and land disposal plans.

29 (c) Before the Board of Regents of the University of Alaska offers a parcel of  
30 land for sale under this section, the board shall offer first refusal to the closest  
31 municipality.

1 (d) The Board of Regents shall adopt policies requiring public notice before  
 2 approval of land development plans and land disposal plans. The policies must  
 3 require that the notice be provided not less than 30 days before the proposed action  
 4 and that the notice be

5 (1) sent to local legislators, municipalities, and legislative information  
 6 offices in the vicinity of the action and at other locations as the university may  
 7 designate;

8 (2) published in newspapers of general circulation in the vicinity of the  
 9 proposed action at least once each week for two consecutive weeks; and

10 (3) published on state and university public notice Internet websites.

11 (e) In this section, "development, exchange, or sale" does not include the grant  
 12 of an easement or right of way or the development of a campus facility.

13 \* Sec. 5. AS 14.40.400(a) is amended to read:

14 (a) The Board of Regents shall establish a separate endowment trust fund in  
 15 which shall be held in trust in perpetuity all

16 (1) net income derived from the sale or lease of the land granted under  
 17 the Act of Congress approved January 21, 1929, as amended;

18 (2) net income derived from the sale, lease, or management of the land  
 19 [SELECTED BY AND] conveyed to the Board of Regents in trust for the  
 20 University of Alaska under AS 14.40.365- however, the amount deposited in the  
 21 endowment trust fund under this paragraph resulting from mineral lease  
 22 royalties and royalty sales proceeds may not be less than 25 percent of all such  
 23 mineral lease royalties and royalty sales proceeds received by the university; and

24 (3) monetary gifts, bequests, or endowments made to the University of  
 25 Alaska for the purpose of the fund.

26 \* Sec. 6. AS 14.40.461 is repealed and reenacted to read:

27 **Sec. 14.40.461. University research forest.** (a) For the purpose of  
 28 advancing research into forest practices, ecology, wildlife management, and  
 29 recreation, a university research forest is established on land described as the  
 30 "University Research Forest" and identified for conveyance to the Board of Regents in  
 31 trust for the University of Alaska in the document titled "University of Alaska Land

1 Grant List 2005," dated January 12, 2005.

2 (b) Before conveyance of university research forest land to the Board of  
3 Regents in trust for the University of Alaska under AS 14.40.365(b), the commissioner  
4 of natural resources shall manage the university research forest to accomplish the  
5 purposes of this section and in accordance with state land use plans adopted under  
6 AS 38.04.065, forest management plans adopted under AS 41.17.230, and other  
7 provisions of law applicable to state-owned land.

8 (c) Notwithstanding the limitations of AS 14.40.365(l), on or before the date a  
9 parcel is required to be conveyed to the Board of Regents of the University of Alaska  
10 under AS 14.40.365(b), the commissioner of natural resources may

11 (1) convey an irrevocable interest in land located in the research forest  
12 that terminates or returns to the state on or before the date the parcel is required to be  
13 conveyed under AS 14.40.365(b);

14 (2) sell timber rights and dispose of other renewable resources located  
15 in the research forest.

16 (d) After conveyance of university research forest land to the Board of  
17 Regents in trust for the university under AS 14.40.365(b), the Board of Regents may  
18 disestablish some or all of the university research forest established by this section,  
19 and dispose of, or develop, land within the former research forest, if the Board of  
20 Regents first

21 (1) provides to the public and the commissioner of natural resources  
22 reasonable notice and an opportunity for comment on the board's proposed decision  
23 regarding disestablishment;

24 (2) considers comments received from the public and the  
25 commissioner of natural resources under (1) of this subsection;

26 (3) evaluates whether the objectives of advancing research into forest  
27 practices, ecology, wildlife management, and recreation can be accomplished without  
28 retaining some or all of the research forest;

29 (4) determines, following notice and any public comment by local  
30 timber industry representatives, that disposal of the land will not interfere with  
31 commercially viable timber harvest resource development; and

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(5) concludes that it is in the best interest of the university to disestablish some or all of the research forest.

\* Sec. 7. AS 29.65.030 is amended by adding a new subsection to read:

(d) For the purpose of determining the general land grant entitlement under (a) of this section, the maximum total acreage of vacant, unappropriated, unreserved land within the boundaries of the municipality between the date of its incorporation and two years after that date shall be increased by the amount of land located within the boundaries of the municipality that is transferred to the University of Alaska under AS 14.40.365.

\* Sec. 8. AS 14.40.368 is repealed.

\* Sec. 9. This Act takes effect July 1, 2005.

SENATE FINANCE  
COMMITTEE

Amendment Number: #1  
Bill Number: HB 130  
Sponsor: Stedman Date: 5/8/05  
Logged In By: Mindy

AMENDMENT |

OFFERED IN THE SENATE

BY SENATOR STEDMAN

TO: SCS CSHB 130(FIN)

Page 6, line 9, following "Bay":

Delete "."

Insert ";

- (8) Parcel Number ST.1002, Pelican;
- (9) Parcel Number MF.1002, Idaho Inlet;
- (10) Parcel Number PA.1002, Mite Cove;
- (11) Parcel Number ST.1001, Middle Island;
- (12) Parcel Number PA.1002, Biorka Island;
- (13) Parcel Number PA.1001, Port Conclusion;
- (14) Parcel Number ST.LS.1001, Lisianski Peninsula;
- (15) Parcel Number SD.1001, Beecher Pass;
- (16) Parcel Number SD.1001, Favor Peak;
- (17) Parcel Number CS.TL.1001, Three Lake Road;
- (18) Parcel Number SD.1001, Read Island;
- (19) Parcel Number SD.1001, Whitney Island;
- (20) Parcel Number CS.EW.1001, Earl West Cove;
- (21) Parcel Number CS.OV.1001, Olive Cove;
- (22) Parcel Number SD.1001, Thoms Place;
- (23) Parcel Number PW.HK.1001, Hook Arm;
- (24) Parcel Number HA.CH.1001, Haines-Chilkoot;
- (25) Parcel Number PW.NA.1001, Naukati Sound."

Page 6, line 10, through Page 7, line 15:

Delete all material (subsections o, p and q)

SENATE FINANCE COMMITTEE  
5/8 / 2005 COMMITTEE ACTION

Bill Number	#B 130		
Amendment	#1		
Motion	adopt		
<u>Motion by</u>	Stedman		
<u>Objection by</u>	Wilken		
<u>Removed</u>			
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	<u>Vote</u>	N
Senator Dyson			✓
Senator Hoffman			✓
Senator Olson			✓
Senator Stedman	✓		
Senator Bunde	-		
Co-Chair Wilken			✓
Co-Chair Green			✓
<u>Tally</u>			
Yea	1		
Nay	5		
Absent	1		
<u>MOTION</u>	Fail		

SENATE FINANCE  
COMMITTEE

Amendment Number: #2  
Bill Number: HB 130  
Sponsor: Stedman Date: 5/8/05  
Logged In By: Mindy

AMENDMENT 2

OFFERED IN THE SENATE

BY SENATOR STEDMAN

TO: SCS CSHB 130(FIN)

Page 6, line 9, following "Bay":

Delete "."

Insert ";

- (8) Parcel Number ST.1001, Middle Island;
- (9) Parcel Number PA.1002, Biorka Island;
- (10) Parcel Number PA.1001, Port Conclusion;
- (11) Parcel Number ST.LS.1001, Lisianski Peninsula;

SENATE FINANCE COMMITTEE  
SB / 2005 COMMITTEE ACTION

Bill Number	HB 130		
Amendment	#2		
Motion	adopt		
<u>Motion by</u>	Stedman		
<u>Objection by</u>			
<u>Removed</u>			
<u>Second Objection by</u>			
<u>Committee Member</u>	<u>Y</u>	<u>Vote</u>	<u>N</u>
Senator Stedman	✓		
Senator Bunde		—	
Senator Dyson	✓		
Senator Hoffman			✓
Senator Olson	✓		
Co-Chair Wilken			✓
Co-Chair Green			✓
<u>Tally</u>			
Yea	3		
Nay	3		
Absent	1		
<b>MOTION</b>	<b>Fails</b>		

SENATE FINANCE

COMMITTEE

Amendment Number: #3 24-GS1034\G.3  
Bill Number: HB 130 Bullock  
Sponsor: Stedman Date: 5/8/05 4/9/05  
Logged In By: Mindy

AMENDMENT 3

OFFERED IN THE SENATE

BY SENATOR STEDMAN

TO: SCS CSHB 130(FIN)

1 Page 2, Line 31 - Page 3, Line 1

2 Delete "AS 14.40.365 - 14.40.367 [AS 14.40.365 - 14.40.368]"

3 Insert "AS 14.40.365 - 14.40.368"

4

5 Page 10, following line 9:

6 Insert a new bill section to read:

7 "\*\* Sec. 7. AS 14.40.368 is repealed and reenacted to read:

8           Sec. 14.40.368. Sale of land received under AS 14.40.365. (a) The sale of  
9 land conveyed to the Board of Regents in trust for the University of Alaska under  
10 AS 14.40.365 shall be made at public auction to the highest qualified bidder as  
11 determined by the Board of Regents. The Board of Regents may accept bids and sell  
12 land under this section at no less than 70 percent of the appraised fair market value of  
13 the land. To qualify to participate under this section in a public auction of land under  
14 this section that is other than commercial, industrial, or agricultural land, a bidder shall  
15 have been a resident of the state for at least one year immediately preceding the date  
16 of the auction and submit proof of that fact as the Board of Regents requires. A bidder  
17 may be represented by an attorney or agent at the auction. An aggrieved bidder may  
18 appeal to the Board of Regents for reconsideration within five days after the sale. The  
19 sale shall be conducted by a person designated by the Board of Regents, and, at the  
20 time of sale, the successful bidder shall deposit with the Board of Regents an amount  
21 equal to at least five percent of the purchase price. The person designated by the  
22 Board of Regents to conduct the sale shall immediately issue a receipt containing a  
23 description of the land or property purchased, the price bid, and the amount deposited.

1 The receipt shall be acknowledged in writing by the bidder.

2 (b) Before the signing of the formal conveyance, the Board of Regents may  
3 reject all bids when the best interests of the state and the University of Alaska justify  
4 this action. Land offered at public sale but not sold may be made available at private  
5 sale for not less than its appraised value.

6 (c) The contract of sale for land sold at public auction under this section shall  
7 require the remainder of the purchase price to be paid in monthly, quarterly, or annual  
8 installments over a period of not more than 20 years, with interest at the rate provided  
9 in (i) of this section. Installment payments plus interest shall be set on the level-  
10 payment basis.

11 (d) The contract for each sale must set out the period for the payment of  
12 installments and the total purchase price plus interest. With the consent of the Board  
13 of Regents, the contract may also include conditions, limitations, and terms considered  
14 necessary and proper to protect the interests of the state and the University of Alaska.  
15 A violation of any provision of the contract of sale subjects the purchaser to  
16 appropriate administrative and legal action, including specific performance,  
17 foreclosure, ejectment, or other legal remedies in accordance with applicable state law.

18 (e) If a contract under this section has been breached, the Board of Regents  
19 may issue a decision to foreclose and terminate the contract at any time that is more  
20 than 31 days after delivering by certified mail a written notice of the breach to the  
21 address of record of the purchaser. A breach caused by the failure to make payments  
22 required by the contract may be cured within 30 days after the notice of the breach has  
23 been received by the purchaser by payment of the sum in default together with the  
24 larger of a fee of \$50 or five percent of the sum in default. If there are material facts in  
25 dispute between the Board of Regents and the purchaser, the purchaser may submit a  
26 written request for a public hearing for the review of the facts within 30 days after the  
27 notice of the breach has been received.

