

2821

SRES

SB 101

-

SB 108

I would suggest that we take this partial list of offenses and put them into the attached Letter of Intent to guide the courts in setting the offenses for which bail could be paid and forfeited rather than using the word "minor".

3) A question for the Courts woman: What specific statute should be added to Section 1 in line 11 in the "notwithstanding" clause? (They recommended a range of statute parts: AS 12.25.180-230) We can, however, correct this "technical" citation when it goes to Legal.

Report calls for fish and game law reform

judiciary committee SB 101

By GREG GADBERRY
Daily News reporter

Sentences for violation of state fish and game laws fluctuate wildly and depend more on the bias of the presiding judge than on an offender's prior record or the severity of the offense, according to a two-year study released Tuesday.

An Alaska Judicial Council

report, based on a study of more than 1,500 fish and game cases across the state, found that the attitude of individual judges toward fish and game laws was the biggest factor in how harsh a sentence was handed down. The result is an unfair disparity in sentences received by different offenders for the same crimes.

To eliminate that disparity

and to solve other problems in Alaska fish and game laws, the state should consider a major reorganization of game codes and a tightening of judicial leeway in sentencing violators, the study concluded.

The findings were unveiled Tuesday before the judicial council on the first day of a two-day meeting in Anchorage. The council also will

screen applicants for two Anchorage District Court judgeships and decide on a list of qualified finalists to be forwarded to Gov. Bill Sheffield.

Commissioned in 1982 by the Alaska Legislature, the fish and game sentencing study analyzed more than 1,500 cases logged in 1980 and 1981.

Briefly, the study found

that:

- On the average, a "strict judge" fined commercial fishermen about \$1,154 for a single violation. That fine is more than twice the amount demanded from a similar offender by a judge considered neutral by the researchers.

- The two worst places to face a judge on a commercial fishing violation are Naknek

and Cold Bay. Fines handed down by Naknek and Cold Bay judges averaged about \$600 higher than elsewhere. Kodiak courts handled the largest number of commercial fishing violators.

- Alaska courts were less merciful with non-resident fish and game offenders than

See Back Page, JUDICIAL

Judicial report finds disparity in sentences for fish and game violations

Continued from Page A-1

they were with Alaskans. Fines levied against non-resident commercial fishermen averaged \$901. For a similar offense, an Alaskan was fined an average of \$413. Non-residents also were more likely to be required to post a bond.

- Guides were hard hit by judges when hauled to court for violations. When convicted, guides and assistant guides paid fines that averaged \$625 higher than those paid by non-professional

hunters.

- Offenders who pleaded guilty or no contest to charges paid less than those who were convicted by a jury. Persons convicted after a jury trial paid fines that averaged \$626 higher than those paid by offenders who did not go to trial.

- Killing a game animal illegally is more likely to land you in jail than the illegal killing of a fish. About 17 percent of persons convicted of game violations received a jail sentence. Only

about two percent of those convicted of commercial fishing violations went to jail.

The study also concluded that Alaska fish and game laws and regulations are confusing, badly organized and often unintelligible. The rules hunters and fishermen have to follow often overlap and result in duplication and confusion when violators are charged.

Col. Robert Stickles, the director of the state division of Fish and Wildlife Protection, agreed Tuesday that many game laws are confus-

ing and in need of repair. Stickles said citizens are often unsure about particular game laws because codes are not consolidated in an easy-to-understand package.

Mandatory minimum sentences for game violations may narrow the now-wide range of sentences given by state judges for such cases, Stickles suggested.

Buddy Troxell, the judicial council's former director and head of the study team, told council members that Legislators expect the council to come up with proposed solu-

tions based on the study.

Troxell said some legislators are already considering creating new mandatory sentences for fish and game offenses as a way of cutting out the broad disparity in sentences.

Council staffers also should urge that fish and game regulations be rewritten to eliminate existing contradictions and duplication, Troxell said.

The final draft of the study, along with preliminary recommendations, will be given to the legislature in early April.

S B

102

SENATE RESOURCES COMMITTEE
LEGISLATION CHECKLIST

IDENTIFICATION:

BILL NUMBER: SB 102

BILL NAME: Relating to homesteads.

SPONSOR(S): Rules/Governor

RELATED BILLS PENDING: SB 43

DATE INTRODUCED: 2-1-83

SSHB 167

REFERRALS: Resources
Finance

INITIAL RESEARCH:

BILL SUMMARY COMPLETED:

SUMMARY BY LEGAL DIVISION:

SPONSOR CONTACTED FOR
BACKUP MATERIALS:

DEPT. OF LAW SUMMARY:

FISCAL NOTE:

AGENCY RESPONSE:

OTHER INTERESTED SENATORS OR
REPS. NOTIFIED:

HB 130 passed
legislature

BACKGROUND RESEARCH:

SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES:

RESPONSES FROM INTERESTED PERSONS/GROUPS:

OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, LAWS:

HEARING PREPARATION:

CHAIRMAN BRIEFED:

DATE AND PLACE SET:

STAFF MEMO TO COMMITTEE:

TELECONFERENCE:

BACKGROUND MATERIAL DISTRIBUTED:

PSA/PRESS RELEASE:

LIST OF WITNESSES:

SUGGESTED AMENDMENTS/COMMITTEE
SUBSTITUTES DRAFTED:

DNR - Wanner + Sharon Barton
yes Jay Nelson, Environmental Lobby
yes Pappy Moss

Bill Lovell, Uehling 4821

~~Should release~~ 48602043 ~~respective~~
Atified: Ray Gillespie, Governor's office
will not testify Phil Holdsworth

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ROBERT H. ZIEGLER, SR., Vice Chairman
DICK ELIASON
PAUL FISCHER
VIC FISCHER
BOB MULCAHY
ARLISS STURGULEWSKI



POUCH V
STATE CAPITAL
JUNEAU, ALASKA 99811
(907) 465-3834
(907) 465-3835

Senate

Committee on Resources

TO: Senate Resources Committee Members
FROM: Senate Resources Committee Staff
RE: Hearing on Homestead Legislation, SB 43, SB 102, CSHB 130
DATE: June 2, 1983

We will be hearing the above bills on Wednesday, June 8 at 3:00 p.m. in the Beltz Room. We are not expecting to take final action on the bills at that time, but will hear testimony from the bills' sponsors, the DNR, and other interested persons.

When we heard this legislation earlier in the session, concern was expressed on what objectives we were trying to achieve in the legislation, and how the legislation related to existing disposal programs. In consideration of the measure in the House, the DNR emphasized that any homestead program would be administered in conjunction with other programs and that the total acreage disposed of would not necessarily be increased unless specific "quotas" were established and additional manpower and funding were available. Current disposal goals are about 60,000 acres annually.

Attached for your review is a summary table comparing the provisions of the various bills, a comparison of the reported goals of the homestead legislation and existing state land disposal programs, and a description of DNR's current programs and disposal goals.

The Chairman has stated her intention of studying and making legislative recommendations on the entire land disposal program during the interim.

Also attached is background information on HCR 27 and HCR 31, which will also be heard at our June 8 meeting.

"HOMESTEAD GOALS"

APPLICABLE STATE LAND DISPOSAL PROGRAMS

Return to traditional,
pioneer way of land settle-
ment; psychological goals

State "homestead" law repealed in 1979 in favor of other similar disposal programs. Federal "homestead" lands withdrawn in 1973. Federal "homestead" law repealed in 1976 except for Alaska for 10 more years. BLM re-opened Minchumina federal lands for homestead entry in 1982, other areas may be opened.

Cheap or Free Land

All state programs require a minimum of survey costs (\$1000-2000); Most require purchase at fair market value less up to 50% residency discount until April of 1983 (court struck).

Sweat Equity

Homesites. Construct dwelling in 5 years;
Occupy land 35 mos. in 7 years;
Reimburse state survey costs.

Disposal by Staking of Land

Remote Parcels.

Larger Acreage

Remote Parcels are maximum 40 acres;
Ag auction or lottery sales 200-2000+ acres.

Lands Suitable for Agriculture

Auction or Lottery Sales of both large ag project lands and small ag land parcels.



STATE LAND DISPOSAL FACTS

CAN STATE LAND BE PURCHASED BY THE PUBLIC?

Yes. The Alaska Department of Natural Resources regularly schedules land sales twice a year. These disposals generally include: 1) subdivision lots and agricultural parcels in the lottery program; 2) low-cost land for the purpose of building a permanent home (limited to one parcel per household) in the homesite program; and 3) unplatted remote acreage for lease and optional purchase in the remote parcel program.

After each land disposal, unawarded parcels are made available over the counter on a first-come, first-served basis, under the same terms and conditions as the original offering.

Other auctions and lotteries — in most cases involving the sale of special agricultural projects or miscellaneous parcels — are usually held several times a year.

DOES THE STATE OF ALASKA HAVE A HOMESTEADING PROGRAM AT THIS TIME?

No.

WHO CAN TAKE PART IN STATE LAND SALES?

All applicants must be at least 18 years old. Residents who have lived in the state at least one year immediately prior to a disposal may apply for lottery and remote parcels. Applicants in the homesite program must have resided in the state three years immediately prior to a disposal or must have accumulated a total of 20 years residency and currently be living in Alaska. Residency requirements for large agricultural projects vary. Non-residents may participate in auctions.

WHERE CAN I APPLY?

Applications are accepted at all Division of Land and Water Management district and area offices. See the reverse side of this fact sheet for addresses and telephone numbers.

HOW MUCH DOES STATE LAND COST?

In most cases land is sold at fair market value. However, homesites may be acquired for the surveying and platting costs. Parcels disposed of by auction go to the highest bidder, with the appraised value serving as a minimum bid. The sales brochure will include specific pricing information.

Discounts based on the number of years of Alaska residency are available. Please note that discounts do not apply to the homesite program.

WHAT ARE THE TERMS OF PAYMENT?

If the amount to be paid to the state is \$1,000 or less, it must be paid in a lump sum at the time of purchase. Contracts may

be arranged for amounts exceeding \$1,000. Terms include a down payment of 5 percent (plus fees when applicable) and installment payments with interest for a period of up to 20 years.

DOES THE STATE PROVIDE ACCESS TO LAND OFFERED IN ITS PROGRAMS?

Legal access exists to all state disposal offerings via existing roads, section-line easements, platted rights of way, trails, lakes, or rivers. Information regarding legal access to a parcel may be obtained at the district office for the area in which the parcel is located. The state has no obligation to construct roads to any parcel.

DOES ALASKA HAVE "SQUATTERS' RIGHTS"?

No. Building a cabin on state land without a permit or lease is trespassing and subject to legal or administrative action. Permits for authorized uses may be applied for at the district offices.

HOW CAN I FIND OUT MORE ABOUT THE STATE'S LAND DISPOSAL PROGRAMS?

Two publications are issued to inform the public of each regularly scheduled disposal: 1) the State Land Update, which gives a brief description of locations to be offered, and 2) a detailed sales brochure. The update is mailed automatically to state residents who are on the "Land for Alaskans" mailing list (one copy per household, please). Since the update describes land that is being disposed of under programs that require Alaska residency and is thus of little benefit to non-residents, the mailing list is limited to residents of the state.

The sales brochure gives information on program requirements, procedures, conditions, parcel locations, access, and prices. Copies can be picked up at no charge at district and area offices and at numerous other distribution points throughout the state during the disposal filing period. They are large and costly to mail and, therefore, are not mailed automatically. You may, however, receive a copy by mail if you submit with your request \$3 to cover postage costs.

No mailing lists are maintained for the irregularly held auctions and lotteries, but they are advertised throughout the state.

If you have additional questions about state land disposals in Alaska, or about other programs offered by the Department of Natural Resources, call the information counters at the district offices.



