

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672
5460 SRES SB 130 - SB 190

1032

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
POUCH WF-STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3795

MEMORANDUM

DATE: February 6, 1987

TO: Senator Jay Kerttula

FROM: W. Tom Maher, Fiscal Analyst
Legislative Finance Division

SUBJ: The Closure of Recorder Offices - a brief summary of events leading to the possible closure of seven field offices.

1.) Governor Sheffield's August 8, 1987 restriction plan resulted in a 13.4% general fund reduction to the Department of Natural Resource's (DNR) FY 87 Authorized budget. These restrictions were made in an attempt to reduce State spending due to a drastic drop in anticipated revenues.

2.) In applying the required restrictions, DNR's Division of Management, which is responsible for Recorder's Offices operations, expressed concern that any reductions in the Recorder's Office budget would severely effect its operations. DNR was advised by the Governor, through the Office of Management and Budget, that any reductions applied to the Recorder's Offices system would be recouped by requesting Legislative Budget and Audit Committee approval for the authority to receive and expend a like amount of program receipts.

3.) Two revised program (RPL's 10-7-0058, & 59) were prepared by the Department and the Office of Management and Budget requesting Legislative Budget and Audit Committee approval for a total of \$278,500 in program receipts for the operation of four offices: Homer, Nome, Bethel, and Sitka.

FEB 6 1987

4.) In the October 10 meeting of the LB&A, these RPLs were not approved.

5.) The Office of Management and Budget re-submitted these two RPL's to the December 17 meeting of the LB&A. Although the cover memo from OMB was revised to reflect the re-submittal of these RPLs, the backup documentation from the Department was the same as presented at the October 10 meeting in that only four offices were affected; Homer, Nome, Bethel, and Sitka.

6.) In the December 17 meeting of the LB&A, these RPLs were not approved.

Discussion: Because the Administration failed to require DNR to make necessary reductions in the Recorders Office System in a timely manner (August) and depended on the decision of the L.B&A Committee to keep the system operating a level deemed necessary, DNR took no action during the first half of this fiscal year. Today, to make up for this reduction which should have take place in August, DNR must close additional offices.

The administration, if not wanting to make reductions to this program, could have at any time, simply released the restriction placed on the Recorder's Office.

At the time of these requests, the Committee was being asked to allow other State programs to minimize the effect of Governor Sheffield's restrictions by granting increases in the use of program receipts.

These requests appeared to be inconsistent with Budget Review Director Jay Hogan's FY 88 budget instructions to State Agencies which prohibited the substitution of program receipts to offset specific general fund reductions which were required in Governor Sheffields restriction process. The Department's memorandum (from Barton to Hogan, 7/29/86) which served as backup for the RPL requests before the Committee states that "it is anticipated that this program will request continued funding by program receipts in subsequent fiscal years".

F. J. [unclear]

STATEWIDE RECORDER'S OFFICES

<u>Recorder's Office</u>	<u>FY 86 Actual Revenue Generated</u>	<u>FY 86 Actual Documents Processed</u>	<u>FY 87 Projected** Documents Processed</u>
Nome	\$ 23,700	2,734	2,398
Bethel	19,172	2,387	2,472
Fairbanks	<u>434,512</u>	41,316	40,982
Palmer	<u>392,403</u>	<u>38,057</u>	37,868
Anchorage	<u>1,181,973</u>	105,738	123,316
Kenai	181,416	18,441	19,238
Homer	79,156	8,305	7,798
Juneau	<u>121,868</u>	12,203	13,492
Sitka	31,448	3,079	3,142
Ketchikan	88,207	8,598	10,108
***Kodiak	41,611	4,790	4,468
***Glennallen (Chitna)	13,173	1,327	1,840
***Seward	28,328	3,389	3,568
***Valdez	<u>12,289</u>	<u>1,484</u>	<u>2,164</u>
TOTAL	\$2,649,256*	251,838	272,854

* Does not include recording fees in land contracts and leases collected by the Division of Land and Water Management.

** Projected from first six-month actual figures.

*** Administered by the Alaska Court System.

TYPE OF FUND:		NAME AND TELEPHONE NUMBER OF CONTACT:								
UNRESTRICTED		HIRIAM CAMPBELL 762-2224								
FUNDING SOURCE	FUND	REVENUE ACCOUNT	COLLOCATION CODE	PRIOR YEAR FY 86 ACTUAL	CURRENT YEAR FY 87 AUTHORIZED	CURRENT YEAR FY 87 CASH ESTIMATE	BUDGET YEAR FY 88			FY 89 ESTIMATE
							ADJUSTED BASE	INCREMENT/ DECREMENT	AGENCY REQUEST	
	11100	Recording Fees	10-44-1-108	2,718.0	2,990.0	2,990.0			3,100.0	3,130.0
	11100	UCC Fees	10-44-1-108	275.0	301.0	301.0			319.0	331.0
	11100	Document Recording Fees	10-44-1-108	37.0	45.0	45.0			45.0	48.0
TOTAL				3,030.0	3,336.0	3,336.0			3,464.0	3,509.0

EXPLANATION (SEE INSTRUCTIONS):

Recording fees and commercial code fees project growth in a downturn economy.

0044X

C21	REVENUE DETAIL
-----	-------------------

AGENCY NATURAL RESOURCES

BRU MANAGEMENT AND ADMINISTRATION

COMPONENT INFORMATION/RECORDS MANAGEMENT

FY 88

Page 2 of 2

Revised Date _____



Alaska State Legislature

Senate

Official Business

Handwritten signature

Pouch V
State Capitol
Juneau, Alaska 99811

February 5, 1987

Robert Arnold
Deputy Commissioner
Dept. of Natural Resources
Box M
Juneau, Alaska 99811

Dear Mr. Arnold,

I am quite concerned over the message that the recording office in Palmer is being closed. I wish to strenuously object to its closure.