28 (f) On a determination that there has been a breach of the contract based on  
29 the administrative record and the evidence presented at a hearing, the Board of  
30 Regents shall issue a decision foreclosing the interest of the purchaser and terminating  
31 the contract. The obligation to make payments under the contract continues through

1 the date of the decision to foreclose by the Board of Regents.

2 (g) The Board of Regents shall deliver the decision to foreclose and terminate  
3 personally to the purchaser or send the decision to foreclose and terminate by certified  
4 mail, return receipt requested, to the address of record of the purchaser. If the breach  
5 is a failure to make payments required by the contract, the decision must include a  
6 notice to the purchaser that if, within 30 days, the purchaser pays to the University of  
7 Alaska the full amount of the unpaid contract price, including all accrued interest, and  
8 any fees assessed under (e) of this section, the Board of Regents shall issue to the  
9 purchaser a deed to the land. If full payment is not made within 30 days or the breach  
10 is for other than failure to make payment, the decision forecloses and terminates all  
11 legal and equitable rights the purchaser has in the land.

12 (h) Within 30 days, the purchaser may request that the Board of Regents  
13 reconsider the decision. The final decision by the Board of Regents is reviewable  
14 under AS 44.62.560.

15 (i) The interest rate for contracts under this section is the prime rate as  
16 reported in the Wall Street Journal on the first business day of the month in which the  
17 contract is sent to the purchaser for signature, plus three percent; however, the total  
18 rate of interest may not exceed 13.5 percent."

19  
20 Renumber the following bill sections accordingly.

21  
22 Page 11, line 1:

23 Delete "AS 14.40.368 is repealed."

24 Insert "AS 38.05.125(a) is amended to read:

25 (a) Each contract for the sale, lease, or grant of state land, including land  
26 conveyed to the Board of Regents in trust for the University of Alaska under  
27 AS 14.40.365, and each deed to state land, properties, or interest in state land,  
28 including land conveyed to the Board of Regents in trust for the University of  
29 Alaska under AS 14.40.365, made under AS 14.40.368, AS 38.05.045 - 38.05.120,  
30 38.05.321, 38.05.810 - 38.05.825, AS 38.08, or AS 38.50 except as provided in  
31 AS 38.50.050 is subject to the following reservations: "The party of the first part,

1 Alaska, hereby expressly saves, excepts and reserves out of the grant hereby made,  
2 unto itself, its lessees, successors, and assigns forever, all oils, gases, coal, ores,  
3 minerals, fissionable materials, geothermal resources, and fossils of every name, kind  
4 or description, and which may be in or upon said land above described, or any part  
5 thereof, and the right to explore the same for such oils, gases, coal, ores, minerals,  
6 fissionable materials, geothermal resources, and fossils, and it also hereby expressly  
7 saves and reserves out of the grant hereby made, unto itself, its lessees, successors,  
8 and assigns forever, the right to enter by itself, its or their agents, attorneys, and  
9 servants upon said land, or any part or parts thereof, at any and all times for the  
10 purpose of opening, developing, drilling, and working mines or wells on these or other  
11 land and taking out and removing therefrom all such oils, gases, coal, ores, minerals,  
12 fissionable materials, geothermal resources, and fossils, and to that end it further  
13 expressly reserves out of the grant hereby made, unto itself, its lessees, successors, and  
14 assigns forever, the right by its or their agents, servants and attorneys at any and all  
15 times to erect, construct, maintain, and use all such buildings, machinery, roads,  
16 pipelines, powerlines, and railroads, sink such shafts, drill such wells, remove such  
17 soil, and to remain on said land or any part thereof for the foregoing purposes and to  
18 occupy as much of said land as may be necessary or convenient for such purposes  
19 hereby expressly reserving to itself, its lessees, successors, and assigns, as aforesaid,  
20 generally all rights and power in, to, and over said land, whether herein expressed or  
21 not, reasonably necessary or convenient to render beneficial and efficient the complete  
22 enjoyment of the property and rights hereby expressly reserved.""

SENATE FINANCE COMMITTEE  
5/8/2005 COMMITTEE ACTION

Bill Number	HB 130		
Amendment	# 3		
Motion	adopt		
<u>Motion by</u>	Stedman		
<u>Objection by</u>			
<u>Removed</u>			
<u>Second Objection by</u>			
<u>Committee Member</u>	Y	<u>Vote</u>	N
Senator Olson			✓
Senator Stedman	✓		
Senator Bunde		—	
Senator Dyson			✓
Senator Hoffman			✓
Co-Chair Wilken			✓
Co-Chair Green			✓
<u>Tally</u>			
Yea	1		
Nay	5		
Absent	1		
<u>MOTION</u>	Failed		

GARY WILKEN  
SENATOR  
E-Books

Alaska State Legislature

Senate

State Capitol Building  
Juneau, Alaska 99801-1182  
Tel: 451-5501 (from Fbks)  
Tel: (907) 465-3709 (outside Fbks)  
Fax: (907) 465-4714  
[www.akrepublicans.org/wilken](http://www.akrepublicans.org/wilken)  
E-Mail: Senator.Gary.Wilken@legis.state.ak.us

## MEMORANDUM

TO: Senator Lyda Green, Co-Chair  
Senate Finance Committee

FROM: Senator Gary Wilken, Co-Chair  
Senate Finance Committee

DATE: May 7, 2005

RE: House Bill 130, *University Land Grant/State Forest*

---

The Senate Finance Subcommittee for House Bill 130, *University Land Grant/State Forest*, met Monday evening, May 2, 2005. The purpose of the meeting was to provide the opportunity for statewide public testimony.

The following is a numerical summary of the testimony given:

1) <u>Total Number of Participants</u>		39
2) <u>Geographical Area of the State</u>		
S.E. Alaska Participants	24	61%
McCarthy Area Participants	7	18%
Mat-Su Area Participants	5	13%
Other Area Participants	<u>3</u>	<u>8%</u>
	39	100%

Memorandum to Senator Green

May 7, 2005

Page 2

In addition, I would make the following comments:

1) In regards to Southeast Alaska:

The testimony was spread across many sites in Southeast Alaska. As you would expect, the testimony was localized by sub-area across the broad region. Most participants recommended that specific land parcels not be conveyed to the University of Alaska.

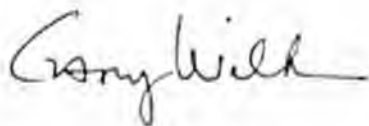
2) In regards to the McCarthy area:

The testimony revolved around the United States Park Service's continued restriction and constriction of usable land around the McCarthy area. It was stated that further withdrawals by the University would just make a bad situation worse.

3) In regards to the Mat-Su area:

The testimony was almost entirely confined to the Frying Pan Lake area and the multiple system of world-class dog mushing trails situated therein.

Thank you for the opportunity to accept the public's input on this important legislation. I commend House Bill 130 to you and stand ready to assist in passing it from committee.





FRANK H. MURKOWSKI  
GOVERNOR  
GOVERNOR@GOV.STATE.AK.US

P.O. Box 110001  
JUNEAU, ALASKA 99811-0001  
(907) 465-3500  
FAX (907) 465-3532  
WWW.GOV.STATE.AK.US

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 4, 2005

The Honorable John Harris  
Speaker of the House  
Alaska State Legislature  
State Capitol, Room 208  
Juneau, AK 99801-1182

Dear Speaker Harris:

Under authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that would provide for the conveyance of approximately 260,000 acres of state land to the University of Alaska (university), most of it over the next three years.

This bill is the product of more than a year of discussions between the Department of Natural Resources (department) and the university. Its major goal is to supplant the more time-consuming and expensive features of legislation enacted in 2000 (ch. 136, SLA 2000). Statutory changes enacted in ch. 136, SLA 2000 provided for a ten-year process during which the university would select up to 260,000 acres of state-owned land to be conveyed to the university for the primary purpose of generating income for the university. Unfortunately, that process has proved difficult, expensive, time-consuming, and subject to litigation. To date, no land has been conveyed to the university under ch. 136, SLA 2000.

Over the course of the past year, the university and the department have reached an agreement on land that may be conveyed to the university without unreasonably conflicting with programs associated with, and uses of, state land managed by the department. The land is identified in a document titled "University of Alaska Land Grant List 2005," dated January 12, 2005, a copy of which will be provided upon request. The bill I transmit today would provide legislative approval for the conveyance of that land to the university, thereby avoiding unnecessary delay and expense, and expediting a highly significant source of income for the university.

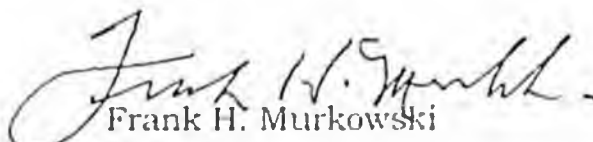
The bill also would establish a university research forest on certain land to be conveyed under the bill in 2055, or soon after that, that is located mainly in the Tanana Valley State Forest. The research forest would be used to advance research into forest practices, ecology, wildlife management, and recreation. Existing law authorizes the university to create a demonstration forest on land selected and

The Honorable John Harris  
February 4, 2005  
Page 2

conveyed under ch. 136, SLA 2000. This bill would repeal and reenact that law to establish the research forest without requiring a separate procedure. Because the land designated as the university research forest would not be conveyed to the university until 2055, it would be managed by the department until then under applicable state land use and forest management plans, and other applicable state law. While the research forest land is under department management, the department would be able to dispose of certain natural resources located on that land, so long as the disposal is consistent with the purposes of the research forest and complies with other applicable law.

I urge your prompt and favorable action on this measure, which will provide for the cost-effective and timely conveyance of land to the university in order to ensure a very significant and additional source of income for the support of public higher education in Alaska and to secure the benefits of a research forest.

Sincerely yours,

  
Frank H. Murkowski  
Governor

Enclosure

Senator Green: Please be careful with this bill -  
We could never recover economically -  
Please call 697-2720  
209-5149

Subject: House Bill 130 SB 96

We would like to emphasize we are not against this bill, but feel that there is a significant problem with this bill as currently written.

At statehood the only regions of the state where selections were limited were the Tongass and Chugach National Forest. These were limited to 400,000 acres combined. Under ANSCA Native selections were limited to 23,500 acres in SE.

The current selection of 40,000 acres in SE by the University amounts to over 10% of total allocated lands in Southeast Alaska, which compares to .21% of total allocated lands in the remainder of the state. Worked out on an equivalent basis through out the state, Southeast would be asked to contribute less than 1,000 acres instead of the 40,000 acres we are being asked to contribute at this time. In NW Chichagof we have already contributed 850 acres to the University of Alaska.

Of the 40,000 acres the majority is not currently within boroughs.  
It makes up virtually 100% (99.76%) of state lands in the NW Chichagof area.

HB 130 includes the following parcels

320 acres - Mite Cove  
851 acres - Pelican  
539 acres - Idaho Inlet

1,710 acres

After the original DNR land selections and distributions of the 70s and 80s, 2,545 acres remained. The University had already selected 835 acres, or 30% of those lands, and sold them in 2001.

They are now asking for an additional 1,710 acres, which as stated is virtually 100% (99.76%) of all state land in the NW Chichagof area.

Consider the following 4 points.

- 1 The University selections leave nothing for future borough selections for NW Chichagof.
- 2 Does not provide for the future. It precludes any future commercial opportunities.
- 3 The Bohemia Basin nickel mine, which as kept out of ANILCA, reverted to wilderness status in 2001.
- 4 Land from prior DNR distributions is available. Because of shifting economic conditions land prices are depressed. Currently land is available. Large amounts of land would flood the market and depress the local prices further.