DNR Land Disposal Programs

DISPOSAL PROGRAM	PARCEL SIZE	PRICE TO PURCHASER	TERMS	FREQUENCY OF PARTICIPATION	METHOD OF DETERMINING WINNER	OVER THE COUNTER	APPLICANT QUALIFICATIONS		ON SITE REQUIREMENTS FOR TITLE	
							AGE	AK. RESID.		
LOTTERY	ANY	APPRAISED FAIR MARKET VALUE	5% DEPOSIT. MAXIMUM 20 YEAR PAYOFF	1 PER 2 YEARS EXCEPT FOR SALE BY LOTTERY OF PLANNED AGR. PROJECTS	LOTTERY	APPLIES TO REMAINING PARCELS	18	1 YEAR	NONE	* LAND DISCOUNT APPLICABLE (EXCEPT FOR COMMERCIAL OR INDUSTRIAL PARCELS)
AUCTION SALE	ANY	BID PRICE (MINIMUM BID. APPRAISED VALUE)	5% DEPOSIT. 20 YEAR PAYOFF	1 PARCEL PER AUCTION	HIGH BID AT PUBLIC AUCTION	APPLIES TO REMAINING PARCELS	18	NONE	NONE	LAND DISCOUNT APPLICABLE (EXCEPT FOR COMMERCIAL OR INDUSTRIAL PARCELS)
HOMESITE	GENERALLY 5 ACRES OR LESS	SURVEY AND PLATTING COSTS ONLY	PAYMENTS SPECIFIED BY CONTRACT	1 IN A LIFE TIME PER HOUSEHOLD	LOTTERY	APPLIES TO REMAINING PARCELS	18	3 YEARS IMMED. PRIOR OR RESID. W/ 20 YEARS CUMMUL.	CONSTRUCT DWELLING. WITHIN 5 YEARS. OCCUPY LAND 35 MONTHS IN 7 YEARS	ENTRY PERMIT NON ASSIGNABLE
REMOTE PARCEL	MAXIMUM 40 ACRES	APPRAISED FAIR MARKET VALUE AS OF DATE OF LEASE	LEASE: \$10 PER ACRE PURCHASE: 5% DOWN 20-YEAR PAYOFF	1 PER 8 YEARS	UNLIMITED: FIRST-COME, FIRST-SERVED BASIS		18	1 YEAR	STAKE CORNERS, BRUSH LINES AND SURVEY PARCEL	<ul style="list-style-type: none"> * LEASE CANNOT BE ASSIGNED CONVEYED OR OTHERWISE TRANSFERRED * LAND MAY NOT BE SOLD, LEASED CONVEYED OR SUBDIVIDED FOR 10 YEARS FROM DATE OF SALE CONTRACT * LAND DISCOUNT APPLICABLE
					LIMITED: DRAWING	APPLIES TO REMAINING ENTRIES				
LEASE	ANY	% OF APPRAISED VALUE OR HIGH BID	PAYMENTS SPECIFIED BY CONTRACT	1 PARCEL PER AUCTION	HIGH BID AT PUBLIC AUCTION	APPLIES TO REMAINING PARCELS	18	NONE	NONE	DEVELOPMENT PLAN FOR COMMERCIAL/INDUSTRIAL USE REQUIRED
AGRICULTURAL INTEREST	ANY	APPRAISED VALUE OR HIGH BID	SEE LOTTERY OR AUCTION TERMS	1 PER 8 YEARS	BY LOTTERY OR HIGH BID AT PUBLIC AUCTION	APPLIES TO LOTTERY MAY APPLY TO AUCTION	18	1 YEAR	<ul style="list-style-type: none"> * A FARM DEVELOPMENT PLAN MAY BE REQUIRED * A FARM CONSERVATION PLAN IS REQUIRED 	<ul style="list-style-type: none"> * MAY REQUIRE PRE QUALIFICATION * RECEIVES AGR INTEREST ONLY * LAND DISCOUNT APPLICABLE

Southcentral District Office

Frontier Building, 10th Floor
3601 C Street
Pouch 7-005
Anchorage, Alaska 99510
(907) 276-2653

Mat-Su Area Office
Century Plaza, Suite 202
Miles Knik Road
Pouch 4008
Wasilla, Alaska 99687
(907) 376-4595

Kenai Peninsula Area Office
Mile 92 Sterling Highway
P.O. Box 1130
Soldotna, Alaska 99669
(907) 262-4124

Southeastern District Office

Marine View Apartments, Room 407
230 S. Franklin Street
Juneau, Alaska 99801
(907) 465-3400

Haines Area Office
Gateway Building, 2nd Floor
P.O. Box 263
Haines, Alaska 99827
(907) 766-2120

Ketchikan Office
State Office Building, Room 205
P.O. Box 7438
Ketchikan, Alaska 99901
(907) 275-4181

Northcentral District Office

4420 Airport Way
Fairbanks, Alaska 99701
(907) 479-2243

Delta Area Office
Mile 267.5 Richardson Highway
P.O. Box 1149
Delta Junction, Alaska 99737
(907) 895-4226

* THIS CHART CONTAINS GENERAL REQUIREMENTS ONLY; IT DOES NOT LIST ALL CONDITIONS OR EXCEPTIONS. AS THE INFORMATION GIVEN HERE IS SUBJECT TO CHANGE AND MAY VARY IN SPECIFIC SALES, ALWAYS REVIEW THE CURRENT REQUIREMENTS AND PROCEDURES IN THE DISPOSAL BROCHURE THAT INCLUDES THE LAND YOU WISH TO PURCHASE.

THE APPLICANT MUST BE PRESENT AT THE ACTUAL DISPOSAL TO BE AWARDED PARCELS IN MOST LAND SALES. SEE THE SALES BROCHURE FOR EXCEPTIONS.

POLICY ORDER - UPDATED YEARLY

FY-83 ORDER (D.O. 83-17)

Department of Natural Resources

Specific Disposal Targets

- Identify 67,000 net acres for FY-85
- Develop 67,000 net acres for FY-84
- Offer 60,000 net new acres in FY-83
- Return all previously offered projects to over-the-counter inventory in FY-83
- Minimum 15,000+ acres small Ag annually
- Target 7/1/85 for minimum over the counter:
 - A. Remote Parcel - 150,000 net stakable
 - B. Subdivision - 20,000 net acres
- Pursue Homestead Legislation

General Disposal Policies

- Improve Quality
- Emphasize Accessible Areas
- Remote Areas - Restricted to Community Expansion & Development Areas & Limited Recreation
- Encourage Capital Improvement Funding for Municipalities/State
- Pursue Inventory Replacement/Over-The-Counter Program
- Other Policies

STATE OF ALASKA
THE LEGISLATURE

ALASKA STATE CAPITAL
GENERAL ASSEMBLY
JANUARY 1983

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 14, 1983

SUBJECT: Homestead bills -- sectional analysis
(Work Order No. 13-0723)

TO: Senator H. Pappy Moss

FROM: Richard A. Bradley
Legislative Counsel

You have requested a sectional analysis of the homestead bills now pending.

As of the date of this writing, the bills include HB 130 (Uehling, et al.), SSHB 167 (Tischer, et al.), SB 43 (Moss et al.), and SB 102 (Rules Committee by request of the Governor).

While a "sectional analysis" would normally walk through each bill and identify the subjects and the treatment by section, it seems that since the bills deal similarly or differently with the various common subjects, the first concern should be an analysis of the various treatments of the common subjects.

I. Common Subjects among the Four Bills.

A. The nature of the patent issued.

HB 130 grants either agricultural rights under sec. 40(a)(3)(A) or a patent without minerals under sec. 40(a)(3)(B).

SSHB 167 grants a patent under sec. 40, by implication without minerals.

SB 43 grants a patent under sec. 440(b) without minerals; see sec. 6.

SB 102 grants an agricultural rights patent under sec. 40(a).

B. The amounts of land available.

HB 130 limits a homestead entry made under AS 38.05.057 to 320 acres; it limits an entry made under AS 38.05.077 to 160 acres. Sec. 10(b) and (c).

SSHB 167 limits a homestead entry to a quarter section or to 160 acres. Sec. 10(c).

SB 43 limits a homestead entry to 160 acres. Sec. 425.

SB 102 limits a homestead entry to a quarter section. ^{640 a.}
Sec. 10(c).

C. Responsibilities of the Division of Land and Water Management before entry.

As an aside, there is some confusion over the name of the agency to be assigned the responsibility for implementing the programs. The state directory lists a "division of land and water management". The governor's bill gives the responsibility to the division of lands. Sec. 38.09.900(2). There seems to be no consistency. In an attempt to follow former executive leads, the usage in SSHB 167 was given as "the division of land and water management", see sec. 38.09.900(2), though I agree that the name of the division was changed in the former administration, apparently without the benefit of an executive order.

HB 130 requires the director to designate and permit homestead entry under procedures established in either AS 38.05.057 or AS 38.05.077.

SSHB 167 requires the director to classify and make state land available for homestead entry. The director shall complete a "cadastral survey of homestead entry land which established rectangular survey section corners" before making the land available. Parcels shall be described by aliquot parts or survey.

SB 43 provides that land "suitable for agricultural use" is classified and available for entry. The commissioner is given other affirmative duties under the bill.

SB 102 requires the director to classify and make state land available for homestead entry. The director shall complete a "cadastral survey of homestead entry land which

establishes the section corners" before making the land available. Parcels shall be described by aliquot parts or survey.

D. Qualifications of the applicant at application.

Each bill requires that the applicant be 18 years of age and a one-year resident of the state before application.

HB 130 requires qualification under AS 38.05.057 (disposals by lottery: not have purchased land at a sale by lottery within eight years preceding the sale date) or under AS 38.05.077 (remote parcel disposals: not have leased a remote parcel within eight years preceding the date of staking a remote parcel). Sec. 20(a).

SSHB 167 requires an applicant not hold more than one permit at a time or receive more than 160 acres under this program. Sec. 20(d)(1).

SB 43 requirements are more complicated and are stated in secs. 420(a) and 530(4).

SB 102 requires an applicant not hold more than one permit and not apply for another if the applicant has received a patent under the chapter. Sec. 20(c)(1) and (c) [there are two sec. 20(c)'s].

E. Requirements of the entryman before patent.

HB 130 requires the applicant, within seven years of the date of the application, to occupy the land for a total of 35 months, erect a habitable dwelling, clear and prepare for cultivation either one-fourth of the agricultural land or one-eighth of nonagricultural land, brush the boundaries, cause a survey acceptable to the director to be made. Sec. 40(a). Final proof needs to be submitted. Sec. 40(b).

SSHB 167 requires the applicant, within five years of the issuance of the entry permit, to occupy the land for not less than five months each year for the five years, erect a habitable, permanent, single family dwelling, clear five percent of the land, brush the boundaries within one year of the issuance of the permit. Sec. 40(a).

SB 43 establishes very few conditions that need to be complied with prior to patent; it requires the applicant to

mark the exterior boundaries of the land to be entered. Sec. 420(a)(4). An applicant is wise to submit a title search to the commissioner with the application. Sec. 420(b) and sec. 440. Upon the completion of these acts and the filing of the application containing certain promises (see sec. 420(a)), "the applicant shall receive a homestead grant. . . ." Sec. 420(a). A "homestead grant" is not unlike a "homestead entry permit" under SSHB 167 and SB 102.

SB 102 requires the applicant to erect a habitable, permanent, single family dwelling that meets all applicable state and local regulations within three years after the date of the issuance of the entry permit, clear and either put into production or prepare for cultivation twenty-five percent of the land within five years of the issuance of the entry permit, and complete an approved survey of the land.

F. Conditions disabling an applicant from patent.

HB 130 provides [sec. 30] that an application for homestead entry and the interest of the applicant under the entry is void if the applicant fails to comply with a requirement of sec. 40(a); that section requires occupancy of the land for 35 months, erection of a habitable dwelling, the clearing and preparing for cultivation, brushing of boundaries, a survey acceptable to the director, and final proof.

SSHB 157 permits revocation of an entry permit for "substantial breach of the permit conditions or the requirements of this chapter". The requirements of the chapter [sec. 40] prohibit transfer of the permit, failure to submit a plat of survey within 18 months of the issuance of the permit, failure to erect a dwelling within three years of the issuance of the permit, failure to clear five percent of the land within five years of the issuance of the permit, and failure to brush the boundaries within one year of the issuance of the permit.

SB 43 is different from the other homestead bills in that the usual disabling conditions before patent are rather imposed on the patentee after patent; these conditions are described in the paragraphs discussing "restrictions on the land or patentee after patent".

SB 102 permits revocation of an entry permit for "substantial breach of the permit conditions or the

requirements of this chapter". The requirements of the chapter include an attempt to transfer the permit, failure to submit a plat of survey within 18 months of the issuance of the permit, erection of a dwelling before the timely submittal of the plat of survey (which must be done within 18 months of the issuance of the entry permit), and failure to erect a habitable, permanent, single-family dwelling within three years of the issuance of the entry permit, and failure to clear and put into production or prepare for cultivation twenty-five percent of the land within five years of the issuance of the permit.

G. Restrictions on the land or the patentee after patent.

HB 130 contains no substantial restrictions on the land or the entryman after patent; to the extent that agricultural rights have been granted, the usual disqualification on the use of agricultural land continues.

SSHB 167 permits the director to reserve from the patent easements for roads, trails, or other purposes determined to be in the best interests of the state.

SB 43, as noted above, establishes certain disqualification on the applicants after patent. Sec. 420(a)(3)(f) requires the applicant to agree to comply with the requirements of the law necessary to acquire a patent. A "homestead grant" is issued a short time after the application is filed; the only requirements between the issuance of the "homestead grant" and the patent that are outside the application and its accompanying affidavit are the requirements of recording the application, a \$100 or \$75 application fee, the title search, and brushing the boundaries of the application, and survey. The survey is required within the five years after the homestead grant; failure to supply the survey will cause a forfeiture of the homestead grant and the entitlement to a patent. Sec. 440. Conditions are established in the patent which, if violated, cause the forfeiture of the patent: failure to occupy the land covered by the patent for 15 months within the five years after patent; failure to erect a permanent, habitable dwelling within five years after patent; disposal of timber or materials on a commercial basis within five years after patent; transfer of title within five years after patent. Sec. 440(b) and sec. 450. No clearing requirement exists.

SB 102 permits the director to reserve from the patent easements for roads, trails, or other purposes determined to be in the best interests of the state.

H. Definition of the required dwelling.

HB 130 defines a habitable dwelling as a permanent dwelling of not less than 200 square feet and its fixtures and facilities but includes a mobile home only when it is permanently attached to a permanent foundation.

SSHB 167 requires that the applicant erect a habitable, permanent, single-family dwelling on the homestead and it provides that a mobile home is not such a dwelling unless it is placed on and attached to a permanent foundation. It defines habitable dwelling to mean a dwelling of a permanent nature, together with fixtures and facilities, including sanitary facilities, required by law or customary in the vicinity of the land . . ."

SB 43 requires the grantee of the patent to erect a permanent habitable dwelling that meets all applicable state and local regulations.

SB 102 requires that the applicant erect a habitable, permanent, single-family dwelling on the homestead that meets all applicable state and local regulations and it provides that a mobile home is not such a dwelling unless it is placed on and attached to a permanent foundation. It defines habitable dwelling as a "dwelling of a permanent nature, together with fixtures and facilities, including sanitary facilities, required by law or customary in the vicinity of the land . . ."

II. A Sectional Analysis of the Four Bills

HB 130.

It should be noted that the structure of HB 130 is somewhat different from the other homestead bills in that the basic land disposals are done under two existing sections of AS 38.05: secs. 57 and 77. These sections are modified to achieve the special purposes of the sponsor and the specific departures from the formulae of those sections are contained in AS 38.09, the new chapter added by the bill.

Section 1 of the bill establishes a new chapter, AS 38.09, Homestead Entry.

Within that section, sec. 10 permits the director of the division of land and water management to permit homestead entry under two existing state land programs: under AS 38.05.057 (disposals of land by lottery) and under AS 38.05.077 (remote parcel disposals). The section permits different acreages to be disposed of than are otherwise possible under those two sections: under sec. 57 up to 320 acres may be transferred and under sec. 77 160 acres may be transferred. The disposal of 320 acres (of agricultural rights) is the most generous disposal of land under any of the four bills.

Sec. 20(a) requires that qualification occur under the provisions of sec. 57 and sec. 77. Sec. 20(b) provides that a person who has leased a remote parcel or applied for homestead entry within eight years preceding date of application may not apply for land under this chapter.

Sec. 30 provides that a person who has staked the exterior boundaries of the entry and qualified for land under sec. 77 and a person selected to purchase land by lottery shall apply for the homestead entry under forms prepared by the Department of Natural Resources. The department may charge an unstated fee for the application.

Sec. 40(a) establishes the requirements for patent. The requirements which are to be established in a final proof submittal include:

occupancy of the land for 35 months;

erection of a habitable dwelling;

clearing and preparing for cultivation one-fourth of the agricultural land or one-eighth of the nonagricultural land;

brushing the boundaries;

causing a survey acceptable to the director to be undertaken.

Sec. 40(c) defines "habitable dwelling". Sec. 40(d) provides that a person who has received state land under

this chapter is not eligible for an agricultural development loan under AS 03.10 to comply with the requirements of this chapter.

Sec. 50 states the reciprocal of sec. 40(a): that failure to comply with sec. 40's requirements will make the application void. If appropriate, the attorney general may be requested to eject the applicant.

Section 2 established language in AS 03.10 duplicating the requirements contained in sec. 40(d).

Section 3 conforms existing law at AS 38.04.020(g)(3) to the new uses being made of sec. 57 and sec. 77. The change on line 24 is to correct a poor usage in the language of the section and does not change the law.

In section 4, the only substantive change is contained in the last sentence added to the subsection. The remaining changes conform the law to the requirements of Chapter 58, SLA 1982: the nonuse of pronouns.

Sections 5, 6, and 7 also conform AS 38.05.077 to the changes made in AS 38.09.

Section 8 establishes a July 1, 1983, effective date.

SSHB 167

Section 1 establishes a new chapter AS 38.09, a Homestead Act.

Within the chapter, sec. 10(a) directs the director to classify and make land available for homestead entry. Sec. 10(b) requires the director to complete a cadastral survey with the establishment of rectangular survey section corners before making the land available for entry. The land will be described by aliquot parts, sections, or survey. Notice of the availability of the land will be given under the general notice section, AS 38.05.345.

Under sec. 10(d), the disposals of the land are not subject to AS 38.05 preferences, e.g., resident discounts and veteran preferences.

Sec. 20 describes the entry permits. Under sec. 20(a), a homestead entry permit entitles a person to do those acts

which qualify the person for a homestead patent. Sec. 20(b) requires a staking of the corners of the land entered.

Sec. 20(c) requires the director to issue permits in the order of application. Sec. 20(d) requires an applicant to indicate age and residence in the state as suggested above. It requires the payment of a \$500 application fee (refundable under sec. 40(b) after patent). An applicant agrees to comply with the requirements of sec. 40, conditions for the issuance of patent. The applicant certifies that the corners have been staked.

Sec. 20(e) limits an applicant to one permit at a time and a lifetime limit of 160 acres.

Sec. 20(f) provides that the permit may not be transferred except by testate or intestate succession.

Sec. 30 permits revocation of a permit for the violation of a permit condition or for a requirement of the chapter, including a transfer of the permit, for the failure of the permittee to submit a survey within 18 months, failure of the permittee to brush the boundaries of the parcel within one year, failure of the permittee to erect a dwelling within three years or clear five percent of the land within five years. No cultivation is required. The director may extend the time of the latter two requirements if substantial completion has occurred.

Sec. 30(b) directs that the provisions of AS 38.05.090 be used to dispose of improvements or personal property left on the land after revocation of a permit.

Sec. 40(a) permits the issuance of patent. While no outside limitation on the life of a permit is stated, if the permittee complies with the stated requirements, a patent shall be issued:

residence on the homestead entry for not less than five months a year for five years;

completion of an approved survey within 18 months after issuance of the permit;

erection of a dwelling within three years after issuance of the permit;

clearing of five percent of the land within five years after issuance of the permit (the five percent includes land occupied by the improvement);

brushing the boundaries within one year after issuance of the permit.

Sec. 40(b) directs the refund of \$400 of the \$500 paid on application if a patent is issued.

Sec. 40(c) permits use of temporary housing.

Sec. 40(d) permits the director to reserve easements, et cetera found to be in the best interests of the state.

Sec. 50 permits the director to use land "otherwise . . . available for borough or city selection" for the homestead entry program. And the disposal of homestead entry land is not subject to "local platting, recording, or subdivision requirements established under AS 29.33 and AS 40.15". Subdivision after patent is subject to those requirements.

Sec. 60 permits the commissioner to adopt regulations.

Sec. 900 adopts definitions of commissioner, director, habitable dwelling, and resident.

Section 2 provides an immediate effective date.

SB 43

As suggested earlier, the structure of SB 43 is unlike the structure of the other three bills. It should be reviewed to gain the precise implications of its language but an analysis of its section reflects the following contents.

Section 1 is uncodified law stating legislative findings.

Section 2 adds new sections to AS 38.05, homestead grants of state land.

Sec. 410 provides that the public land of the state "suitable for agricultural use" is classified (by the law) and made available for homestead entry. The term "suitable for agricultural use" is defined [at sec. 530(5)] as land containing "soils equivalent to classes I - V as defined by the U.S. Soil Conservation Service" if unclassified or land

"classified for agricultural, grazing, utility, or open-to-entry purposes under AS 38.05.300". [Sec. 300 is the general classification authority of the department.] The section also provides that "The commissioner may reclassify for public purposes up to 500,000 acres of land classified as homestead entry land under this section"; I confess I do not understand the implications of this last sentence.

Sec. 410(b) provides that within 30 days after the effective date of the act, the commissioner shall advertise the availability of land for homestead entry.

Sec. 420(a) provides that a person who is a resident of the state, 18 years of age, a registered voter, who indicates an intention to remain in the state "may receive a homestead grant". To receive a "homestead grant" [a right to enter onto the land: see sec. 530(3)] the applicant is required to record a written application in the recording district and to file with the commissioner a copy of the recorded application, proof of residence in the state, and the appropriate filing fee. An applicant shall also file an affidavit in which the applicant states that the application is made honestly, for the purposes of cultivation and actual settlement, and not for the benefit of any other person; that the applicant will comply with the requirements of the law necessary to acquire a patent; that the applicant is not acting as the agent of another person or in collusion with another to secure the benefits of the land or its timber; that the applicant is not entering the land for purposes of speculation but to obtain a homestead for the benefit of the applicant; and that the soils of the homestead entry land qualify over at least 50 percent of its surface area as classes I - V under U.S. Soil Conservation Service standards. Sec. 420(a). The exterior boundaries of the land need to be marked.

Under sec. 420(b), an applicant may submit a title search with the application.

Under sec. 430(a), a person who applies for a homestead grant is normally given the right to enter the land ["immediate possession"] within 90 days of the application. Under sec. 420(c), the commissioner establishes priority by the date of recording (if the same land is applied for by two or more applicants). Under sec. 420(d) the applicant is then required to publish notice of the application in a

newspaper or in public areas near the land and the notice is a condition precedent to the transfer of title to the homestead entry. Sec. 420(e).

Sec. 420(f) provides that AS 38.05.305 [notice and review by municipalities and regional corporations] and AS 38.05.345 [public notice] are not applicable to land disposals under this program. Note that AS 38.05.305 has been repealed; AS 38.05.345 now covers generally.

Sec. 420(g) requires advice to an applicant of ineligibility from the commissioner as appropriate.

Sec. 425 establishes limitations on homestead grants: they may not exceed 160 acres under sec. 425(a) and a person may receive only one grant during a lifetime under sec. 425(b).

Sec. 430(a) provides that except as provided in AS 38.05.420(h) [an error: it should read AS 38.05.420(g)], the commissioner shall notify applicants of the approval of their homestead allowance and of their right to immediate possession.

A person who submits a title search with the application is entitled to possession 30 days after the application if the title search indicates no prior claims to the land and if no conflicts requiring resolution exist under AS 38.05.420(d) [presumably should be sec. 420(c)]. Title searches on unsurveyed land may be difficult to obtain.

Sec. .(a) controls the survey of the land. The survey shall be accomplished within five years of the issuance of the "homestead grant" -- the right to possession; if the survey is not accomplished within the five year period, the homestead grant is forfeited.

Upon receipt of a survey under sec. 440(a), the commissioner shall grant patent subject to what amount to "conditions subsequent" (that is, while the patent has been issued, it is subject to cancellation and reentry by the state if the conditions are violated).

These conditions include a requirement that

the grantee of the patent occupy the land granted for a cumulative total of 15 months within the five year

February 14, 1983

period after patent (and three persons shall attest to the fact);

the grantee of the patent erect a permanent, habitable dwelling that meets all applicable state and local regulations within five years after patent.

Sec. 440(c) provides for ejectment and reentry if the conditions are not complied with.

Sec. 450 provides that a grantee of the land may not remove timber or materials on a commercial basis or otherwise dispose of title for five years. Its location apart from sec. 440(b) makes it unclear whether the forfeiture for failure to comply with conditions applies to this requirement; it may not.

Sec. 460(a) exempts "land" acquired under the program from municipal property tax for one year from the date of the grant of patent. Arguably the improvements are not exempted.