5 These parcels do not have timber value and would consequently be sold as cabin sites. History shows that these would be sold primarily to non residents, which history shows do not contribute significantly to the local economy.

We are not against this bill but feel that the original University selection of 835 acres (30% of state land) is more than our fair share to support the University.

#### Solutions

Amend the bill to remove:

MF 1002

ST 1002

PA 1002

Or

Pass the bill with an amendment that these parcels will go through a more thorough review.

Please do not put us in the NW Chichagof area at an economic disadvantage when we eventually end up in an organized borough.

Rod Selvig

Maryln Selvig

Steve Hemenway

Debbie Hemenway

Tammy Mulick

Paul Johnson

Jane Button

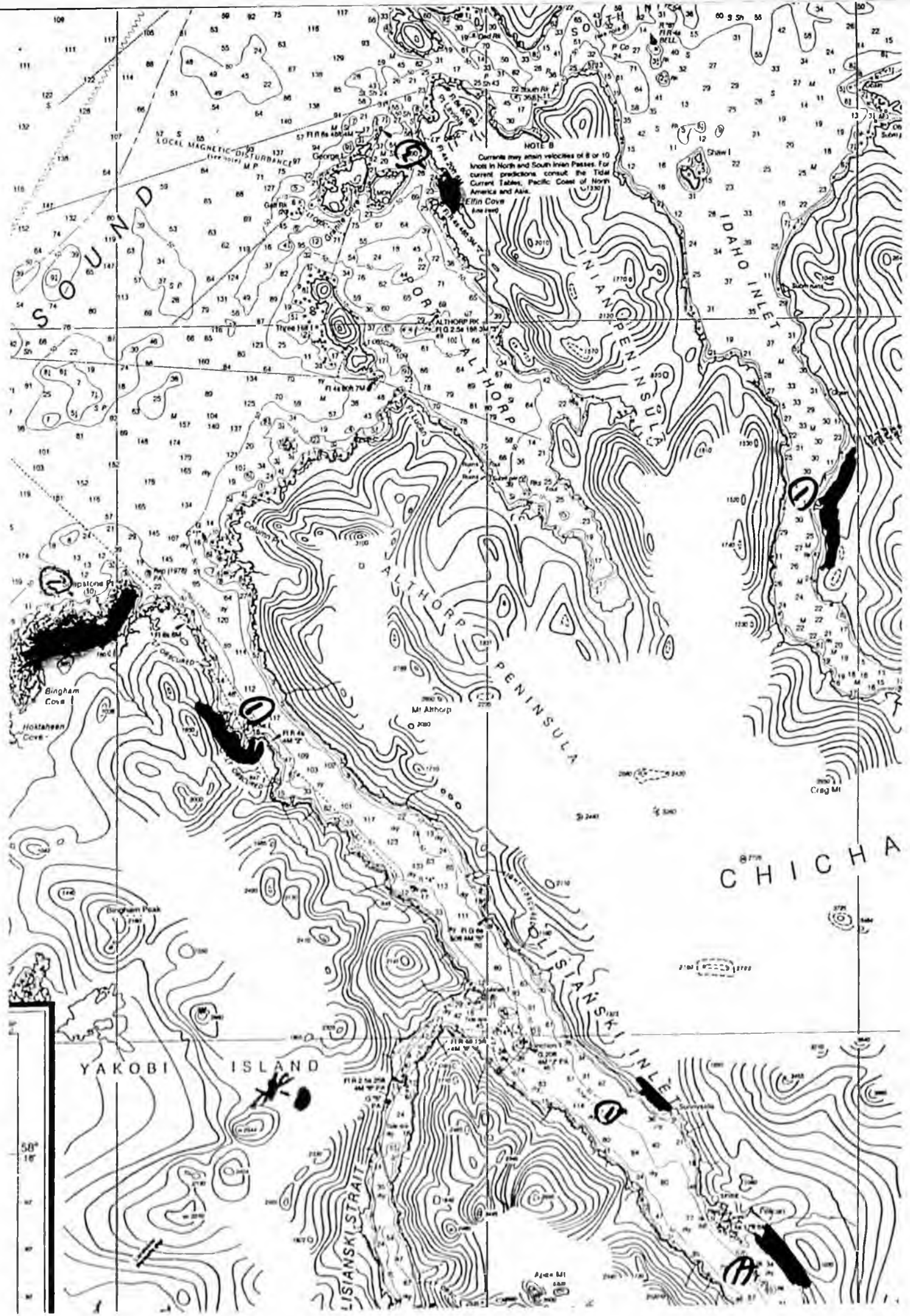
and lots of other NW Chichagof residents

- Notes to Chart 17302

- \*1 Red - Remaining DNR land on NW Chichagof, proposed to be selected by University of Alaska.
- \*2 Green - Land the University of Alaska has already selected and sold in 2001.
- \*3 Purple - What would be the remaining DNR land left in NW Chichagof area.
- \*4 Orange - Nickel deposit kept out of ANILCA, but turned back over to the Forest Service.
- \*5 Orange - Nickel deposit on patented property last reported to be owned by the University of Alaska.

All other land is federal, other than Elfin Cove, Pelican, and other small parcels. This is the only state land we have!

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES



LOCAL MAGNETIC DISTURBANCE 97 M.P.

NOTE B  
Currents may attain velocities of 8 or 10 knots in North and South Inlet Passes. For current predictions, consult the Tidal Current Tables, Pacific Coast of North America and Asia.

SOUND

ALUTHORP PENINSULA

IDAHO INLET

Bingham Cove  
Hostahsen Cove

Mr Althorp

CHICHA

YAKOBI ISLAND

LISIANSKI STRAIT

LISIANSKI INLET

50° 18'

February 14, 2005

Dear Legislators:

We the undersigned, residents of Pelican and Lisianski Inlet, request that you reject HB 130 and SB 96, The University Lands Bill. We urge you to protect the lands slated for transfer in Lisianski Inlet for the following reasons:

- They are highly used for subsistence and recreation purposes. Privatization of these lands designated as "Public Recreation and Tourism -Undeveloped" in DNR's own Northern Southeast Area Plan (NSEAP) would open them for any type of commercial development.
- They are adjacent to Wilderness and Roadless areas and large-scale development would be an inconsistent use. Further, this use would be inconsistent with local planning documents.
- There are no safeguards in the bill that mandate the University manage these lands in a manner that is consistent with community planning and resident's needs. "[Land] shall be managed in a manner that, to the extent practicable, permits reasonable activities of the public that do not interfere with the use or management of the land by the university," is insufficient to protect the public's best interest.
- There is already a process in place whereby the transfer of land to the University may be accomplished that allows for greater public process. Moreover, SB 7 requires the University to establish a management plan and seek public comment before land disposals. This bill seeks to circumvent the public process.
- The University is compelled to manage these parcels for profit only. DNR's management mandate is more encompassing to include recreation, compatibility with adjacent lands, local planning, traditional uses including subsistence, habitat, and development among other needs.
- The Mite Cove parcel is an important anchorage for commercial fishermen and the uplands are a documented deer and bear corridor. The NSEAP recognizes this critical habitat and use and protects this land from private ownership.
- Businesses holding DNR tidelands leases adjacent to these parcels would be displaced by private ownership.
- These parcels were designated as primarily "Public Recreation and Tourism - Undeveloped" in DNR's NSEAP; this calls for land to be remain undeveloped and cannot be sold to individuals. Other uses included water uses and some settlement, but only on the beach fringe. This is a far cry from DNR's own characterization of the bill as "focused primarily on lands that had been designated settlement, general use, or general public recreation in DNR land-use plans." Of note, "general public recreation" does not exist in the NSEAP as a land use designation.

Please carefully consider the negative impacts on the residents of Pelican and Lisianski Inlet of this legislation. We can only extrapolate the deleterious effects statewide of the University Lands Bill.

Thank you for your consideration.  
Sincerely,

The Residents of Pelican and Lisianski Inlet

Persons and Unemployed Labor Recipients Offered to Sell Fish to the University of Alaska			
Name	Address	Phone	Responded (Yes/No)
FRANK W. LARSEN	PO Box 3, Polina, AK 99532	907-255-2312	Yes
Robert R. Leister	PO Box 3, Polina, AK 99532	907-255-2312	Yes
EMMA J. PEARSON	PO Box 96, Polina, AK 99532	907-255-2312	No
LARRY N. CARSON	PO Box 98, Polina, AK 99532	907-255-2312	Yes
LINDA J. OMEEN	PO Box 92, Polina, AK 99532	907-255-2312	Yes
ARBY G. SIMON	PO Box 95, Polina, AK 99532	907-255-2312	Yes
Edwin Barrett	PO Box 95, Polina, AK 99532	907-255-2312	Yes
JAMES C. SLATER	PO Box 7, Polina, AK 99532	907-255-2312	Yes
LORETTA VADEZ	PO Box 63, Polina, AK 99532	907-255-2312	No

HR 130780 04 Pollman Proctor

Mar 02 05 07:24a James C Slater  
 FEB-28-05 MON 03:40 PM FAX HOUSE  
 15415535286 FAX:19972615628  
 PAGE 3  
 PAGE 02  
 P-1



Pelican and Lisianski Inlet Residents Opposed to HB 130/SB 96, University Lands Bill					
The undersigned residents offer their concurrence with the letter dated February 14, 2005 regarding transfer of state land the University:					
Name	Date	Signature	Mailing Address	Phone	Registered Voter? (Y/N)
Deborah Jones	2-13-05	[Signature]	PO Box 69 Pelican	735-2445	Y
Keith Heller	2-13-05	[Signature]	Box 304 Pelican	735-2445	Y
Giaticca Stewart	2-14-05	[Signature]	Box 402 Pelican	735-2498	Y
Mary Allard	2/14/05	[Signature]	Box 27 Pelican	735-2621	Y
Harold ALLARD SR	2-14-05	[Signature]	Box 27 Pelican	735-2623	Y
Craig Johnson	2-14-05	[Signature]	P.O. Box 24 Pelican		Y
William C. Stewart	2-14-05	[Signature]	PO Box 703 Pelican	735-2340	
Royce S. Mattson	2-14-05	[Signature]	Box 94 Pelican, 99832	735-2303	Y
Ernie F. Paddock	2-14-05	[Signature]	Box 29 Pelican AK 99832	735-2286	Y
DAVID DUFFEY	2-14-05	[Signature]	Box 23 Pelican AK 99832	735-2212	Y
Mary Stikham	2-14-05	[Signature]	Box 723 Pelican AK 99832	735-2297	Y
William STRAHM	2-14-05	[Signature]	Box 23 Pelican AK 99832	735-2297	Y
William H. Paddock	2-14-05	[Signature]	Box 29 Pelican AK 99832	735-2286	Y
Harold P. ALLARD JR	2-14-05	[Signature]	Box 410 Pelican AK 99832		Y
Michael Alford	2-14-05	[Signature]	Box 733 Pelican AK 99832		Y
Ken Wolff	2-15-05	[Signature]	Box 94 Pelican AK 99832	735-2303	Y
[Name]	2-15-05	[Signature]	P.O. Box 703	735-2340	Y
Bernice Kimpel	2-15-05	[Signature]	P.O. Box 703 Pelican AK 99832	735-2340	yes
BEV BEAN	2-15-05	[Signature]	P.O. Box 943, Pelican, AK 99832	735-2265	yes
Sandra Ramsdell	2-15-05	[Signature]	PO 735 Pelican AK 99832	735-2286	yes
L. Schoman	2-15-05	[Signature]	PO Box 739 Pelican AK	735-2248	YES
Trudy Dugan	2-15-05	[Signature]	PO Box 54 Pelican AK	735-2515	Y/N
SALLY JO BRIDGE	2-15-05	[Signature]	PO Box 762 PELICAN AK	735-2204	YES
Martha A. Hewlett	2/15/05	[Signature]	PO Box 69 Pelican, AK 99832	735-2269	Yes
Allen Stewart	2/16/05	[Signature]	P.O. Box 606 Pelican AK	735-2243	yes
Linda M. Aclay	2/16/05	[Signature]	P.O. Box 7.5 Pelican AK	735-22407	Yes
Vicki Shrockey	2/17/05	[Signature]	P.O. Box 76 Pelican, AK	735-2286	yes
Mick Shockey	2/17/05	[Signature]	P.O. Box 76 Pelican, AK	735-2286	yes

**LAW OFFICE OF JEFFREY SAUER, LLC**

419 Sixth St. Suite 317  
Juneau, Alaska 99801  
(907) 586-6678  
Fax (907) 586-6679

**FACSIMILE COVER PAGE**

Facsimile to 907.465.2070; 2833; 3810; 3476; 5241; 4714; 4799; 3805

March 22, 2005

TO: Reps Jay Ramras, Ralph Samuels, Mike Chenault, Kevin Meyer, Thomas  
Wagoner, Ralph Seekins, Sens. Lynda Green, Gary Wilken

FROM: Jeffrey Sauer

REGARDING: HB130 SB 96

NO OF PAGES  
INCLUDING THIS PAGE 2

Please accept this fax as my comments on what I see as a very bad bill. The My Turn by Anissa Berry says everything that I would like to say on the subject. I agree completely. If there is a need then direct fund the university. But do not set up the university to screw up more of Alaska lands. Thanks for consideration.

**STATEMENT OF CONFIDENTIALITY** The information in this facsimile message is legally privileged and confidential information intended only for the use of the addressee listed on this cover sheet. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this telecopy is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone at the number listed on this cover sheet and return the original message to us at the above address via US Postal Service. We will reimburse you any costs you incur in notifying us and in returning the message to us.

03/22/2005 11:14

907-586-6679

JEEFREY SAUER

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Originally, the coastal management program was designed to provide an essential role for local governments and to allow the "little guys" to express concerns during the permitting process. Recent changes to the program have removed local control and reduced public participation to an empty and futile exercise.

The administration introduced House Bill 191 that com-

active the general public into thinking that the coastal management program is a failure and slows development. Although press releases and letters continually refer to how the program has delayed projects, there are never examples of specific projects that have been delayed by the ACMP. The reason for this is that less than one percent of projects are appealed, and most of those appealed projects are eventually ap-

...uning our coast will offer Alaskans valuable resources and uses for our children's children. Join now and express your concerns to our leadership and our administration that the ACMP is an essential part of Alaska local control, states rights, and sustainable development.

• John Oscar is the coastal coordinator for the Coastal Resource Service Area, which serves the Yukon-Kuskokwim area.

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# University threatens lands while projecting wilderness image

By ANESSA BERRY

In the March issue of Outside magazine, a University of Alaska Southeast advertisement portrays the university as situated in an "idyllic" environment, with "magnificent wilderness" surrounding campus. I find that highly ironic, since the University of Alaska is lustily pursuing 760,000 acres of state and federal land in Alaska to develop into hard cash. The glossy ad shows forested mountains reflected in calm waters. I guess the darker reality of university clearcuts and angry communities doesn't draw new students.

I find it appalling that the university is participating in a cheap land grab that infuriates many Alaskan towns, costing them valuable local lands to potential logging, subdivision development or cruise-ship company lodge operations. The underlying blame lies at the feet of the Murkowski father-daughter tag-team, who are pushing a sour deal for many Alaskan communities by privatizing public lands across Alaska.

Murkowski-driven land grabs are nothing new. Frank Murkowski, while in the U.S. Senate, failed in multiple attempts to privatize public lands through university land grabs. Sen. Lisa Murkowski's SB 293 should meet the same fate. When I was president of the UAS Student Conservation Club in 1997-98, the students exposed the shocking truth about the university's poor land management and stewardship record. Entire valleys were clearcut at Cape Yakataga, Icy Bay, and Slide Ridge in Ketchikan. Equipped with the fundamental truth about the university and

startling pictures to prove it, we helped stop bad legislation that would have allocated millions of acres to the university. The result? The university simply carried on with proper funding from the Legislature.



The most recent university land bills (HB130 and SB 96) in the state

Legislature were plucked behind closed doors by the university and the Department of Natural Resources. They give valuable lands adjacent to communities and important habitat areas to the university in the name of generating revenue. The bill also repeals public oversight provisions for university land use on any university owned lands. Revenues from development would only cover about 1 percent of the university's budget.

In the case of my little town, Port Alexander, robbing Peter to pay Paul steals 267 acres of state land surrounding town. DNR's October 2002 Northern Southeast Area Plan states "development is not considered appropriate" for a multitude of community and habitat reasons. There is no mention of settlement or timber production. Port Alexander will lose some of our critical economic land base, hunting, recreating and subsistence lowlands within reach of town. Neither our community nor the university will benefit from this land swap; I certainly won't recommend that students attend a university so blatantly disrespectful of the land and people.

None of the tribal leaders,

mayors, hunters or other Alaskans who testified about the state university lands proposal supports it. In fact, we are angry and insulted. When the bill was sent back to be reworked for March 2, co-chairman Ramras stated that DNR would be working with the affected communities. Has the university or DNR approached Port Alexander? No. In addition, Ramras firmly stated that the land bill will be kept together, and he hopes that the parcels put forward will be in the amended bill. Why can't communities be a part of the discussion with DNR and the university? What's the rush to push this through? Yes, there were opportunities for public testimony, but communities had only a few days notice, and no time to orient themselves to the implications of the bill. A bill that is not significantly changed to include meaningful public process and remove controversial community use lands is a no-go.

If financial solvency is the issue, then clearly the university would better benefit from direct funding from the Legislature. The way the university develops, with massive clear-cutting or land sales with little public notice, do not qualify it to act as a steward of valuable neighboring community lands. Even the university says land won't solve long term financial needs. Please contact our state legislators and Sen. Lisa Murkowski to let them know that we don't support bills that harm our communities and fail to truly support our university.

• Anessa Berry lives in Port Alexander and is a former president of the University of Alaska Student Conservation Club



April 21, 2005  
Trek Alaska  
6436 Carlos Ct.  
Anchorage, AK 99504

Dear Senator:

This is in regards to SB 96. I would ask you to strongly consider supporting amendments to remove the McCarthy tracts from this bill.

I urge you to consider the needs of this Alaskan community and let this issue rise above partisan politics.

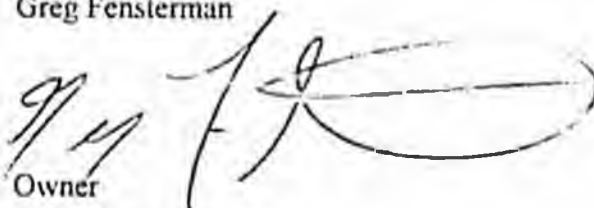
The community of McCarthy is surrounded by Federal Land administered by the National Park Service. The DNR land to be transferred is the last buffer we have between the NPS and the community. At the moment we are in a fight with NPS to preserve our rights to access private inholdings inside the boundaries of the National Park. It seems that ANILCA, as interpreted by NPS, means that to cross Federal Lands you need a permit and pay fees to get to your home. I hope you agree that is totally unacceptable. If the DNR land is transferred to the University, it leaves the community of McCarthy at the mercy of the NPS for firewood, house and saw logs as well as gravel for locally available resources so important to this community.

**Regarding Senator Murkowski's bill SB-293.**

Under the bill, the University would receive the right to select an initial 250,000 acres from the federal government, provided it gives back its current inholdings in some national parks and refuges. These inholdings (about 10,000 acres in size) are located in Denali National Park and Preserve, Kenai Fjords, Wrangell-St. Elias National Park and Preserve and in the Alaska Peninsula and Maritime National Wildlife Refuges, among others.. Many here find this disconcerting and feel like the Governor and the Alaskan Republican majority has abandoned the community when it needs the state's help most

While we hope to have the full 12,500 withdrawn from the bill a compromise may be our best option. DNR has 6-8,000 acres of land available near Willow and Nenana for transfer to the University. I urge you to consider a proposal to extract all or part of this land from SB 96.

Regards  
Greg Fensterman



Owner  
Trek Alaska

Ivy Frye

---

**From:** michelle niland [michelleniland@yahoo.com]  
**Sent:** Wednesday, April 20, 2005 11:53 PM  
**To:** Sen. Lyda Green  
**Subject:** SB96 Please help McCarthy

Senator Green:

I hope you are well. I am writing to you in reference to SB96 which you will analyze in Senate Finance soon. I live in McCarthy. Inclusion of our lands in this Bill will really hurt my community. I understand that you are a Republican and that this is not your district, but you are an Alaskan and I believe you care about Alaskan communities.

We need help. We have been doing our best to voice our concerns to both the House and Senate and my heart feels heavy. Yet I know you have the power to help us.

Lands around Willow, Wasilla and into the North Slope could all be substituted into this Bill in order to keep the transfer acreage at or above 250,000. It doesn't seem the DNR wants to part with parcels that will really benefit the University. Our land means nothing to the University. To us, it means holding onto our lives. It means continuation of our community. It means holding onto our only local economy-tourism. We are talking about the last of the State lands in our area. No future borough lands, no more buffer zone between us and the National Park Service. It seems our Legislature is willing to go along with this. Senator Green, at what cost will you see this quota met?

The Senate is in a position to add lands to this bill once these are removed. There is plenty of time to kick the acreage up to 250,000 in order to match Lisa Murkowski's bill. Her bill, incidentally, gives 8,000 of UAA's acres which are now up for sale in our area to the National Park Service. These 8,000 are prime lots with locations around the airport, Nizina bluff lots, prime lots around Long Lake and beautifully wooded subdivisions. These are areas the U has already established, surveyed, divided, etc. Why take away land that makes them money and have the State give them marshy lands without the views? It doesn't make sense, does it?

We believe it will not be long before these 12,500 are also given to the NPS. My community is scared and has good cause to be. We are not being heard, we are not being protected. Look around the lower 48 and you will gain an understanding of why we need ANILCA's protection. The NPS removes locals from every community it moves into. All in the name of protecting the environment. ANILCA's design was the protection of the people- in communities just like mine. So why are we facing access issues today? How would you feel if you were asked to fill out a request for a PERMIT just to get to your home? What will you do to help us?

Senator Green, meeting a quota is a poor excuse for ignoring the needs of a community.

Thank You,

Michelle Niland

907-775-5156

4/21/2005



#25, PO Box MXY, McCarthy, Alaska 99588  
907-554-4411 fax 907-554-4400  
info@WrangellMountainAir.com  
www.WrangellMountainAir.com

Facsimile Transmission

April 20, 2005

To: Senator Lyda Green / 907-465-3805  
From: Kelly Bay  
Pages: 2  
Re: SB 96

Dear Senator,

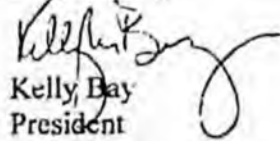
The community of McCarthy is surrounded by Federal Land administered by the National Park Service. The DNR land to be transferred is the last buffer we have between the NPS and the community. At the moment we are in a fight with NPS to preserve our rights to access private inholdings inside the boundaries of the National Park. It seems that ANILCA, as interpreted by NPS, means that to cross Federal Lands you need a permit and pay fees to get to you home. I hope you agree that is totally unacceptable. If the DNR land is transferred to the University, it leaves the community of McCarthy at the mercy of the NPS for firewood, house and saw logs as well as gravel for locally available resources so important to this community. As an example: A log cutting permit from NPS land for a privately owned, small band saw mill were recently denied while at the same time the logs were ok'd for firewood even though the valley is full a beetle killed spruce and presents a fire hazard. In addition, no one has been able to secure a permit to obtain sand or gravel from NPS. This is the kind of senseless and changeable regulation we will be subject to when the DNR land is transferred.