Sec. 460(b) establishes a program of exemption from municipal taxation; it provides that the municipality shall exempt "not less than 10 percent of the increase in assessed value of improvements to homestead entry land if the increase in assessed value is directly attributable to an increase in the agricultural productivity of the land". The exemption continues for five years from the date of the grant "or from the date of approval for the exemption by the local assessor, whichever is later". The clarity of the section could be improved; I confess I do not understand the implications of the section.

Sec. 470 provides that land classified as homestead entry land under sec. 420 is available for borough and city selection as well.

Sec. 480 dedicates a section line right-of-way "for public access to public and navigable water". The section is unclear in its coverage.

The next section, sec. 500, provides for exemption of the land from execution for satisfaction of debts. The exemption continues "until a patent is issued". Two things about the section should be recognized. First, when the state owns the land, the interest of the state is protected

from execution and the interest of the applicant may be difficult to sell separately. Second, exemptions from execution sale are also provided under AS 09.35, arguably more effectively there.

The next section, sec. 520, classifies as a class C felony the intentional filing of false information to secure a homestead grant. The interest in the land is also forfeited on conviction according to sec. 520(a).

But sec. 520(b) provides that the forfeiture is discretionary with the commissioner (though no standards for the exercise of the discretion are provided) and the interest of a bona fide purchaser is protected [though it seems difficult to see how a person may qualify as a bona fide purchaser for the five year period immediately after patent and after that, no protection is needed].

Sec. 530 establishes definitions of "general grant land", "habitable dwelling", "homestead grant", "resident", "suitable for agricultural use", and "trust land".

Section 3 conforms AS 29.53.020 [required exemptions from municipal taxation] to the provisions to sec. 450.

Section 4 establishes a form for the homestead application. While forms are not usually put into the statutes, particularly where the requirement is that it be "substantially in the following form", because sec. 420(a)(1) requires an applicant to file the application with the recording office before it is filed with the department there may be some logic to the establishment of the form. Even under those premises, ~~an applicant could more easily obtain a form from the department than from a copy of the bill and the form should be deleted from the bill. In addition, its location in the statutes is awkward; it would be better to have it in AS 38.05.~~

Section 5 establishes an amendment to AS 34.15.340 [other real instruments which may be recorded]. I suspect that the section is obsolete since I expect these topics to be covered by court rule. If it is not obsolete, it does no harm.

Section 6 amends AS 38.05.125, a section establishing a policy of reserving minerals from grants; the provisions of this program are affirmatively added.

Section 7 establishes an immediate effective date.

SB 102

Section 1 establishes a new chapter AS 38.09, a Homestead Act.

Within the chapter, sec. 10(a) directs the director to classify and make land available for homestead entry in amount and at times as the director may determine.

Sec. 10(b) requires the director to complete a cadastral survey with the establishment of section corners before making the land available for entry. The land will be described by aliquot parts (sections) or survey and the parcels may not be larger than a quarter section. Notice of the availability of the land will be given under the general notice section, AS 38.05.345. Sec. 10(c).

Under sec. 10(d), the disposals of the land are not subject to AS 38.05 preferences, e.g., resident discounts and veteran preferences.

Sec. 20 describes the entry permits. Under sec. 20(a) a homestead entry permit entitles a person to do those acts which qualify the person for a homestead patent.

Sec. 20(b) requires the director to issue permits in the order of application or by lottery.

Sec. 20(c) requires an applicant to indicate age and residence in the state as suggested above. It requires the payment of a \$500 application fee and permits the refund of \$400 after patent. An applicant agrees to comply with the requirements of sec. 40, conditions for the issuance of an agricultural rights patent.

A second sec. 20(c) limits an applicant to one permit at a time and provides that if patent was issued under this chapter, another application is not in order.

Sec. 20(d) provides that the permit may not be transferred except by testate or intestate succession.

Sec. 30 permits revocation of a permit for the violation of a permit condition or for an attempted transfer of the permit, for the failure of the permittee to submit a survey

within 18 months, for the erection by the permittee of permanent improvements before submitting a plat of survey, for a failure of the permittee to erect a dwelling within three years or clear and put into cultivation or prepare for cultivation twenty-five percent of the land within five years or use the parcel for commercial purposes unless a substantial portion of the parcel is also used for agricultural purposes. The director may extend the time of the requirements for a dwelling or clearing one year if substantial completion has occurred.

Sec. 30(b) directs that the provisions of AS 38.05.090 be used to dispose of improvements or personal property left on the land after revocation of a permit.

Sec. 40(a) permits the issuance of patent. While no outside limitation on the life of a patent is stated, if the permittee complies with the stated requirements, a patent shall be issued:

completes a survey of the land [within eighteen months of the issuance of the permit -- see sec. 30(a)(2)];

erection of a dwelling within three years after issuance of the permit;

clearing and puts into production or prepares for cultivation twenty-five percent of the land within five years after issuance of the permit;

Sec. 40(b) permits use of temporary housing before permanent housing is established.

Sec. 40(c) permits the director to reserve easements, et cetera found to be in the best interests of the state.

Sec. 50(a) provides that land within the boundaries of an organized borough or city may not be designated for homestead entry until the proposal has been approved by the local planning authority though if no disapproval is received within 90 days after the director delivered the proposal to the local planning authority, the director may designate land for entry without approval.

Sec. 50(b) permits the director to use land "otherwise . . . available for borough or city selection" for the homestead entry program. And the disposal of homestead entry land is

Senator H. Pappy Moss
Page 17
February 14, 1983

not subject to "local platting, recording, or subdivision requirements established under AS 29.33 and AS 40.15". Subdivision after patent is subject to those requirements.

Sec. 60 permits the commissioner to adopt regulations.

Sec. 900 adopts definitions of commissioner, director, habitable dwelling, and resident.

Section 2 amends ^{AS} AS 18.56 by adding a provision to permit the Alaska Housing Finance Corporation to make a loan for the construction of a dwelling on a homestead entry even if a previous loan has been made to the individual applicant.

And Section 3 provides an immediate effective date.

RAB:ljb

HOMESTEAD BILL SUMMARY

	SB 102 Governor	SB 43 Moss	HB 130 Uehling, Barnes, Cowdrey, Flood, and Ward	HB 167 Tischer, Bettisworth, Bussell, Fritz, Liska, Schultz Ward and Syzmanski
Method	Lottery, application , over-the-counter- designated parcels	Application	Lottery or staking	Staking
Parcel Size	160 acre max.	160 acre max.	320 acres max. ag. land 160 acres max. non-ag.	160 acres max.
Fee	500/400	100 or 75 with title search	Discretionary	500/400
Survey required	Within 18 months	Within 5 years	Within 7 years	Within 18 months
Build Habitable Dwelling	Within 3 years	Within 5 years	Within 7 years	Within 3 years
Occupy the land	None	15 mos. in 5 years	35 mos. in 7 years	5 mos. for 5 years
Clearing required	25% in 5 years	None	1/4 ag land in 7 yrs. 1/8 non-ag land in 7 years	5% within 5 years
Comments:				

Alaska State Legislature

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Senate

Committee on Resources

March 7, 1983

Memo

To: Bettye
From: Pat
Subject: Hearing on Homestead legislation, SB 102, SB 43, HB 130, HB 167

GENERAL

SB 102 is the Governor's bill which tries to meet in the simplest way the perceived public desire for homestead lands. SB 43 is Moss's bill which by all accounts "needs lots of work". HB 130 is Uehling et. al.'s bill which is virtually the same as the bill reported out of our Committee last year. HB 167 is by Tischer, Bettisworth et. al. and contains somewhat different occupancy, dwelling and clearing requirements.

More than the particular differences in the various bills relating to the mechanics of the program, the most important question to bear in mind on this legislation is: From a public policy standpoint what are the objectives we are trying to accomplish?

The following possible objectives have been mentioned:

- 1) Get more agricultural land into production for personal as well as commercial use.
- 2) Provide for cheaper land to individuals through "sweat equity".
- 3) Provide for larger parcels of land for individuals.
- 4) To encourage settlement through dwelling construction.
- 5) To simply establish a homestead program for traditional, nostalgic or psychological reasons.

WE CURRENTLY HAVE DISPOSAL PROGRAMS WHICH DO OR COULD READILY MEET ALL THE ABOVE OBJECTIVES EXCEPT FOR THE LAST ONE.

SPECIFIC QUESTIONS

---If our objective is to put out more ag land, particularly in smaller tracts, can't this need be met through DNR's current small Ag parcel program? (this year estimated to be 15,000 acres in average tracts of 250 acres.)

- If our objective is to make land more economical for the average citizen, can't this need be met through the existing homesite program which provides lands at no charge except for survey costs if a dwelling is constructed and occupancy requirements are met?
- If our objective is larger parcel sizes, couldn't the small ag tracts or the remote parcel program meet this? Or, if the 40 acre size limitation on remote parcels is too small, couldn't this acreage limitation be amended upwards?
- If we want to encourage settlement through occupancy and dwelling construction requirements, doesn't the current homesite program meet these objectives?

ALTERNATIVES TO PENDING LEGISLATION

In light of the above, it seems that an obvious alternative approach to this legislation is to use or amend our current disposal programs to achieve the objectives which we want. Some possible amendments would include the following:

- 1) Amend the homesite program to provide for larger tracts (currently limited to 5 acres) with emphasis on disposals in ag soil areas.
- 2) Amend the remote parcel program to include larger acreages in ag soil areas (current limit 40 acres).
- 3) Amend remote parcel program to provide for "sweat equity" through construction and occupancy requirements (currently none).
- 4) When and if we amend the discount program which is currently based on years of residency, we will have to look at other methods of reducing the costs of land for some of our programs. This approach could be built into "sweat equity" or other less-than-market-value ways of providing lower cost land.
- 5) We could amend small ag program to enable folks to get more than ag rights in title as currently provided in law if we want to encourage settlement, subdivision, other uses of land.
- 6) We could built "sweat equity" into small ag disposal program to reduce costs and provide for settlement.
- 7) Amend one or more programs to provide for AHFC financing of dwellings similar to Gov's bill, SB 102, but I would recommend for all people, not just veterans.



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

Department Natural Resources	Sponsor (Principal) Rules Committee by request	Bill Number SB 102
Department Position This bill was authored by the Department in response to requests by the Legislature and the public for a homestead program. If the State is to have a homestead program, we favor this approach.		
Division Director Tom Hawkins	Date 2-19-83	Commissioner's Signature <i>William D. Stewart, Jr.</i> Date 2-21-83

GOVERNOR'S OFFICE USE

Comments:

Position Noted By _____ Date _____

SUMMARY

1. a) Related Bills (Similar or Conflicting) HB 167, HB 130 and SB 43	1. b) Other Agencies Affected by Bill
2. a) Organizational Support for Bill	2. b) Organizational Opposition to Bill

3. Program Effects of Bill

As an option to land disposals offered under subdivision, remote parcel, homesite or agriculture, the Department would offer land disposals under the homestead provisions of this bill.

4. Fiscal Impact: None Fiscal Note Attached

5. Amendments Proposed:

To discourage speculation, require payment of 10% of appraised fair market value to the State on any subsequent conveyance within 99 years.

6. Comments:

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SB 102 Date on Bill: 2-1-83
 Title: An act relating to homesteads and providing an effective date
 Sponsor: Rules Committee
 Requestor: Governor

Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
CAPITAL				
OPERATING				
TOTAL	-0-	-0-	-0-	-0-

b. Revenues:

REVENUE	FY 83	FY 84	FY 85	FY 86

Source of funds to offset fiscal impact of bill:

Assumptions:

A homestead program would be considered by DNR as an alternative to existing land disposal programs for which we are budgeted annually. Therefore, no additional funding is requested beyond the budget appropriation.

Disclaimer:

This statement has not been reviewed by the OMS in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: Sharon Barton Phone: 465-2400
 Division: Commissioner's Office DATE: 2-19-83
 Approved by Commissioner: ^{HH} WMS D Arnold, Deputy Date: 2-20-83
 Department: Natural Resources

B. Distribution:

Original to Legislative Finance
 Copy to OVB



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 1, 1983

The Honorable Jalmar Kerttula
President of the Senate
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill creating a program for agricultural homesteads on state land.

Under this bill, the Department of Natural Resources would make available to the public parcels of agricultural land, up to 160 acres in size, for the purpose of traditional homesteading. A person would be allowed to clear and cultivate the land and build a home on it. If the person builds his home within three years and puts 25 percent of the land into production within five years, the state would issue him a permanent patent to the agricultural rights for that parcel.

As an added feature, municipalities would have the right to review and either approve or disapprove proposed homestead offerings within their boundaries.