The other aspect of this is that Senator Murkowski's bill SB-293. We find it interesting that NPS has been very quiet during this process and suspect that they may end up with part or all of it through land trades such as the one proposed in SB-293. Here is what the Senator's press release said: "Under the bill, the University would receive the right to select an initial 250,000 acres from the federal government, provided it gives back its current inholdings in some national parks and refuges. These inholdings (about 10,000 acres in size) are located in Denali National Park and Preserve, Kenai Fjords, Wrangell-St. Elias National Park and Preserve and in the Alaska Peninsula and Maritime National Wildlife Refuges, among others." Many here find this disconcerting and feel like the Governor and the Alaskan Republican majority has abandoned the community when it needs the state's help most.

While we hope to have the full 12,500 withdrawn from the bill a compromise may be our best option. DNR has 6-8,000 acres of land available near Willow and Nenana for transfer to the University. I urge you to consider a proposal to extract all or part of this land from SB 96.

I know you are extremely busy, but if you can find the time I would love to have a few minutes to discuss this issue.

Respectfully,



Kelly Bay  
President

Wrangell Mountain Air, Inc  
907-554-4411

Ivy Frye

---

**From:** Jason & Andrea Wick [kingscourt@kpunet.net]  
**Sent:** Wednesday, April 27, 2005 10:19 AM  
**To:** Sen. Lyda Green  
**Cc:** Senator\_Bert\_Stedman@legis.state.us  
**Subject:** U of A Land Grant for Moser Bay, Ketchikan

Ref: SB 96 & HB 130

We are concerned about the possibility of the University of Alaska acquiring ownership of the timber land in and around Moser bay located north of Ketchikan. My wife and I were born and raised in Ketchikan. Over the years we have seen many bays and inlets logged off around the Ketchikan area and it was all to the good in so much as the logging industry provided jobs and an economic base for the citizens of Ketchikan. Moser bay is a heavily forested area full of wildlife with two small salmon streams along with crab and shrimp in the bay itself. It is a beautiful area unmolested by commercial activity. Moser bay is the last pristine area north of Ketchikan left untouched that weekend boaters can get to on a weekend. It is our hope that we can keep Moser bay in its original state so that generations to come can enjoy the wilderness area as generations before have enjoyed. It is areas like Moser bay that provide reason for living in Alaska. It is our wilderness experience. Also there is a Coastal Management Plan for future development, initiated by the state, that indicates a site in Moser bay as a potential future site for a resort. Who would want to spend thousands of dollars to fish at a resort located in the middle of a logging operation or in a logged of area. Would this not ruin the very experience that folks come to our beautiful state to enjoy? Surely there is land the state can grant the U of A for the purposes of future revenue without granting them the Moser bay area which is the last of the unmolested area that the residents of Ketchikan can get to by boat on a weekend.

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

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

Thank you for considering our comments.

Please make our comments a part of the official record.

Jerry and Sherrie Wick

gwick@c2i2.com



Douglas Indian Association  
Tribal Government

P.O. Box 20000, Douglas, Alaska 99574

Alaska State Senator: Beth Kerttula  
State Capital  
Juneau, Alaska

March 18, 2005


Dear Representative Kerttula:

These comments are made on behalf of the Douglas Indian Association (DIA), the federally recognized Indian Tribe of the Taku Kwam of Southeast Alaska. DIA has serious concerns about the conveyance of any state lands from within DIA's customary and traditional use boundary to the University of Alaska (U of A), as proposed in HB 130 and SB 96. Particularly objectionable to DIA is the parcel #SD-1001 which is comprised of approximately 5 acres in Sashof Cove, at the abandoned village site of Sundan which is of considerable cultural value to the Taku Kwam, and thus to DIA.

Although we are supportive of a strong and healthy university system within the state of Alaska, we are adamantly opposed to further public land conveyances to the University of Alaska, such as is outlined in the proposed legislation. U of A has already established itself as a poor steward of many of the land parcels in which it had been previously granted, as evidenced in Icy Bay and elsewhere. Furthermore, we are of the opinion that the U of A has already exceeded both its state and federal land grant entitlements and needs to find other means by which to meet its fiscal needs, other than its continued dependence upon resource extraction from, and liquidation of public trust lands. DIA feels that the granting of this parcel will, in time result in its privatization which would be a detriment to its inherent cultural value.

Contrary to the language contained in both HB 130 and SB 96, we feel that this measure is not "in the best interests of the state and the University of Alaska" and is most certainly not in the best interest of DIA, its council, and constituency.

Sincerely,

  
Brock Marshall  
Environmental Planner

cc: Senator Kim Elton, Senator Albert Eskesh



Haines Borough Planning Commission  
PO Box 1209  
Haines, AK 99827

April 4, 2005

The Honorable Frank Murkowski  
Governor of the State of Alaska  
PO BOX 110001  
Third Floor, State Capitol  
Juneau AK, 99801-0001

Dear Governor Murkowski:

The Haines Borough Planning Commission, after review of the proposed UAA Land Grant legislation, is on record as opposing SB 130/HB96. The "fast track" of this legislation is problematic, we prefer a longer time frame to review the proposed sales and the opportunity to then carefully consider the impact on the development and recreational lands within our borough.

The selection of William Henry Bay is of great concern to us. The site is a prime piece of recreational land and should be considered as an addition to the marine parks in the Lynn Canal. The cultural and historic background alone warrant its inclusion in the boroughs land selection. The bay was named in 1794 by Lt. Widdby of Captain George Vancouver's expedition, one of the early well documented trips within the Lynn Canal. It is also one of the options for a marine terminal for the Juneau/Haines shuttle ferry. The Lynn Sisters and William Henry Bay lands compliment the existing St. James Bay marine park and would provide additional economic development opportunities within our borough. Tourism and recreational activities are two of the fastest growing segments of our local economy.

It is the existing policy of the Haines Borough to retain lands not currently offered for sale in order to adequately provide for future development and for public recreation sites. Many areas classified as wildlife habitat are important for subsistence gathering. The protection of subsistence resources is of utmost importance to the Haines population.

The Haines Borough is classified as rural for subsistence hunting, and many locals hunt for deer in Icy Straits and in Idaho Inlet. The disposal of one of the few level sites within Idaho Inlet would create development that could seriously impact the subsistence hunting in that area. The communities of Hoonah and Elfin Cove/Pelican have similar concerns for this area.

A corrected set of maps, showing ownership of adjacent lands would be of great help in our review. Some of the properties shown are ones that we have previously selected as our municipal entitlement and have not yet been conveyed.

The proposal to dispose of public lands through this process is both unnecessary and not in the public's best interest. Thank you for your attention to this matter.

Sincerely,



Lee Heinmiller  
Vice Chair, for the  
Haines Planning Commission

cc:

Senator Albert Kukesh  
Representative Bill Thomas  
Representative J Ramras, Co Chair House Resource Committee  
President Mark Hamilton, UAA  
J Robert Venables Haines Borough Manager



## Hoonah Indian Association

P.O. Box 602

Hoonah, AK 99829-0602

Phone (907) 945-3545 Fax (907) 945-3703



February 17, 2005

Brian D. Rogers: Chair  
Board of Regents: University of Alaska  
P.O. Box 755300  
Fairbanks, AK 99775

Dear Chairman Rogers,

The Hoonah Indian Association is a federally recognized tribe in accordance with and by the authority of the Acts of Congress of June 18, 1934 (48 Stat. 984) and May 1, 1936 (49 Stat. 1250).

It is the purpose of this letter to register with the Board of Regents our opposition to the acquisition of State and Federal lands by the University that come at the cost of Alaska's communities or environment. We are opposed to the efforts of the State and its delegation in Washington D.C. to seek federal taxpayers' land to make up the shortfall, in funding, that results from the State's refusal to fully fund its university system.

We want to assure you that we support the University of Alaska as a land-grant institution, and appreciate the opportunity the University has to responsibly use the lands that have been given to the University's Land-Grant Endowment Trust Fund and helps to pay for the Alaska Scholars Program in addition to various natural resource education and research projects.

Unfortunately, we are aware that in the pursuit of profits some of the University's lands have become the object of wholesale clear-cut logging, oil-leasing, mining and development that we believe has not been in the long-term best interest of the University or the State of Alaska. We are also aware that poor management of some University-authorized operations has resulted in damage to sensitive habitat resulting in numerous citations, as in the case of operations on Cape Yakataga.

Additionally, we are concerned with how the recent Mountain Point land sale by the University in the Ketchikan area, to the ALCAN Forest Products Co., has outraged residents who feel betrayed by the failure of the University and the company to include their participation in project planning. It is unacceptable that they now watch in dismay as their local watershed is clear-cut logged and the values of their community threatened.

We are particularly concerned to see that the bills introduced in the Alaska State Legislature contain language that would repeal requirements for the University to engage

tribal councils, communities, businesses, and local residents in development plans for any of the University's land holdings.

As an organization that represents descendants of Alaska's original land caretakers, the Hoonah Indian Association stands opposed to State of Alaska proposals that are little more than attempts to acquire federal public land and assets at federal taxpayer expense.

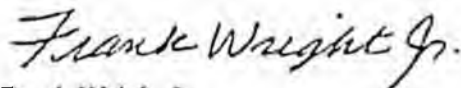
In areas traditionally occupied and used by various groups of Native people, some with yet unresolved issues of land ownership, the proposed legislation would allow the University of Alaska access to federal and state lands of cultural, environmental and economic significance including wildlands in the Tongass National Forest. We notice that several parcels listed on the U of A Land Grant List of 2005 Parcel Descriptions for Northern S.E. Alaska identify properties significant to the Tlingit people of this region that are currently managed by the State of Alaska. In addition, some lands to be selected from the Tongass National Forest are undoubtedly areas with cultural and economic value related to their customary and traditional use. Some include the sites of former village locations and the graves and cemeteries of ancestors, from whom the land was previously procured.

The Hoonah Indian Association requests to be placed in the official record before the Board of Regents in conjunction with public testimony being taken on Thursday, February 20, 2005 from 9 - 10am at the Baranof Hotel, and again on Friday, February 21, 2005 from 9 - 10am at the UAS campus at the Egan Classroom Building, room 221.

The Hoonah Indian Association is strongly opposed to the passage of any legislation that grants state or federal public land to the University of Alaska. We specifically request that language repealing public process be added back in the University's land management requirements. We seriously encourage the University to ~~secure more reliable sources of revenue from more responsible and ecologically sound alternatives.~~

The Hoonah Indian Association appreciates the opportunity to go on record with these comments to the Board of Regents of the University of Alaska, the Alaska State Legislature and our federal legislators.

Sincerely,



Frank Wright Jr.  
President

March 12, 2005

Alaska State Legislature  
House Finance Committee

Dear Finance Committee Member,

My name is Gayle Gross and I am writing to you from Wrangell. We have been slow on the upbeat reacting to HB 130 but want our voices heard and action taken.