Finally, the bill provides a mechanism by which the Alaska Housing Finance Corporation could purchase mortgage loans for homes in the homestead program for qualified veterans, even when the veteran has already obtained AHFC financing for another residence.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield
Governor

NOTE REGARDING THE FOLLOWING FRAME(S) ON MICROFILM:
COMPLETE DOCUMENT IS AVAILABLE IN ORIGINAL FILES.
TITLE PAGE ONLY HAS BEEN FILMED.

TOXIC AND HAZARDOUS SUBSTANCES



OCCUPATIONAL SAFETY AND HEALTH STANDARDS

ALASKA DEPARTMENT OF LABOR
Division of Occupational Safety and Health

EDMUND N. ORBECK, COMMISSIONER
DEPARTMENT OF LABOR

JAY S. HAMMOND, GOVERNOR

S

B

108

Alaska State Legislature

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Senat

Committee on Resources

POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99611
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Bettye -
For your
info.

March 13, 1983

Memo

To: Senate Resources Committee Members
From: Senate Resources Committee Staff
Subject: Summary of Hearing on SB 14, 108, 79, Fairbanks, March 11, 1983

A hearing by the Resources Committee was held in the Fairbanks North Star Borough Assembly Chambers between 4:30 pm and 7:30 pm, March 11, 1983. The hearing was attended and chaired by Senator Fahrenkamp.

41 persons testified at the hearing. Approximately 13 persons spoke on the state forest legislation, SB 14 and 108, as well as the proposed committee substitute. All but one expressed support for the legislation.

32 persons spoke on SB 79, the "Right to Know" legislation concerning hazardous and toxic substances in the workplace. 20 persons were in general support of the legislation while 12 spoke in opposition to the bills.

Specific Comments on SB 14, 108

Most who testified had seen the proposed committee substitute and were in support of the combined provisions of the two bills. Recommended changes or additions included:

- 1) Change the name of the Fairbanks State Forest to the Tanana Valley State Forest to more accurately reflect the location.
- 2) Change the timing of completion of the forest inventory and management plan.
- 3) Include in the purpose of the legislation the ensuring of a stable supply of timber resources.
- 4) Include revenue from mining of forest lands in the reforestation fund.
- 5) Include funding for the Board of Forestry.
- 6) Strengthen permitted uses of recreation, greenbelts, wildlife habitats.
- 7) Limit Borough's selection of industrial sites to one site only.

- 8) Delete the Martin site from the industrial "back-out" sites.

Specific Comments of SB 79

Those speaking in favor of the bill generally acknowledged that the bill was too broad as presently written and could be easily modified to limit coverage of the bill to genuinely "hazardous or toxic" substances. Support for the bill came largely from members of unions and environmental groups. Specific suggestions were to incorporate some of the provisions of HB 197 in the Senate bill to narrow the scope and make the bill more readily workable and enforceable. It was also pointed out that the prospects of federal OSHA regulations in the future were not known, that such regulations as proposed would only cover manufacturers, and that current OSHA regs only applied to workplace exposure levels of a very few well-known toxic substances.

Those speaking in opposition of the bill generally supported the basic concept and intent of the legislation but argued that the bill was unnecessary because of existing federal and state law and regulations and the prospects of similar OSHA regulations in the near future. Those speaking against the bill generally felt the bill was far too broad and would result in costly and needless paperwork on the part of both the State and employers. In particular, it was pointed out that labeling requirements for truck and air carriers would be especially onerous and difficult to comply with.

UPDATE ON SB 108, STATE FOREST BILL

SOCIETY OF AMERICAN FORESTERS, May 3, 1983

BACKGROUND

- With statewide disposal program, it was clear that the necessary stable land base necessary for a viable sustained-yield timber industry on state lands would not be possible.
- Other uses also like hunting, recreation, mining, wildlife habitat management require retention of state land for public uses.
- In state land plans like Tanana Basin Plan, creation of a state forest seemed most appropriate for some of the state lands involved.
- Tanana Valley State Forest years in ~~the~~ study and negotiation with many different interest groups--support from timber interests, Borough, environmentalists, many others.
- Last year bill got through Senate, died in House

Current Status of SB 108

- Passed the Senate, now in House Resources Committee
- In Senate Resources Committee we combined SB 14 and SB 108 to:
 - Establish a state forest system under which many forests could be designated
 - Established management plans and multiple use management framework for all designated state forests.
 - Established a reforestation fund
 - Designated Tanana Valley State Forest

Concerns Expressed About Bill

- That it's a "lock-up" of state land prohibiting settlement and industry
Response
 - Bill does prohibit disposal of state forest land
 - But timber harvesting is industry dependent on large stable land base.
 - Tanana Valley Forest includes 1.7 of 17.3 million acres in Tanana Basin.
 - Tanana Valley Forest includes only 10,000 of 382,000 acres of identified disposal lands for settlement, development in Basin (2.6%).
 - There are "back-out" provisions for key industrial sites around Fairbank
 - In addition there is 112,000 acres of Borough lands and 3 million Native
- That all uses will not be treated equally.
 - Multiple-use management specifically mandated.
 - List of permitted uses to be considered in management plan included: mining, timber harvesting, grazing, hunting, recreation, wildlife

Fairbanks News Miner

May 13, 1983

Sheffield sees big things from a local state forest

News-Miner Bureau

JUNEAU—Those looking to sell Alaska timber in Japan and China should not overlook the in-state market for wood products, according to Gov. Bill Sheffield.

And one of the ways to address the wood product needs of Alaskans is a measure making its way through the Legislature that would create a 1.7 million-acre state forest in the Fairbanks area.

"From that land base, we could supply many of Interior Alaska's needs for lumber and firewood as well as recreation," the governor said Thursday in a speech here to a two-day University of Alaska conference on marketing Alaska forest products.

The bill (SB108), sponsored by Sen. Bettye Fahrenkamp, D-Fairbanks, mandates the land be used for activities ranging from mining to timber harvesting to hunting and fishing. However, land disposals would be restricted in the forest which spans from Nenana to Fairbanks and south to Tok.

The measure, three years in the works, has already cleared the Senate but has recently run into trouble in the House.

Members of the House Resources Committee reviewed the measure for a second time Thursday afternoon, and were told it could lead to a major expansion of the Interior's timber industry.

State natural resources officials estimate timber production under the bill would double from its current level of about 6 million board feet a year. They said that would mean both additional jobs for Alaskans and more revenue for the state.

The Interior currently takes in about \$300,000 a year from timber sales. Under the bill, a portion of those funds would be designated for re-planting of Alaska forests.

Committee co-chairman Rep. John Ringstad, R-Fairbanks, said another hearing will be scheduled on the measure, but he said he didn't know when, or if, the bill will be advanced from his committee.

In his speech, Sheffield called on the House to pass the bill.

The governor also said a second development bodes well for the state's timber industry, the recent opening of an expanded state nursery in the Matanuska-Susitna Valley. The nursery can produce more than 800,000 seedlings annually.

Sheffield said seedlings help provide a secure source of trees for re-

planting after harvesting and they also help in erosion and dust control, as windbreakers and in providing food and habitat and for wildlife.

"... Between the Tanana Valley State Forest and the new forest nursery, the state of Alaska is making some concrete advancements in support of the timber industry," the governor said.

"More improvements can be made, of course, in the area of building roads and ports for export operations, for reducing unneeded and overlapping government regulations and in the area of encouraging and supporting development of new markets."

Sheffield said more attention should be paid to the timber industry because, like the fishing and agricultural industries, it will help fuel Alaska when the oil runs low.

SB 108, STATE FOREST BILL

POSSIBLE OBJECTIONS TO THE BILL

THE AMA, FAIRBANKS SENT US A NEW LETTER ON THE BILL OUTLINING THE FOLLOWING PROBLEMS:

- 1) THEY FEEL THAT ON PAGE 1, LINES 17,18, AND 19 THE REFERENCE SHOULD BE TO "RENEWABLE RESOURCES" RATHER THAN "LAND, WATER, SCENIC AND RECREATIONAL RESOURCES" IN THE PURPOSES SECTION.

COMMENT

THERE IS NOTHING WRONG WITH THE SUGGESTION. THE LANGUAGE IN THE PURPOSES SECTION IS THE SAME LANGUAGE WHICH WAS ARRIVED AT LAST YEAR AND HAS SURVIVED INTACT EVER SINCE. THIS IS THE FIRST TIME THIS ISSUE HAS EVER BEEN RAISED.

- 2) THEY ARE CONCERNED THAT THE 1.7 MILLION ACRES OF LAND IN THE TANANA FOREST WILL NOT LEAVE SUFFICIENT LAND FOR SETTLEMENT AND INDUSTRIAL DEVELOPMENT; THAT THE FOREST MAY BE TAKING THE BEST LAND FOR THESE OTHER PURPOSES.

COMMENT

THE SHEET GIVING THE ACREAGE FIGURES FOR STATE LANDS IN AND OUT OF THE FOREST SQUARELY ADDRESSES THIS ISSUE. BOTTOM LINE: OF 382,000 ACRES OF POTENTIAL STATE DISPOSAL LANDS, 10,000 ACRES ARE IN THE FOREST. THIS DOESN'T INCLUDE PRIVATE NATIVE OR BOROUGH LANDS.

- 3) THEY FEEL THAT SEC. 41.17.220 AT THE TOP OF PAGE 2 DOESN'T RECOGNIZE NON-RENEWABLE RESOURCES.

COMMENT

THIS PROVISION SAYS LANDS IN A FOREST SHALL BE MANAGED UNDER MULTIPLE-USE PRINCIPLES, UNDER THIS ACT AND THE EXISTING LAW, AND UNDER THE MANAGEMENT PLAN. ALL THREE OF THESE THINGS SPECIFICALLY INCLUDE NON-RENEWABLE RESOURCES SUCH AS MINING.

AMENDMENTS

THE DEPARTMENT HAS RECOMMENDED THE ATTACHED AMENDMENTS. THESE ARE THE PRODUCT OF LAST MINUTE CONCERNS OF THE FAIRBANKS DIV. OF LAND AND WATER MANAGEMENT AND WERE AGREED TO BY THE DIVISION OF FORESTRY. ONLY ONE IS TRULY "TECHNICAL" IN TERMS OF AN ERROR IN DESCRIPTION, BUT ALL ARE MINOR AND WOULD RESULT IN BETTER MANAGEMENT BOUNDARIES AND WOULD RECOGNIZE SEVERAL HIGH-QUALITY DISPOSAL AREAS BY DELETING SMALL TRACTS FROM THE FOREST WHICH HAVE BEEN NOW IDENTIFIED AS LOGICAL ADDITIONS TO DISPOSAL AREAS IN THE NEAR FUTURE. TOTAL AREA DELETED: 760 ACRES.

FLOOR STATEMENT FOR SB 108, STATE FOREST SYSTEM

---MAJOR PROVISIONS OF BILL:

- 1) ESTABLISHES STATE FOREST SYSTEM WITH COMMON MANAGEMENT PLANS AND ACTIONS AND METHOD OF ADDING FORESTS;
- 2) ESTABLISHES REFORESTATION FUND FOR REPLANTING ACTIVITIES ON STATE LANDS;
- 3) DESIGNATES TANANA VALLEY STATE FOREST (1.7 MILLION ACRES OUT OF 17 MILLION ACRES OF STATE LAND IN TANANA BASIN).

---THE BILL IS PRODUCT OF YEARS OF STUDY AND NEGOTIATION BY ALL INTEREST GROUPS AND AGENCIES TO MINIMIZE CONFLICTS AND INCLUDE C HIGH VALUE TIMBER AREAS;

---BILL HAS RECEIVED WIDESPREAD SUPPORT FROM VARIOUS QUARTERS INCLUDING TIMBER COMPANIES, MINING GROUPS, ENVIRONMENTAL GROUPS, *Borough, & Coy C*

---MANAGEMENT OF STATE FORESTS

- 1) MULTIPLE-USE AND SUSTAINED-YIELD PRINCIPLES;
- 2) SPECIFIC USES SPELLED OUT AS PERMITTED INCLUDING TIMBER HARVESTING FOR BOTH COMMERCIAL AND PERSONAL USE, MINING, RECREATION, WILDLIFE
- 3) MANAGEMENT PLAN MUST CONSIDER ALL USES, REQUIRES PUBLIC HEARINGS, INPUT
- 4) NOT A "LOCK-UP" ! ! ! --FOR PEOPLE AND THEIR NEEDS. PROTECTS ALL EXISTING TRADITIONAL USES OF THESE STATE LANDS. NO CONDEMNATION OF ANY PRIVATE LANDS OR RIGHTS. ONLY STATE LANDS INVOLVED.

Objections to Proposed Changes in SB 108
 Establishing a Tanana Valley State Forest
 Being Considered by the House Resources Committee
 As Can Best Be Determined 5/24/83

Prepared by Glenn Patrick Juday for consideration by the Alaska Society of American Foresters, Committee on State Forests, 5/24/83

Deletions of areas

1. Nenana Ridge

- A. Rosie Creek (land east of the Bonanza Creek Experimental Forest along the Parks Highway to Fairbanks) (T 1 S R 3 W, T 2 S R 3 W)
- B. Murphy Dome-Cache Ck blocks (T 2 N R 3 W, T 1 N R 4 W)
- C. land west of Bonanza Creek Experimental Forest (T 2 S R 4 W, T 2 S R 5 W, T 3 S R 5 W)
- D. land northeast of town of Nenana (T 3 S R 7 W)

These areas are have some of the highest, if not the highest, measured forest growth and stocking of high quality trees on upland sites in the interior. This is the productive heart of the proposed State Forest.

These areas have the most extensively developed forest management road net in the interior, and are currently the areas most heavily used for personal use fuelwood under permit. The access was developed with legislatively appropriated firewood access funds (9 miles last year, and 15 miles of new road built this spring). Are these now to become subdivisions? If so, where are Fairbankians to get their fuelwood, which now a great percentage use as a primary source of heat?

If there is to be a Borough Industrial site west of the Bonanza Creek Experimental Forest, then it would be unwise to delete area C for its supposed residential development potential, because heavy industry is locating there largely to remove pollution sources from population centers.

This area is the scenic entrance to Fairbanks - is it now proposed by the legislature that we have development sprawl along this important corridor? Will this contribute to further developing the tourist industry?

2. Tanana River Floodplain (especially along the Richardson - Alaska Highway between Fairbanks and Delta) (esp T 6 S R 4 E, T 7 S R 4 E, T 8 S R 5 E)

This area is described in the Bill as occurring from the right limit to the left limit of the Tanana River in the affected Townships and sections. If this deletion is based upon the supposed residential value of these lands, then the Committee would have people living in the floodplain or rapidly appearing and disappearing islands - clearly unacceptable. Since it would not be wise, safe, cost-effective, or ethical to have people living in these kinds of areas, then the best use clearly would be to keep them in the State Forest.

3. Salcha Bluff (T 6 S R 4 E, T 6 S R 5 E, T 5 S R 5 E, T 5 S R 6 E)

This area is a contiguous block of south-facing bluff, several miles away from the Alaska - Richardson Highway, with good conifer stocking. It is an important part of the proposed State Forest.

4. Canyon Creek (esp. T 8 S R 6 E)

This area has one of the most outstanding conifer stocking levels over a sustained area of any in the forest. Its inclusion is important to provide volume and area for the early years of the management of the Forest while access is gradually developed to the less accessible areas to the north. If the Committee will not allow such important areas to be included in the Bill, then it is severely reducing the manageability of the Forest (in order to provide development lands which are abundant where they are needed anyway).

5. Gerstle River (esp. T 24 N R 14 E, T 24 N R 15 E Coper River Meridian)

This area is one of the only existing accessible personal use fuelwood and commercial harvest areas near Delta. It already supports commercial activity and badly needs to come under long term renewable resource management. Major problems with its soils have caused it to be removed from consideration for the agricultural project.

In general the proposed reductions would be especially severe in their effect on the allowable cut in the Fairbanks Working Circle (60 mile radius of Fairbanks) and the manageability of the Forest generally by taking all close-in accessible lands. The reduction in allowable cut in the Fairbanks area could range between 25 and 50%.

The proposed deletions on the Nenana Ridge amount to upwards of 38,000 acres. The Fairbanks North Star Borough has about 40,000 acres of its 112,000 acre Municipal Land Selection within 40 miles of Fairbanks or 25 miles of other communities, and within two miles of an existing road at the same time. The Borough land is better for community expansion, so we shouldn't delete the Nenana Ridge to meet a need that will be provided for by the Borough land anyway.

In addition, the state proposes to dispose of an additional 23,000 acres of such prime development land as a result of the Tanana Basin Area Plan. And existing private ownership in this category amounts to 426,000 acres, according to the State Department of Natural Resources. This Tanana Valley State Forest would be severely reduced, in our understanding of the proposed Committee Substitute, without really meeting the public's need for private land ownership any better (in fact worse) than other existing programs will.

Other Proposed Amendments to SB 108

A proposal to require the development of State Forest Management Plans before the submission of the proposal for legislative establishment of future State Forests, is not at all wise. Management Plans require an inventory, full public hearings, and a lot of professional resource expertise and time. This would not be justified if the Legislature is likely to make major revisions to the boundaries, as we see in this case. Much of this effort would be wasted in the event that such changes were made. We suggest that a more brief management prospectus compiled out of the Area Plan covering the particular unit, would be sufficient to satisfy the Legislature's need for detail.

Glenn Juday
4837 Palo Verde Dr.
Fairbanks, Alaska 99701

Testimony of the Alaska State
Society of American Foresters on
CS for SB 108, creating a Tanana Valley State Forest

House Resources Committee, May 20, 1983 Hearing
Juneau, Alaska

The Alaska State Society of American Foresters would like to thank Chairman John Ringstad, Cochairman Richard Shultz, and members of the House Resources Committee for the opportunity to transmit this testimony for the second House hearing on CS for SB 108, the Tanana Valley State Forest Bill.

We have been supporting the creation of a State Forest, dedicated to multiple use, in this area for a number of years. In our testimony for the May 6 hearing on the Bill, we gave the background reasons for our support, including (1) the need for a land base for long term forest management, (2) the suitability of the parcels identified in SB 108 for forest management, (3) the elements of planning and reforestation that the SAF feels are necessary, (4) the effect of the Tanana Valley State Forest on the opportunity for community expansion around Fairbanks, and (5) technical reports on the forestry potential of interior Alaska. We hope that this information has been of use to the Committee as you have been considering this Bill.

We would now like to offer comments on some of the concerns that members of the House Committee have expressed about SB 108 including: (1) compromises that have been made in the original State Forest proposal for the interior (2) projections of timber demand in the local area, (3) the mechanism by which any further State Forests might be proposed to the Legislature for establishment, (4) achieving balance among the multiple uses in the State Forest Management Plan.

Compromises in the Original State Forest Proposal

Some recent statistics produced in connection with the Tanana Basin Area Plan provide a perspective on the current State Forest proposal in comparison with the rest of the Tanana Valley. The Tanana Valley (subject to the Area Plan) totals 21,000,000 acres. State-owned forest land of high or medium suitability for forest management covers 1,700,000 acres within the area. As can be seen, this is a small portion of the Valley. Yet the state of Alaska has title to about 15,000,000 acres in this region.

SB 582 in the last session of the Legislature included two units of proposed State Forest Resource Management Areas. These were the:

<u>Name of Unit</u>	<u>acres</u>
Upper Tanana	1,165,300
Fairbanks	<u>1,298,240</u>
total	2,463,540

By contrast, the current Tannana Valley State Forest proposal totals approximately 1,745,000 acres, a reduction of over 29%. Reductions were made in order to eliminate lands with lower forest potential (as a result of better information from the Alaska Lands Resource Mapping Project) and to accommodate needs for (1) settlement and development lands along roads, rivers, and other transportation corridors, (2) lands with potential for agricultural development, although these were incidental inclusions of small and scattered tracts in the first place, and (3) lands for homesites and subdivisions.

In addition, the Tanana Basin Area Plan will offer 4 options for levels of state land disposals. These will range from 593,000 to 185,000 acres.

What remains in SB 108 are carefully considered tracts that are most suitable for public resource management. The total acreage in the proposed Tanana Valley State Forest slightly exceeds the acreage of state-owned lands which have high to medium management potential, because of the unavoidable inclusion of understocked or nonstocked lands within the boundaries of a workable management unit. This complex mixture of forest types is characteristic of interior Alaska because it is in the discontinuous permafrost zone.

With establishment of the State Forest, these lands would be in an ownership and management status that would best maintain opportunities for long term mineral exploration, mining claim and mineral leasehold location, public transportation corridor establishment, and scenic landscape management for tourism development, in addition to the planned harvest of forest products, wildlife, and maintenance of important research areas.

Projections of Timber Demand in the Area

The following are projections of demand for forest products that the state Division of Forestry has made based upon per capita consumption and incorporating projected increases in population. These population figures are in the middle of the range of population estimates that SAF provided in our previous testimony on the need for community expansion land around Fairbanks and the Fairbanks North Star Borough.

Sawtimber Demand*

<u>date</u>	<u>demand level</u>	<u>population estimate</u>
present	24 mm bd ft	61,325
1990	39 mm bd ft	84,913
2000	48 mm bd ft	105,304

*based upon 459 bd ft per capita in interior & N. slope

Fuelwood Demand

present	37,000 bd ft
1990	50,000 bd ft
2000	62,000 bd ft

It should also be pointed out that the potential market area for lumber production from the proposed State Forest would include the entire railbelt area, especially the Anchorage market which has fewer opportunities for obtaining similar locally manufactured forest products.

There is no question about the demand being present; the question is what percentage will be met by local production versus imported wood products. But there are two major problems in moving to increase the local share of the market: (1) Expansion is limited by the supply of timber (stumpage) that is offered on the market; the state can only allow its lands to be cut at a sustained yield level, which in turn is constrained by the amount of land which is dedicated on a long term basis to forest management. Therefore, until there is a large enough and stable land base, the state cannot offer timber to meet the demand. (2) Locally-produced manufactured wood products occupy the lower-quality end of the range of products. To compete effectively in the higher-quality end of the market, investments will have to be made in drying and possibly finishing equipment or inventory; this can't be justified until there is a larger volume and better-assured supply of raw material moving onto the market. Passage of SB 108 is the first step toward solving this problem.

Mechanisms for Proposing State Forests

Some concern has been expressed that SB 108, through its addition of AS 41.17.210 (STATE FOREST RECOMMENDATIONS AND DESIGNATIONS), has created a process that requires the continual recommendation of future State Forests, and does it in a way that gives the Executive too much power. It is not the intention of SAF to take a position that favors one branch of state government over another. However, we do have some concerns about this issue, related to progress and improvement in the way the state manages the public's resources which it now holds and which the public desires to have maintained in public ownership.

This section of SB 108 actually establishes a process for proposing State Forests after the completion of Area Plans. These Plans provide for a comprehensive set of identified public needs, including the need for disposal of state land for private ownership. This process also includes a review of lands suited for state retention and an identification of some of the needs to be met by these state lands. It is our understanding that only after this process has been completed, and only where the lands identified for retention are best suited for multiple-use and sustained yield management, would the Governor make a recommendation to the legislature for the establishment of a State Forest. The Legislature, of course, retains the ultimate authority to decide the question of establishment.

The main concern that SAF has is that some part of the state government have the responsibility to make an affirmative recommendation when these conditions are met. While we should expect that there may be wide differences of opinion over just which lands are "suitable" for state retention and just which are best for multiple-use and sustained yield, once a determination of this kind is made, then it only seems reasonable that the matter not be left hanging, and that the Legislature make a decision one way or the other. Otherwise it will be extremely difficult to move forward with positive programs of resource management. The Legislature can define as large a role for itself in this process as it feels is appropriate.

Achieving Balance among Multiple Uses

The section of SB 108 that lists permitted uses (proposed AS Sec. 41.17.230 (e)) does not indicate a preference for one use over another. This has led to some expressions of concern that a Management Plan might be produced that would make only token allocations to timber harvest uses, and allocate great areas to wildlife habitat or some other non-intensive management option, producing, in effect, a "park". SAF believes that this is highly unlikely for several reasons. SAF has also dealt with natural resource land planning as one of its most important recent topics, and has some professional concerns to share on this topic.

Because the levels of demand for forest products which we have just cited are so much greater than the current state timber offerings, it is hard to believe that a major expansion of timber sales can be avoided, once the land base is Legislatively established. Constituent pressure can only be expected to increase as the employment base supported by the Forest increases. Further, there is no authority to arbitrarily deny applications for resource developments such as mineral leases.

The experience in virtually every other state, and in the Scandinavian countries at similar latitudes, is that management of State Forests may start out at a low level of intensity, but it soon becomes increasingly intense as population pressures grow. It is almost impossible to imagine this not happening in interior Alaska. In fact, we have experienced an explosion in demand for fuelwood here; the lack of a land base has made the State response less effective than it needs to be.