I feel that the facts on a particular parcel of land were not presented when this bill sat in the Resource Committee. That parcel is Olive Cove, on Etolin Island, near Wrangell. On page 10 of the "University of Alaska Land Grant List 2005 Parcel Descriptions" booklet, Olive Cove was described as follows... "Parcel occupies flat coastal plain vegetated by hemlock and spruce forest good for settlement. Adjoins an existing subdivision. Situated southwest of Wrangell on Zimovia (sic) Island. Direct water access to Zimovia Strait. General Use." A copy of that description is attached to my letter. That description was paraphrased from the "Central/Southern Southeast Area Plan" published in November 2000 (Upland Large Tract Summary - page 3-206). Because of its length I will not print the entire text of that Area Plan but have it attached to my letter, as well. As you can see, Olive Cove is much more than just a "parcel occupying a flat coastal plain vegetated by hemlock and spruce forest". In fact, Olive Cove is a very significant parcel that has not only an anadromous stream but... "areas within and near Olive Cove are important habitat areas: Olive Cove itself is an anadromous stream, contains estuarine wetlands, and has important concentrations of both wildlife and fish species." The Area Plan goes on and on describing the critical habitat of Olive Cove and that it... "is to be managed for the protection of habitat and wildlife within." The Management Intent of the Area Plan was completely overlooked when presenting this parcel for HB 130. As you can see, this is a significant stream, and this area is used by the people of Wrangell for subsisting as well and the commercial fisheries it supports. Certainly you can understand why I have such strong feelings about withdrawing this parcel from HB 130. The facts of the 2000 Area Plan speak for themselves. I understand the importance of the Land Grant to the University, however, parcels as significant as Olive Cove should not be sacrificed.

Finally, attached is a copy of a petition signed by over 50 people in Wrangell. We will mail the original to our Representative, Peggy Wilson, as well as copies of this letter and attachments to her and Senator Bert Stedman and the other members of the Finance Committee.

I urge you to withdraw the Olive Cove parcel from HB 130.

Thank you,

Sincerely,

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

## FILE COPY

We, the undersigned, oppose the transfer of land at Olive Cove to the University Land Grant as proposed in HB 130. Olive Creek, also known as Snake Creek to locals, crosses that land and is a significant salmon and trout stream. Fish habitat would be compromised with potential development in the watershed. The creek benefits subsistence users and contributes to the common property fisheries in the area.

Printed Name	Signature	Address	Phone #
GAYLE A. GROSS	<i>Gayle A. Gross</i>	Box 11 Wrangell AK 99929	(907) 874-2577
Debra J. Clark	<i>Debra J. Clark</i>	Box 1160 Wrangell, AK	(907) 874-3758
William T. Meissner	<i>William T. Meissner</i>	Box 1752 Wng.	907-874-3011
Chuck Meissner	<i>Chuck Meissner</i>	Box 2056	874-3190
Jenny Hamley	<i>Charles J. Hamley</i>	Box 467	874-4165
Derek Meissner	<i>Derek A. Meissner</i>	Box 2342	874-3278
Greg Meissner	<i>Greg Meissner</i>	Box 1523	874-3034
Jim Early	<i>James S. Early</i>	Box 1941	874-4222
Charlie Howley	<i>Charlie Howley</i>	Box 2354	874-4165
Vern Meissner	<i>Vern Meissner</i>	Box 156	874-4040
Steve Miller	<i>Steve Miller</i>	Box 1991	874-4075
ITANU EYBROSS	<i>Itanu E. Ybross</i>	Box 11	(907) 874-2577
ROBERT WICKMAN	<i>Robert Wickman</i>	Box 1513	907-874-2030
<i>[Signature]</i>	<i>[Signature]</i>	Box 1080	907-874-3918
MIKE STOVAN	<i>Mike Stovan</i>	Box 612	874-3274
Joe Kuntz	<i>Joe Kuntz</i>	Box 954	874-7213
Wayne Kauer	<i>Wayne Kauer</i>	Box 1123	874-3237
David A. Svendsen	<i>David A. Svendsen</i>	Box 631	874-3011
TERRY SUNOSS	<i>Terry Sunoss</i>	1572	3912
Doug J. Stevens	<i>Doug J. Stevens</i>		
Holly Bachelier	<i>Holly Bachelier</i>	Box 1363	NOTE: live at Olive Cove now
and Robert Bachelier	<i>Robert Bachelier</i>	Box 1363	

We, the undersigned, oppose the transfer of land at Olive Cove to the University Land Grant as proposed in HB 130. Olive Creek, also known as Snake Creek to locals, crosses that land and is a significant salmon and trout stream. Fish habitat would be compromised with potential development in the watershed. The creek benefits subsistence users and contributes to the common property fisheries in the area.

Printed Name	Signature	Address	Phone #
<del>Ernest Allen Jr</del> Ernest Allen Jr	<del>[Signature]</del>	Box 932	874 2525
Don Soric	[Signature]	PO. PPV	209-2259
Jason Cook	[Signature]		776-2067
Ryan Hurst	[Signature]	PO BOX 6074 KTN	722-0233
<del>Chris Cawthorne</del> CHRIS CAWTHORNE	[Signature]	Box 604 WRG	NO PHONE
MILK & GEDNEY	[Signature]	PO BOX 481 WRG.	874-2541
Arlene v. Ferguson	[Signature]	P.O. B 1732 WRG.	874 2541
Chris Cawthorne	[Signature]	POB. 65 WRG	
Bon Opheim	[Signature]	Box 2119 WRG	
Eric Vancay	[Signature]	Box 2107 WRG	874-2499
Yalcie Klink	[Signature]	Box 895	874-2096
Alan Reeves	[Signature]	Box 741	874-3614
Richard Kier	[Signature]	Box 1107	874-3647
Mitch Miller	[Signature]	Box 2485	874 3727
for Abraham	[Signature]	Box 2032	874-4528
DARRELL ALLEN	[Signature]	Box 423	874 3...


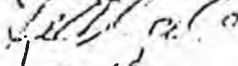
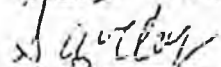
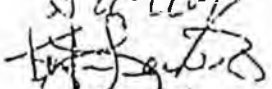
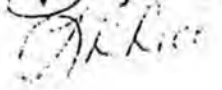
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Printed Name	Signature	Address	Phone #
Janice Churchill	<i>Janice Churchill</i>	Box 126 Wrangell, AK	907-874-3746
Emil Churchill	<i>Emil Churchill</i>	Box 126 Wrangell, AK	907-874-3746
Daniel Churchill	<i>Daniel Churchill</i>	Box 126 Wrangell, AK	907-874-3746
FRANK H. RICE	<i>Frank H. Rice</i>	POB 2125 WRG,	874-2886
DAVE SWEAT	<i>Dave Sweat</i>	Box 1927 WRG 99929	907-874-2509
BRIAN SCHWARZ	<i>Brian Schwarz</i>	Box 1996 WRG 99929	907-874-3500
John Yeager	<i>John Yeager</i>	Box 1996 WRG 99929	907-874-4157
Dwight George	<i>Dwight George</i>	Box 1996 WRG 99929	907-874-4157
Mike Clark	<i>Mike Clark</i>	Box 666 Wrangell, AK	907-874-3500
MYRNA TORGEANSEN	<i>Myrna Torgensen</i>	Box 348 WRANGELL	907-874-3500
Wendy Phillips	<i>Wendy Phillips</i>	Box 522 Wrangell, AK	907-874-3500
Robert M Maxwell	<i>Robert M Maxwell</i>	Box 522 Wrangell, AK	907-874-3500
James H. Howell	<i>James H. Howell</i>	Box 522 Wrangell, AK	907-874-3500
Arnold K Bakke	<i>Arnold K Bakke</i>	Box 1482 WRG AK	907-874-3500
Wes Torgensen	<i>Wes Torgensen</i>	Box 1482 WRG AK	907-874-3500
Felix V. Clark	<i>Felix V. Clark</i>	Box 928 WRG AK	907-874-3500

We, the undersigned, oppose the transfer of land at Olive Cove to the University Land Grant as proposed in HB 130. Olive Creek, also known as Snake Creek to locals, crosses that land and is a significant salmon and trout stream. Fish habitat would be compromised with potential development in the watershed. The creek benefits subsistence users and contributes to the common property fisheries in the area.

Printed Name	Signature	Address	Phone #
Brian Jones	<i>Brian Jones</i>	POB 1254 Wrangell, AK 99424	(907) 874-3333
JACOBUS PINO	<i>Jacobus Pino</i>	P.O. B. 1961 WILKINSON AK 99625	874-248
TERRIE L. PINO	<i>Terrie L. Pino</i>	P.O. B. 1961, 117 FORT ST. WILKINSON AK 99625	874-248
Danette Grover	<i>Danette Grover</i>	P.O. B. 1634 Wrangell, AK 99428	874-334
Josh Blitchley	<i>Josh Blitchley</i>	P.O. B. 1431 Wrangell AK 99424	874-278
PAUL STEPHAN	<i>Paul Stephan</i>	P.O. Box 2278 Wrangell AK 99428	874-278

We, the undersigned, oppose the transfer of land at Olive Cove to the University Land Grant as proposed in IIB 130. Olive Creek, also known as Snake Creek to locals, crosses that land and is a significant salmon and trout stream. Fish habitat would be compromised with potential development in the watershed. The creek benefits subsistence users and contributes to the common property fisheries in the area.

Printed Name	Signature	Address	Phone #
Frank Gunderson		PO Box 458	(907) 874-2200
Jeff Abrahamson		Box 2030	907 874 3605
Shawn Curley		Box 1464	(907) 874-4345
Kirsten Lewis		Box 65	907-874-41215
Patrick Rife		Box 34	907-874-2866



## Organized Village of Kake

P.O. Box 316

Kake, Alaska 99830-0316

Telephone 907-785-6471

Fax 907-785-4902 / email [KøøxKwaan@starband.net](mailto:KøøxKwaan@starband.net)

(Federally Recognized Tribal Government serving the Kake, Alaska area)



March 17, 2005

Rep. Jay Ramras, Chairman  
House Resources Committee  
State Capital, Rm 104  
Juneau, Alaska 99801

Sen. Thomas Wagoner, Chairman  
Senate Resources Committee  
State Capital, Rm 427  
Juneau, Alaska 99801

Re: Proposed University Land Selection at Rowan Bay, Kuiu Island

Dear Chairman Ramras and Wagoner,

The Organized Village of Kake (OVK) is a federally recognized tribe for the Kake area. OVK functions as a Federal/Tribal governance to provide services to its membership and, by its Constitution, which includes... "the protection of the Tribal membership." OVK Tribal Government objects to the selection of Rowan Bay, or any land that would be part OVK's Customary and Traditional Gathering (subsistence) areas, as part of the University Land Grant selection as identified by Governor Murkowski's HB 130/SB 96.

Please be assured that we support the University of Alaska as a land-grant institution, and appreciate the opportunity the University has to responsibly use the lands that have been given to the University's Land-Grant Endowment Trust Fund and helps to pay for the Alaska Scholars Program in addition to various natural resource education and research projects.

However, OVK is concerned about how University land has been managed in the Cape Yakataga area where numerous citations were made because of damage to sensitive habitat. Another concern for OVK would be the Mountain Point land sale by the University in the Ketchikan area, where none of the planning included the local residents for their comments about their watershed that is being clear-cut. We object to any bills introduced in the Alaska Legislature that contains language which would repeal requirements for the University to engage tribal councils, communities, businesses, and local residents in development plans for any of the University's land holdings.