The experience of resource management professionals in recent years as they have struggled to operationally define "balance" among multiple uses, is that public needs and demands change over time. For example, economically practical ways of producing resource outputs change with new technology. Markets, which generate demands, change along with the overall economy, with the introduction of new products, and with technological developments.

The result of all this is to make it unwise, and ultimately unsuccessful, to attempt to assign priorities to various land uses in legislation. What is needed is a fair process that requires State Forest Management Plans to provide opportunities for the uses (outlined in proposed AS 41.17.220 (e)) in response to identified public needs and resource capabilities to meet those needs.

SAF is quite satisfied with the language on this point in SB 108, although that reflects a certain amount of trust or judgement about how the Governor, Commissioner, and the Board of Forestry (which will approve Management Plans), are going to behave. We understand that trust is a commodity in short supply when dealing with Alaska natural resource management issues. But SAF recommends that, if the Legislature is concerned about this point, it define a larger role for itself in reviewing the Management Plans, rather than attempting to specify in the basic State Forest statute what the levels of various uses will be. Members of our profession know from sad experience that the latter approach will not work well, and would put them, in their role as resource managers, in an unworkable position.

In summary, SAF has worked hard to see that most of the concerns that have been expressed about SB 108 be dealt with in a way that meets the needs of Alaskans for a variety of resources (including private land ownership), and in a way that makes it possible for resource managers to begin to do a better job. Making the state of Alaska a full partner in active, forward-looking resource management that is responsive to the needs of Alaskans has been a dream of many SAF members for a long time. We are excited about the prospects of seeing this finally happen, and strongly urge the Committee to report SB 108 favorably for final action this session.

Prepared by Glenn Patrick Juday, Chairman
Alaska State Society of American Foresters,
Committee on State Forests

Glenn Patrick Juday

4837 Palo Verde Dr.
Fairbanks, Alaska 99701

479-3765

May 17, 1983

Representative John Ringstad
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Representative Ringstad:

A number of us in the Fairbanks area have recognized the need for a stabilized land base for sustained yield forest management in Interior Alaska for a number of years. Most of us are professional people with a real concern for the public need for forest products and the economic benefits derived from local harvest and processing.

We hear a great deal of rhetoric both in support and opposition to State forest mostly resulting from special interest but rarely is an objective view presented or the public benefits considered. We believe the legislature intent set out in 1978 in the Forest Practice Act (AS 41.17) is sound and bears reiteration:

A.S. 41.17.010 "The Legislature declares that:

1. The forest resources of Alaska are among the most valuable natural resources of the State...;
2. Economic enterprises and other activities and pursuits derived from forest resources warrant the continuing recognition and support of the State:
3. The State has a fundamental obligation to insure that management of forest resources,....., and serves the needs of all Alaska for the many products, benefits and services obtained from them;....."

Fairbanks has had a forest products industry since its founding. This industry continues to be important to us by providing jobs as well as forest products. The industry has not asked nor does it need State subsidies as has the fisheries, agricultural, and mining industries. All the forest products industry needs is a stabilized supply of timber.

Early opposition to the State forest bill was entered in the State Administration and this opposition was accepted by a number of our legislature delegates carte blanc. The Administration maintained that 16 million acres had been set aside for forest but did not identify either the location of the land nor the growth potential of the land so identified. In fact the location of the forest land is critical if it is to be of any direct benefit to the Interior residents and economy.

On July 8, 1980, the State Forester, in a memo to the Commissioner, estimated that 7,285,000 acres of forest land will be needed to supply timber products to residents of the Tanana Valley by the year 2000. There is currently less than 2 million suitable acres remaining at this time. With a predicted timber shortage in the Pacific Northwest by the year 2000, without local State forests, Interior residents can expect severe lumber shortages and excessively high prices.

Of a more immediate nature and concern is the need to at least maintain the forest industry jobs that we currently have. It makes little sense to eliminate existing jobs on the speculation of other jobs becoming available simply because more land is available for unplanned development.

Probably the most critical issue surrounding the State Forest proposal is the personal use permits, house logs and firewood. The demand for these products has expanded in recent years at an astounding rate. More than 50% of the Interior population rely on these products from State land.

In recent years, this demand has resulted in legislative appropriations for access road construction to make more timber available for the personal use demand. The current demand for house logs exceeds available supplies while firewood demand is approaching the allowable cut. Without a stabilized land base, the supply can only shrink and a short fall will result in the very near future.

Unfortunately, the average user of forest products for personal use is unaware that there are likely to be shortages unless land is dedicated to forest growth. By the time shortages do occur, it will be too late to correct the situation since the land will no longer be available. In the past, it has been easy to blame the State administration for lack of available forest products even though the legislature mandated sustained yield management but failed to fund the forest program adequately. In the future forest products short falls must be laid at the legislature's door for without a stabilized land base short falls must occur.

I believe it is time to set aside political philosophies and look at public needs and benefits. The following points, in particular, should be considered:

1. The location of forest land is critical to serve personal use needs. It is not possible to serve personal use needs from lands that are 100 to 200 miles away from the use area.
2. Presently from 20 - 25 jobs are available from each 1 million board feet of timber harvested. These are jobs in an established industry that is currently operating well below capacity and demand.
3. A majority of the Tanana Valley residents are directly dependent upon local forest resources to one degree or another.
4. A majority of the users of forest resources are of the "silent majority" who depend upon their legislative delegation to look after their interest.
5. The public cost of creating and managing the proposed State forest is far less than the ultimate public cost of State land disposals.
6. The argument that the need for private land remains pressing fails to recognize the difference between need and demand. While a true need for land for land should be met, demand for land, particularly for speculation, should be met only when it does not result in excessive public costs or loss of needed resources.
7. Forest resources are renewable and are required by law to be managed on a sustained yield basis. Without a land base these resources cannot be managed as required by law and can only shrink in supply.
8. The long term needs, availability of supplies, and future costs of imports must be considered as factors in the creation of State Forests.

Representative John Ringstad
Alaska State Legislature

-4-

May 17, 1983

Again, I believe it is time to set aside political Philosophies and look at public needs and benefits. We need our forest resources in the Tanana Valley. The majority of the residents are direct users of these resources to some degree. Five years of debate and public hearings has shown overwhelming public support in the Interior. Please move this bill forward to full house vote with your full support.

Sincerely yours,

Allen R Cronk

Allen R. Cronk
Land Consultant

ARC/jb

HCS CSSB 108 (Fin)
ESTABLISHING THE TANANA VALLEY STATE FOREST AND A PROGRAM FOR
THE MANAGEMENT OF STATE FORESTS AND FOREST LAND OF THE STATE.

PROPOSED AMENDMENT

RATIONALE:

THE AMENDMENT WOULD ADD APPROXIMATELY 55,000 ACRES OF LAND TO THE TANANA VALLEY STATE FOREST ALONG THE TANANA RIVER NEAR MINTO. THIS WOULD RESTORE THAT UNIT OF THE FOREST TO THE ACREAGE CONTAINED IN THE SENATE-PASSED BILL.

THIS SECTION OF THE STATE FOREST WAS REPORTEDLY DELETED FROM THE ORIGINAL SB 108 BECAUSE OF THE HIGH AGRICULTURAL POTENTIAL OF THE AREA. SOILS SURVEY HAS BEEN COMPLETED FOR THIS AREA BY THE DIVISION OF AGRICULTURE AND THEY HAVE CONCLUDED THAT ALTHOUGH AG. SOILS ARE PRESENT (CLASS II AND III), THEY ARE PATCHY AND SHALLOW, PERMAFROST IS PRESENT, AND THE LANDS ARE SUBJECT TO ANNUAL FLOODING. THEY RECOMMENDED THAT THE AREA NOT BE CLASSIFIED FOR AGRICULTURE. THE WHITE SPRUCE IS OF COMMERCIAL VALUE AND THERE HAS BEEN A REQUEST FOR A LONG-TERM TIMBER SALE IN THE AREA. THE UNIT IS STRONGLY SUPPORTED BY LOCAL RESIDENTS FOR INCLUSION IN THE STATE FOREST.

AMENDMENT

OFFERED IN THE HOUSE:

By: Hurlbert

To: HCS CSSB 108 (Fin) HOUSE BILL No. _____

SENATE BILL No. 108

PAGE: _____

LINE: _____

Page 6, lines 28-29

Delete present language and insert, Sections 17-20

Page 7, lines 1-4

Delete present language and insert, Sections 29-34
Section 35, WI/2

Page 7, lines 6-7

Delete present language and insert, Sections 13-36

Page 7, lines 9-10

Delete present language and insert, Sections 13-36

Page 18, lines 11-16

Delete present language and insert, Sections 3-10
Sections 15-22
Sections 27-34

Page 18, lines 18-19

Delete present language and insert, Sections 1-6

Page 18, lines 21-24

Delete present language and insert, Sections 1-24
Sections 27-34

Page 20, lines 3-4

Delete present language and insert, Section 6

Page 20, lines 6-9

Delete present language and insert, Sections 1-24
Sections 27-34

Re-number remaining lines accordingly.

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

POUCH M
JUNEAU, ALASKA 99811
PHONE: 465-2400

May 27, 1983

The Honorable Bettye Fahrenkamp
Senator
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Senator Fahrenkamp:

You requested information about the agricultural potential of the Minto deletion from SB 108.

As you know, this area of 73,760 acres is located near the proposed Nenana-Tochaket Agricultural Project. Based on the soils surveys which are now completed for this area, the Division of Agriculture does not recommend that this area be classified for agriculture. Although the soils surveys show some Class II and III soils present, they are patchy and shallow. In addition, it is a permafrost area and subject to annual flooding. On the other hand, the area sustains one of the better white spruce stands within the proposed Tanana Valley State Forest.

If you have any additional questions, please call my office.

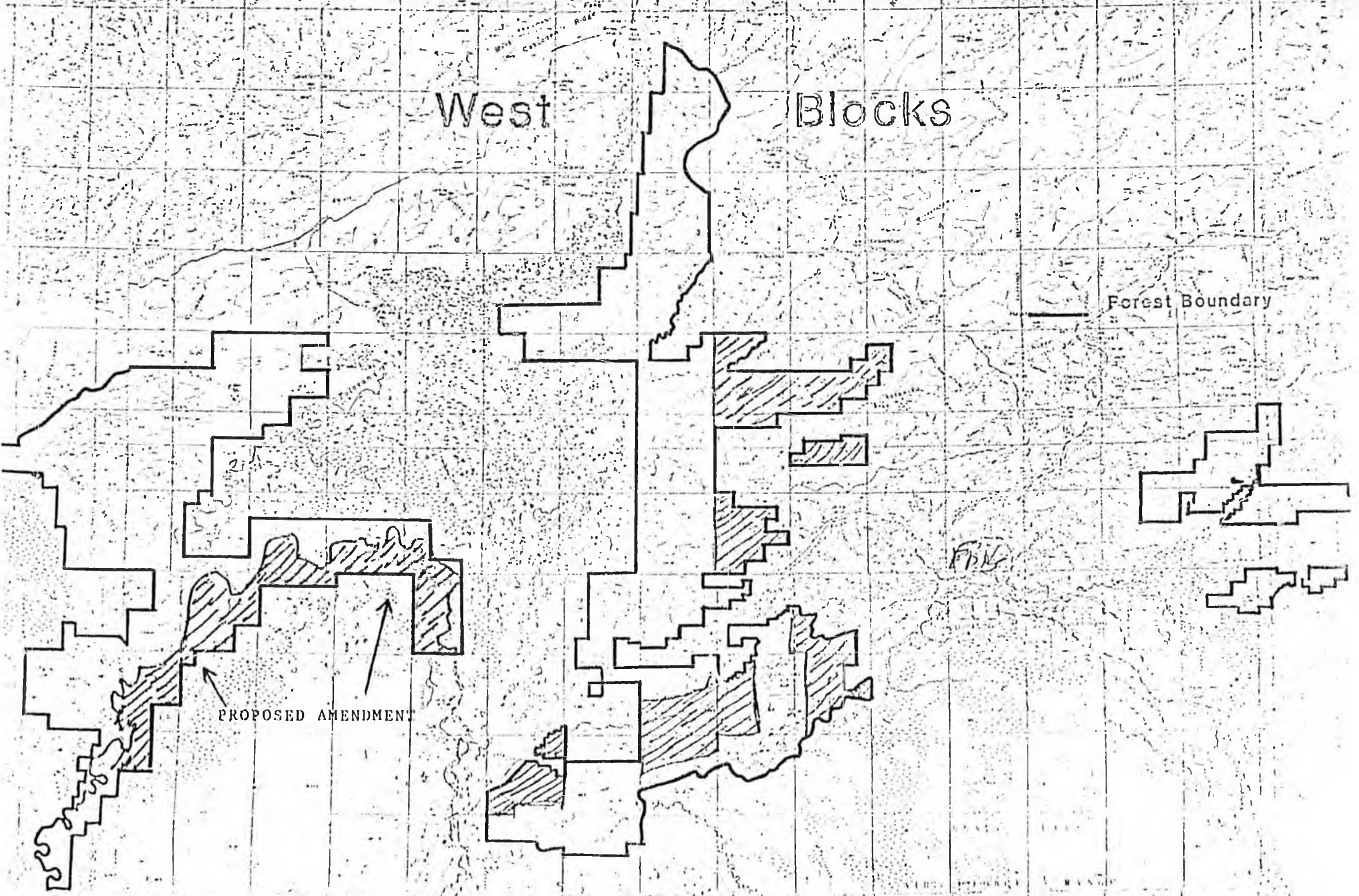
Sincerely,



Esther C. Wunnicke
Commissioner

FAIRBANKS STATE FORESTS

West Blocks



Forest Boundary

PROPOSED AMENDMENT

FDW

SB 108 ESTABLISHING THE TANANA VALLEY STATE FOREST AND A PROGRAM FOR
THE MANAGEMENT OF STATE FORESTS AND FOREST LAND OF THE STATE.

PROPOSED AMENDMENT

In Section 3 in the appropriate place include the following State lands:

Township 3 North, Range 2 West, Fairbanks Meridian
Section 7, Tract E, ASLS 81-20
Section 8, Tracts H,J,K,L, ASLS 81-20
Section 17, Tracts M,N,O, ASLS 81-20
Section 18, Tracts A,B, ASLS 81-20
Section 19

Township 3 North, Range 3 West, Fairbanks Meridian
Section 13
Sections 19 - 31

Township 3 North, Range 4 West, Fairbanks Meridian
Section 3, west of Washington Creek
Sections 4 - 8

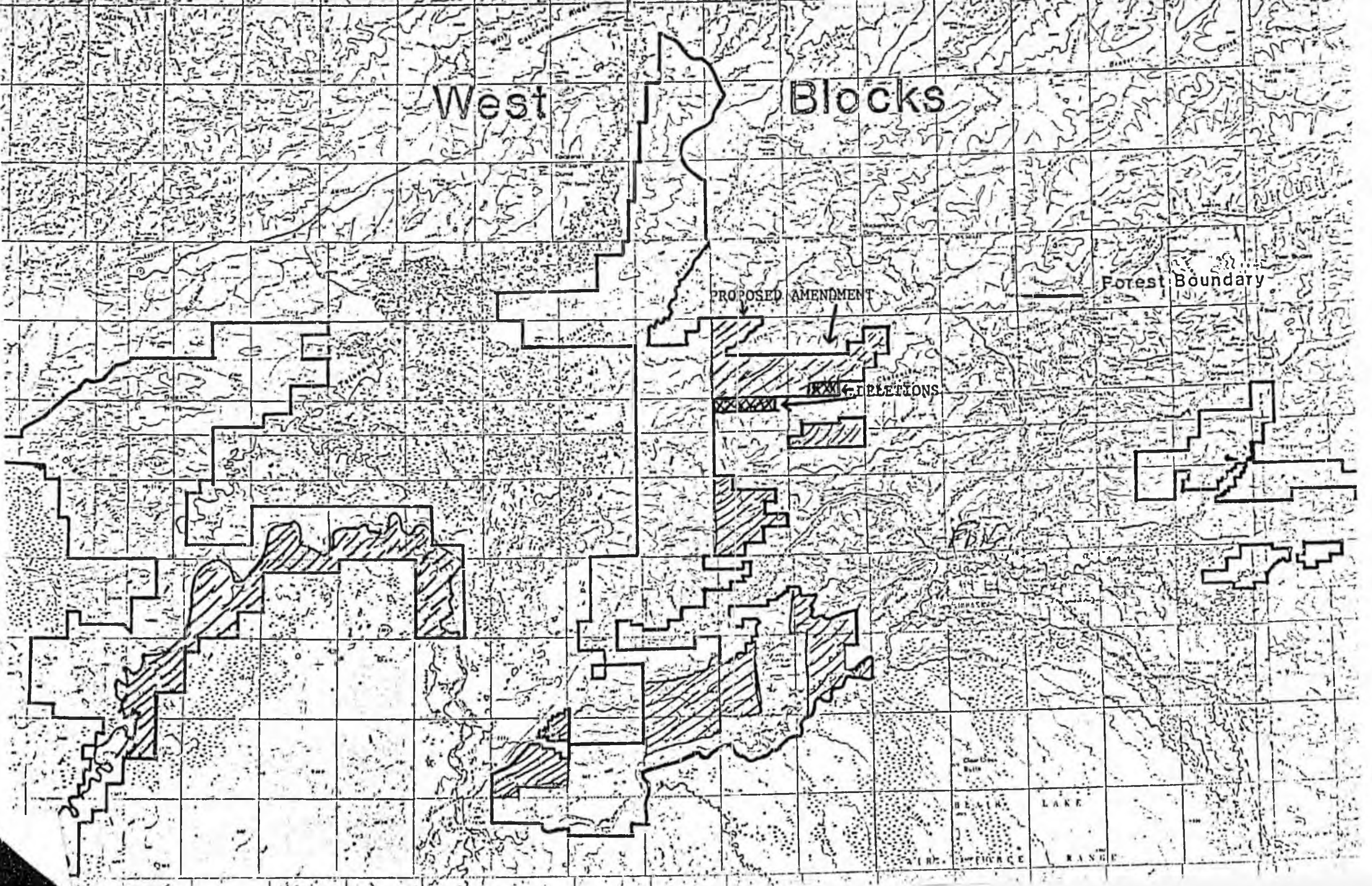
RATIONALE

The amendment would add back about 34,000 acres of land in the Chatanika River area near Fairbanks which was included in the original Senate-passed SB 108. This land is in the immediate Fairbanks area and would add back approximately 2,400 cut cords of fuelwood for personal use annually. This represents 25% of the fuelwood annual allowable harvest in the Fairbanks area from the proposed state forest.

Approximately 5,000 acres of land along the Chatanika River contained in the original Senate-passed bill is not included in this amendment. These lands within one mile of the river have been deleted for possible settlement purposes.

FAIRBANKS STATE FOREST

West Blocks



PROPOSED AMENDMENT

Forest Boundary

TEXTURE COMPLETIONS

BEAR LAKE

FAIRBANKS RANGE

KOPONEN

HOUSE CS for CS for SB 108 ESTABLISHING THE TANANA VALLEY STATE FOREST AND A PROGRAM FOR THE MANAGEMENT OF STATE FORESTS AND FOREST LAND OF THE STATE.

PROPOSED AMENDMENT

In Section 3 in the appropriate place amend the legal descriptions to include the following state lands or waters:

Township 1 South, Range 3 West, Fairbanks Meridian

Section 26, S $\frac{1}{2}$ south of Parks Highway
Sections 27-28, south of Parks Highway
Section 29, west of Old Nenana Highway and south of Parks Highway
Sections 31-34, south of Parks Highway
Section 35

Township 2 South, Range 3 West, Fairbanks Meridian

Section 2, N $\frac{1}{2}$, Tract F, ASLS 80-118
Sections 3-5
Sections 8-10
Section 13, Lots A and C
Section 14, Lots 5-7, NE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 15, west of left limit of Tanana River
Sections 16-17

Township 2 South, Range 4 West, Fairbanks Meridian

Section 4, S $\frac{1}{2}$, NE $\frac{1}{4}$
Section 8, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$
Section 9
Sections 16-21
Sections 28-33

Township 2 South, Range 5 West, Fairbanks Meridian

Sections 23-36

Township 3 South, Range 5 West, Fairbanks Meridian

Sections 2-5
Section 6, S $\frac{1}{2}$ S $\frac{1}{2}$
Sections 7-10
Section 16
Section 17, north of right limit of Tanana River, excl. SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 18, north of right limit of Tanana River, excl. SE $\frac{1}{4}$ SE $\frac{1}{4}$

Township 3 South, Range 7 West, Fairbanks Meridian

Section 1
Section 2, E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 3, SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 9, south of Parks Highway
Section 10, that portion of NE $\frac{1}{4}$ which lies south of Parks Highway; SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 11, N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$
Section 12, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$
Section 13, SW $\frac{1}{4}$
Section 14, S $\frac{1}{2}$, S $\frac{1}{2}$ N $\frac{1}{2}$
Section 15
Sections 16-1 south of Parks Highway
Section 20, south of Parks Highway
Sections 21-32

Sec. 41.17.210. STATE FORESTS. (a) After planning and classification procedures identifying primary uses of the state lands in a an area under AS 38.04 and AS 38.05 have been completed, the governor may propose to the legislature the establishment of state forests consisting primarily of forest lands of commercial and personal use value determined by the governor to be desirable for retention in state ownership for management under the principles of multiple use and sustained yield and consistent with AS 38.04.005. The proposal of the governor shall include a report and recommendations of the commissioner including

- (1) an estimate of the annual allowable harvest levels of the forest lands
- (2) a summary of testimony offered at public hearings or meetings held in connection with the land use plans developed for the region or area including the proposed state forest;
- (3) findings of the commissioner on anticipated incompatibilities of uses described in AS 41.17.230(e);
and the Department of E. C.
- (4) comments from the Department of Fish and Game on the area or regional plan and the proposed state forest;
- (5) an estimate of the cost of completing an operational level forest inventory and a management plan for the proposed state forest;

The District 19 Democratic Committee supports SB-108 with the exception of that part which designates industrial sites for the Fairbanks North Star Borough to choose from. Three of the industrial sites are in District 19. District 19 Democrats do not want any industrial sites in their district. We especially ask our legislatures to remove the Martin Site from the list as it is most inappropriate, being in a narrow valley which could develop severe air pollution problems and being in a residential area where the citizens are opposed to any industrial development.

A M E N D M E N T

Offered in the HOUSE

By Goll

TO: HCS CSSB 108(Res)

Page ³~~2~~, line ⁷~~22~~:

After "forest." insert the following material:

"The commissioner shall permit and encourage public participation in any revision of a management plan by holding frequent public hearings on the development of a revised management plan in the communities proximately located to the state forest or to a unit of the state forest."

Page ⁵~~4~~, line ¹⁸~~18~~:

After "Valley State Forest." insert the following material:

"The commissioner shall permit and encourage public participation in the preparation of the management plan for the Tanana Valley State Forest by holding frequent public hearings ^{DURING} ~~on~~ the development of the management plan in the communities proximately located to the Tanana Valley State Forest."

A M E N D M E N T

Offered in the HOUSE

By Uehling

TO: HCS CSSB 108(Res)

Page 6, line 28 through page 7, line 5:

Delete all material and insert the following:

"Sections 17 - 20, except for the area south of the
Tanana River

Sections 29 - 34, except for the area south of the
Tanana River

Section 35, W1/2, except for the area south of the
Tanana River

Township 1 North, Range 9 West, Fairbanks Meridian

Sections 13 - 36, except for the area south of the
Tanana River

Township 1 North, Range 10 West, Fairbanks Meridian

Sections 13 - 36, except for the area south of the
Tanana River"

Page 17, lines 28 through page 18, line 6:

Delete all material and insert the following:

"Sections 3 - 10, except for the area south of the
Tanana River

Sections 15 - 22, except for the area south of the
Tanana River

Sections 27 - 34, except for the area south of the
Tanana River

Township 1 South, Range 10 West, Fairbanks Meridian

Sections 1 - 6, except for the area south of the
Tanana River

Township 1 South, Range 11 West, Fairbanks Meridian

Sections 1 - 24, except for the area south of the
Tanana River

Sections 27 - 34, except for the area south of the
Tanana River"

Page 19, lines 14 - 17:

Delete all material and insert the following:

"Section 6, except for the area south of the Tanana
River

Township 2 South, Range 12 West, Fairbanks Meridian

Sections 1 - 24, except for the area south of the
Tanana River

Sections 27 - 34, except for the area south of the
Tanana River"

Page 20, lines 20 - 23:

Delete all material and insert the following:

"Sections 3 - 10, except for the area south of the
Tanana River

Sections 15 - 19, except for the area south of the

BLANK