OVK objects to any land transfer that effects areas where sacred sites for our Tribal Membership are. One of our Spiritual leaders is buried within the Rowan Bay area. We are on record with the State of Alaska and the US Forest Service objecting to other land proposals that are within the Kake Subsistence areas in the past, please note the attached OVK Resolution No. 97-21: OVK OPPOSING U.S. SENATE BILL #660, UNIVERSITY LANDS BILL. The Organized Village of Kake tribal members have used this area since time immemorial for subsistence.

If you have any questions or comments please contact Gary Williams – Executive Director or Mike Jackson – Resource Officer at the above address, and Mike Jackson's email is: [mjackson@kakefustnation.org](mailto:mjackson@kakefustnation.org).

Sincerely,

Henrich Kadake  
President

cc: Rep. William A. Thomas  
Sen. Albert Kookesh

Tom Irwin, Nat. Res. Commissioner

February 14, 2005

Dear Legislators:

We the undersigned, residents of Pelican and Lisianski Inlet, request that you reject HB 130 and SB 96, The University Lands Bill. We urge you to protect the lands slated for transfer in Lisianski Inlet for the following reasons:

- They are highly used for subsistence and recreation purposes. Privatization of these lands designated as "Public Recreation and Tourism -Undeveloped" in DNR's own Northern Southeast Area Plan (NSEAP) would open them for any type of commercial development.
- They are adjacent to Wilderness and Roadless areas and large-scale development would be an inconsistent use. Further, this use would be inconsistent with local planning documents.
- There are no safeguards in the bill that mandate the University manage these lands in a manner that is consistent with community planning and resident's needs. "[Land] shall be managed in a manner that, to the extent practicable, permits reasonable activities of the public that do not interfere with the use or management of the land by the university," is insufficient to protect the public's best interest.
- There is already a process in place whereby the transfer of land to the University may be accomplished that allows for greater public process. Moreover, SB 7 requires the University to establish a management plan and seek public comment before land disposals. This bill seeks to circumvent the public process.
- The University is compelled to manage these parcels for profit only. DNR's management mandate is more encompassing to include recreation, compatibility with adjacent lands, local planning, traditional uses including subsistence, habitat, and development among other needs.
- The Mite Cove parcel is an important anchorage for commercial fishermen and the uplands are a documented deer and bear corridor. The NSEAP recognizes this critical habitat and use and protects this land from private ownership.
- Businesses holding DNR tidelands leases adjacent to these parcels would be displaced by private ownership.
- These parcels were designated as primarily "Public Recreation and Tourism - Undeveloped" in DNR's NSEAP; this calls for land to be remain undeveloped and cannot be sold to individuals. Other uses included water uses and some settlement, but only on the beach fringe. This is a far cry from DNR's own characterization of the bill as "focused primarily on lands that had been designated settlement, general use, or general public recreation in DNR land-use plans." Of note, "general public recreation" does not exist in the NSEAP as a land use designation.

Please carefully consider the negative impacts on the residents of Pelican and Lisianski Inlet of this legislation. We can only extrapolate the deleterious effects statewide of the University Lands Bill.

Thank you for your consideration.  
Sincerely,

The Residents of Pelican and Lisianski Inlet







RESOLUTION # 1770

Offered by: Anderson  
Supported by: Tremblay

A RESOLUTION OF THE CITY OF PETERSBURG  
IN OPPOSITION TO HB 130 AND SB 96 THAT TRANSFERS LAND  
TO THE UNIVERSITY OF ALASKA

WHEREAS, the State of Alaska Department of Natural Resources has nominated 260,000 acres throughout the state for transfer to the University of Alaska to generate income for the university system; and

WHEREAS, the properties designated for transfer within Southeast Alaska are integral parts of the communities and could suffer incalculable detrimental effects from this transfer; and

WHEREAS, there is concern about the impact on proposed properties that are heavily used for subsistence and recreation; and

WHEREAS, the possibility exists that there are incorrect maps and disputed Native allotments within the proposals, and

WHEREAS, there has been no time for public hearing or response on an issue that has such far-reaching consequences; and

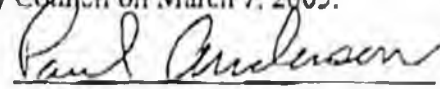
WHEREAS, the consideration of funding for the University of Alaska should be a part of a long term comprehensive fiscal plan for the state;

THEREFORE, BE IT RESOLVED, that the City of Petersburg Alaska by this resolution do oppose House Bill 130 and Senate Bill 96 in their current form; and

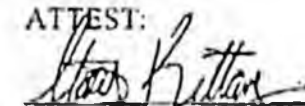
BE IT FURTHER RESOLVED that the City of Petersburg respectfully requests that this process be slowed to a more appropriate pace to allow affected communities to hold public hearings and pass resolutions in response; and

BE IT FURTHER RESOLVED that the City of Petersburg request that the State reconcile the land transfer proposals with existing approved State and local land management plans.

PASSED AND APPROVED by the Petersburg City Council on March 7, 2005.

  
Paul Anderson, Mayor Protem

ATTEST:

  
Stacy Williams, Deputy City Clerk

# CITY OF PORT ALEXANDER

P.O. Box 8068 Port Alexander, AK 99836-8068 907/568-2211 Fax 907/568-2207

## RESOLUTION 05-01

### A RESOLUTION FOR THE CITY OF PORT ALEXANDER OPPOSING UNIVERSITY OF ALASKA LAND BILLS IN THE ALASKA STATE LEGISLATURE:

Whereas, the University Lands Bills (SB 96, HB 130) introduced in the Alaska State Legislature would transfer 260,000 acres from land owned by the State of Alaska to the University of Alaska; and

Whereas, lands transferred under SB 96 and HB 130 by the University of Alaska include lands in the City of Port Alexander, Port Conclusion, and Rowan Bay; and

Whereas, transferring these parcels would impact the community's watershed, vital local hunting and biking areas, and adjacent private land owned by Port Alexander residents; and

Whereas, it is in Port Alexander's best interest that these parcels be managed under the recently revised Northern Southeast Area Plan for dispersed public recreation; and

Whereas, the University of Alaska manages its land to produce the most revenue possible regardless of local government plans or concerns; and

Whereas, University of Alaska's past management activities have negatively impacted communities with ill-advised subdivisions, clear-cut logging, and limits on public access; and

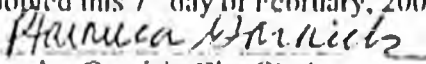
Whereas, the University of Alaska practices logging on its forest lands with insufficient protection to fish and wildlife habitat, and no in-state processing of its logs.

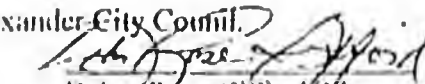
Therefore be it resolved that the City of Port Alexander opposes the privatization of public lands outlined in SB 96 and HB 130, specifically the inclusion of parcels in Port Alexander, Port Conclusion, and Rowan Bay in SB 96 and HB 130.

Therefore be it resolved that the City of Port Alexander urges the State Legislature and the Governor to explore mechanisms to support the University that do not include further rural land selections around Alaska, such as general fund appropriations, gas pipeline revenue, urban real estate ownership and more.

Therefore be it resolved that the City of Port Alexander opposes SB 96 and HB 130 unless the concerns expressed above and those of other Southeast Communities are recognized.

Adopted this 7<sup>th</sup> day of February, 2005 by the Port Alexander City Council.

  
Parmica Garnick, City Clerk

  
Debra Rose Gifford, Mayor



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

(907) 747-6020 markodap@ptialaska.net

February 15, 2005

The Honorable Frank Murkowski  
Governor of the State of Alaska  
PO Box 110001  
Third Floor, State Capitol  
Juneau, Alaska 99801-0001

Dear Governor:

The City and Borough Assembly of Sitka met for a special meeting on February 14, 2005 to discuss the issue of University Land Transfers. We would like to take this opportunity to oppose HB 130/SB 96 in their current form.

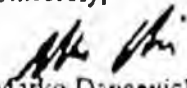
The properties for transfer are integral parts of the communities of Baranof Island, and this action could have incalculable detrimental effects on these communities. We believe the City and Borough of Sitka would be better served if these properties are left intact so that the Municipality would have better oversight as to their issues.

As this proposal has come as a surprise to us and gives us little or no opportunity to respond we respectfully request that this process be slowed to a more appropriate pace. This would allow the affected communities to hold public hearing and pass resolutions in response.

More specifically we are opposed to the transfer of Middle and Biorka Islands, Lisiunski Point, Baranof Warm Springs, and Port Alexander. We are supportive of the University obtaining the parcel of land that the Sitka Campus resides on. Further more, it is our hope that the State reconciles the land transfer proposals with existing approved State and local land management plans. We are also concerned with the possibility of incorrect maps, disputed Native allotments within the proposals, and the impact on subsistence activities.

It is worth noting that there was no public testimony favoring these bills; and we do not support them proceeding. Thank you for your consideration of our comments.

Sincerely,

  
Marko Dapcovich  
Mayor

Cc: Senator Bert Stedman  
Representative Peggy Wilson

Sponsor: Bailey/D. Dapcevich

**CITY AND BOROUGH OF SITKA**

**RESOLUTION NO. 2005-06**

**A RESOLUTION OF THE CITY AND BOROUGH OF SITKA  
IN OPPOSITION TO HB 130 AND SB 96 THAT TRANSFERS LAND  
TO THE UNIVERSITY OF ALASKA**

**WHEREAS**, the State of Alaska Department of Natural Resources has nominated 260,000 acres throughout the state for transfer to the University of Alaska to generate income for the university system; and

**WHEREAS**, the properties designated for transfer within the City and Borough of Sitka (CBS) are integral parts of the communities of Baranof Island and could suffer incalculable detrimental effects from this transfer; and

**WHEREAS**, there is concern about the impact on proposed properties that are heavily used for subsistence and recreation; and

**WHEREAS**, the possibility exists that there are incorrect maps and disputed Native allotments within the proposals; and

**WHEREAS**, there has been no time for public hearing or response on an issue that has such far-reaching consequences;

**THEREFORE, BE IT RESOLVED**, that the Assembly of the City and Borough of Sitka Alaska by this resolution do oppose House Bill 130 and Senate Bill 96 in their current form; and

**BE IT FURTHER RESOLVED** that CBS respectfully requests that this process be slowed to a more appropriate pace to allow affected communities to hold public hearings and pass resolutions in response; and

**BE IT FURTHER RESOLVED** that CBS request that the State reconcile the land transfer proposals with existing approved State and local land management plans.

**PASSED, APPROVED AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska on this 22nd day of February 2004.

  
\_\_\_\_\_  
Marko Dapcevich, Mayor

ATTEST:

  
Colleen Pellert, CMC  
Municipal Clerk

# Sitka Tribe of Alaska

Tribal Government for Sitka, Alaska

February 16, 2005

VIA FACSIMILE  
Representative Ramras  
Co-chair, House Resources Committee  
State Capitol, Room 104  
Juneau, AK 99801-1182  
fax: 907-465-2070

Re: Written Testimony on House Bill 130

Dear Representative Ramras:

I write to oppose the inclusion of 438 acres of land on Biorka Island and 1,443 acres of land on Lisianski Peninsula in House Bill 130/ Senate Bill 88. These lands are adjacent to or overlapping with native allotment lands that Tlingit people of Sitka have fought to receive as native allotments for over eighty years. This land grant to the University would irreversibly change the nature of these native allotments and in one case would be conflicting with the native allotment claim. Thus I urge the State to amend Senate Bill 130 to exclude these lands from lands the University would receive in HB 130.

As the Resources Protection Director at Sitka Tribe, I am primarily responsible to protect the property interest of native allotment applicants and landowners in the Sitka area. Sitka Tribe has compacted this responsibility from the federal government since 1995.

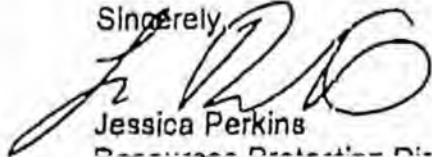
### *Biorka Island*

I write on behalf of the family of Rudolph Walton, native allotment applicant of 160 acres of land on Biorka Island. Biorka Island was traditionally called Was's to the Tlingit people of Sitka. It was on this land that Rudolph Walton (1867-1951) was born and had his summer camp. Mr. Walton applied for 160 acres of land on Was's as a native allotment under the Native Allotment Act of 1906 in 1909. (Native allotment application A-01484 or J-01484). In 1921, Mr. Walton received title to 44.5 acres of land and the remainder of the island was reserved to the Navy. In 1940 the War Department condemned Mr. Walton's native allotment. In 1951, the War Department determined Mr. Walton's native allotment to be surplus to the War Effort and granted 22.5 acres of land to the Federal Aviation Administration and 20 acres of land to the United States Coast Guard. Since that time, the heirs of Rudolph Walton have fought to get Rudolph Walton's land back. This spring, the heirs will be filing a reinstatement application for the full 160 acres of land. The 160 acre application would include a portion of the 438 acres of land proposed to be transferred to the University of Alaska in HB 130.

*Lisianski Peninsula*

Three native allotments are on land adjacent to the 1,443 acres of land to be granted to the University of Alaska under House Bill 130. These native allotments would be irreversibly damaged as remote fish camps as they have been historically and presently used if the adjacent lands were granted to the University and developed as a remote settlement area. Thus, I urge you to exclude the land on Lisianski Peninsula from House Bill 130.

Sincerely,



Jessica Perkins  
Resources Protection Director

Cc:

Representative Samuels, co-chair House Resources Committee, State Capitol, Room 126, Juneau, AK 99801-1182, fax: 907-465-3810

Representative Elkins (907-465-3793), Representative Gatto (907-465-2381),  
Representative LeDoux (907-465-4958), Representative Olson (907-465-3835),  
Representative Sealon (907-465-3472), Representative Crawford (907-465-4565),  
Representative Kapsner (907-465-4588)

Representative Puggy Wilson (907-465-3175)  
Senator Bert Stedman (907-465-3922)  
Governor Frank Murkowski (907-465-3532)

# CITY OF TENAKEE SPRINGS

SHELLY P. WILSON  
MAYOR

ADMINISTRATION  
PHONE & FAX (907) 736-2207

Representative Bill Thomas  
State Capitol, Room 428  
Juneau, AK 99804-1182

March 11, 2005

Re: University of Alaska Land Bill

Dear Representative Thomas:

The City of Tenakee Springs has serious concerns about the selection of lands within our city limits. We have been notified verbally that USS 2459 has been dropped from the land grant selection but we have not been officially notified in writing. We request that this be verified in writing. While we are pleased that the parcel of land (USS 2459) has been dropped from the potential transfer, we wish to bring to your attention the contingencies affecting the rest of the property in question.

University ownership and development of these lands would breach the court-approved stipulation reached between the City and State on March 9, 1981. This agreement stipulates lands to be conveyed to the City and those "to be retained by the state." Specifically, parcels C30 and C34 (as designated by the Northern SE Area Land Plan, October 2002), are included in the proposed University Lands transfer in spite of this status. As confirmed in the Northern SE Area Land Plan, these parcels are to be "managed consistent with the court order"; parcel C30 as a "public facility reserve... to be retained by the state and only used for public facilities or uses" and parcel C34 "as an area for 'commercial, industrial, right-of-way'...to be retained by the state and are to be (only) used for the aforementioned purposes". The court order also states that these parcels "will be subject to local zoning ordinances..." Parcel C34 is zoned industrial along the beach area and watershed reserve above that area.

The parcels in the vicinity of the Tenakee Harbor, C-32 (in the Northern Southeast Area Plan) is designated as a "Public Facility Reserve" and recreation uses. The management plan states that " (lands within this parcel are to be retained by the state and are to be (only) used for public facilities or uses." These areas are zoned in the City of Tenakee Springs Municipal Code, Chapter 07.04 as a Public Use District, the purpose of which is "...to be retained in the public ownership and used for public purposes." We would like to know the status of the parcels C-30 and C-32, which are adjacent to USS 2459.

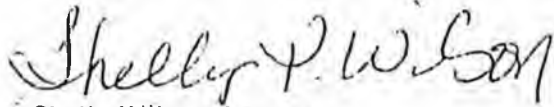
House Bill 130, section 14.40.365 item (e) states "Land conveyed under this section to the Board of Regents in trust for the University of Alaska is subject to any valid possessory interest or other valid existing right including any lease, license, contract, prospecting site, claim, sale, permit, right-of-way, or easement held by another person on the effective date of this section." It appears that the court order would affect the status of these parcels.

It also appears that insufficient time and scrutiny has been spent examining these parcels to understand complications and problems like these. As Sitka Mayor Marko Dapevich said, "I spend more time contemplating my lawn that the state spent (on land selections)." (Juneau Empire article, Thursday March 3<sup>rd</sup>)

In closing, I believe that University of Alaska ownership and/or development would violate the court order of March 9, 1981, which clearly designates these areas "to be retained by the state."

Thank you for this opportunity to comment.

Sincerely,

  
Shelly Wilson, Mayor

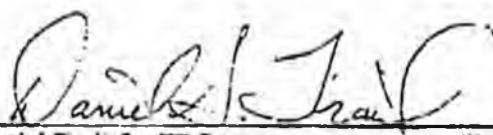
Re: Court Order March 9, 1981, Northern Southeast Area Plan

Cc: Senator Al Kookesh, Representatives Mike Chenault, Bruce Weyrauch, Director Bob Lefler, Department of Natural Resources

**A RESOLUTION FOR THE THOMS PLACE COMMUNITY ASSOCIATION  
OPPOSING UNIVERSITY OF ALASKA LAND BILLS IN THE ALASKA STATE  
LEGISLATURE**

- WHEREAS** The University Lands Bills (SB 96, HB 130) introduced in the Alaska State Legislature would transfer a large 2,360 acre tract to the University of Alaska which is located immediately adjacent to the community of Thoms Place, and;
- WHEREAS** Transferring this entire tract to the University could have a serious negative impact on the property values of Thoms Place Community Association members, and;
- WHEREAS** It is in Thoms Place Community Association's best interest that this tract be managed according to Alaska Department of Natural Resources Central/Southern Southeast Area Management Plan, i.e. for community development and community recreation, and,
- WHEREAS** The University of Alaska has historically managed its lands for the purpose of generating the most revenue possible regardless of local community plans or concerns, and;
- WHEREAS** Thoms Place Community Association has no reason to believe that the University will treat our community with any greater deference than it has other communities in the past.

**NOW THEREFORE BE IT RESOLVED** that the Thoms Place Community Association opposes the transfer of the Thoms Place tract to the University of Alaska in SB 96 and HB 130 unless the University can be duly obligated by the legislation to manage these lands for the next ten-year period according to the management direction prescribed by the Central/Southern Southeast Area Management Plan, i.e. with an emphasis on community development and community recreation.

  
Daniel Trail for TPCA                      2/9/05  
Date

# WRANGELL COOPERATIVE ASSOCIATION

P.O. Box 308 • Wrangell, Alaska 99079 • (907) 874-3451



March 8, 2005

Dear Legislators:

Re House Bill 130 - University Lands

The Wrangell Cooperative Association is the federally recognized tribe for the Wrangell area. We are adamantly opposed to House Bill 130. The areas we are especially concerned about are parcel CS EW 1001 - Earl West, CS OV 1001-Olive Cove, and SD1001-Thoms Place. These areas have not only historical but archeological significance as well. A recent dig near Thoms Place dated activity in that area back several thousand years.

We request that these parcels be removed from House Bill 130. If you have any further questions, please do not hesitate to contact us.

Sincerely,

Theresa Dow  
Secretary

# WRANGELL COOPERATIVE ASSOCIATION

P.O. Box 108 • Wrangell, Alaska 99225 • (907) 874-3481

February 28, 2005

Governor Frank Murkowski  
State of Alaska  
Office of the Governor  
P.O. Box 110001  
Juneau, Alaska 99811

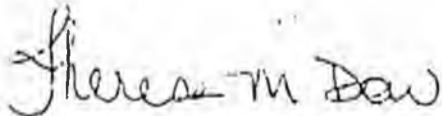
Dear Governor Murkowski:

The Wrangell Cooperative Association is the federally recognized tribe in Wrangell, it is our responsibility to protect our native lands and lands that hold historic value to our community members.

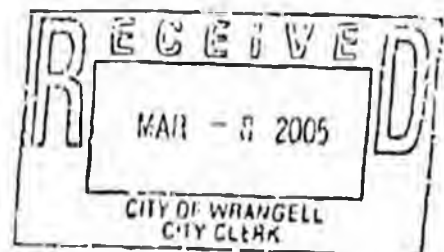
The Wrangell Cooperative Association is opposed to the University of Alaska lands bill presently in the State Legislation. We are opposed because we feel that the lands that are to be picked were used by our ancestors. These lands have historic values to our people and should not be just given away for others to sell

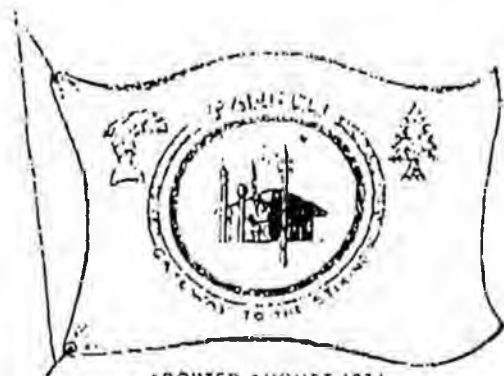
Thank you for your time in reading this letter. If you have any questions please feel free to contact me at (907) 874-3481.

Sincerely,



Theresa Dow, Secretary for  
Wilma Stokes, President  
Wrangell Cooperative Association





ADOPTED AUGUST 1972

March 11, 2005

## CITY OF WRANGELL, ALASKA

INCORPORATED JUNE 14, 1900

BOX 531, 99929

(907) 874-2381

FAX: (907) 874-3552

Dear Representatives and Senators:

The City of Wrangell would like to present the following comments regarding HB130, an Act granting certain state land to the University of Alaska. It appears that our comments opposing HB130 have not been loud enough to be heard.

Wrangell is not in favor of HB130. We are very frustrated with the process of selection and information dissemination regarding this bill. I am not aware that any community, certainly not Wrangell, was consulted before the selection of land to be granted to the University was finalized. The public meeting that was held in February, in Wrangell, to discuss the land selection was not advertised to explain what was happening, officials were not notified, and the full implications of the impact to our community were not identified or understood fully.

The lands in the vicinity of Wrangell that are being proposed to grant to the University are the prime areas that Wrangell would select when we become a borough. We are currently actively pursuing a borough petition to be submitted this summer or fall. These lands are the prime settlement, recreational and cultural lands within the proposed borough boundary. We are only eligible to select a small percent of lands that are classified a certain way. There are not many other lands that are appropriately designated from which we could select.

We ask that you remove from your list of lands to grant to the University of Alaska, the following: Thoms Place, Earl West Cove and Olive Cove.

Sincerely,

Robert S. Pruncilla,  
City Manager

RSP:cj