This will cause an unprecedented hardship on people in the Mat-Su Borough area. It will cause untold delays with the closing of loans for both businesses and housing, thus adding to the expense of these purchases.

The effect on the business community will be great. It will most certainly effect every bank and Credit Union in the area.

I am of the understanding that this is one recording office which generates more money income than what the expenses are. I feel it is entirely uncalled for to close an office that is making money for you.

Please give this your soonest consideration possible.

Sincerely,

Jay Kerttula
State Senate

Handwritten signature of Jay Kerttula

JK/jck

I am adamantly opposed to closure of this office at Palmer!

SB

136

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of _____ 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER:

Rules

**FISCAL NOTE(S) ATTACHED _____ **
IN ACCORDANCE WITH AS 24.08.035
(see below)

2/19/87 DATE TURNED INTO OFFICE _____

Mr. President:

RESOURCES _____ Committee considered _____ SB 136

relating to multiple use of state land and water.

and recommended:

- replace with CS SB 136 (Res) same title
- attached amendment(s) and new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to _____
- letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Dan Fitch

Jim Duncan No Rec.

[Signature] Do/PAS
Chairman signature and recommendation

Committee Backup Attached

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: .SB 136
Publish Date: _____

Revision Date: 4/13/87

Agency Affected: Natural Resources
BRU: Land and Water Management

Title: An act relating to multiple use of state land

Sponsor: Codhill, Faiks, et al

Requestor: Senate Resources

Comments: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The Department of Natural Resources expects no additional funding requirements from this legislation.

Prepared by: Larry Z. Ostrovsky Phone: 465-2400
Division: Commissioner's Office Date: 4/13/87

Approved by Commissioner: *Janice Gordon* Date: 4-14-87
Agency: Natural Resources

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400

April 9, 1987

The Honorable Jack Coghill
Chairman, Senate Resources Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Coghill:

Subject: CSSB 136, an act relating to multiple use of state land and water.

Position: The Department of Natural Resources recommends passage of CSSB 136.

Background: In Section 1, CSSB 136 amends the current definition of multiple use contained in AS 38.04.910(4), to include management of state land, making the most judicious use of the land for all of the resources, but allowing for use of the land for less than all of the resources if there is incompatibility of uses.

Additionally, Section 8 deletes the definition of multiple use which is currently in Title 41, and substitutes the new definition contained in AS 38.04.910 in its place.

Recommendation: The Department of Natural Resources supports the changes as currently set out in CSSB 136. These changes accurately reflect the department's current land planning and classification process. This process supports the multiple use concept through a rigorous resource value advocacy program, which, by nature, receives and considers all competing and non-competing resource uses and users.

This legislation, in the opinion of the Department, still allows for classification of land into primary and secondary values, with the use of secondary values permitted when their use does not conflict with those uses designated primary. Uses which are not compatible with the primary management intent will still be excluded.

Senator Coghill

-2-

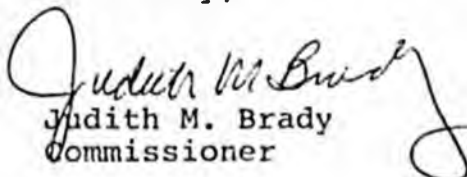
April 9, 1987

The second issue which this legislation addresses is the consolidation and reduction of multiple use definitions. In the opinion of the Department, it is paramount that we manage our land guided by consistent principles. The Title 38 definition proposed in the committee substitute is preferable to the current multiple use definition contained in Title 41 (the Forest Resources and Practices Act). The proposed Title 38 definition calls for consideration of all resource uses, including those which are difficult or impossible to quantify economically, including wildlife, natural scenic, scientific and historic values. In the opinion of the Department, a single multiple use definition throughout Titles 38 and 41 is preferable to the status quo - different definitions in different titles.

Multiple use is the management goal that the Department aspires to. The proposed definition contained in CSSB 136 provides a workable guide to land managers which should be followed consistently in our statutory framework. As Alaska prepares to engage Pacific rim and other foreign markets, our land use mandate should be as direct and consistent as possible.

Therefore, the Department of Natural Resources supports passage of CSSB 136. As always, my staff and I stand available to assist the committee or provide additional information.

Sincerely,


Judith M. Brady
Commissioner

cc: Committee Members
Bill Sponsors
George Sullivan
Rod Swope

Senator John B. (Jack) Coghill
Alaska State Legislature

Pouch V
Juneau, Alaska 99811
(907) 465-4921

Box 55028
North Pole, Alaska 99705
(907) 488-0862



MADAM PRESIDENT

FELLOW SENATORS

THE COMMITTEE SUBSTITUTE FOR SENATE BILL 136, AN ACT RELATING TO MULTIPLE USE OF STATE LAND AND WATER, THAT WE HAVE BEFORE US TODAY DOES BASICALLY TWO THINGS:

FIRST IT ELIMINATES ONE DEFINITION OF "MULTIPLE USE" SO THAT WE HAVE NO CONFUSION IN STATUTE AS TO THE MEANING WE APPLY TO THE MANAGEMENT OF STATE LAND AND WATER CLASSIFIED FOR MULTIPLE USE.

HERE WE HAVE ADDED A PHRASE THAT WILL "NOT EXCLUDE COMPATIBLE COMPETING USES" WHEN AN AGENCY CONSIDERS MANAGEMENT OF LAND AND WATER FOR LESS THAN ALL OF THE RESOURCES.

AND WE HAVE ALSO DELETED A FEW WORDS IN ORDER TO CLARIFY THAT MULTIPLE USE MEANS MANAGEMENT OF STATE LAND AND WATER FOR THE USE OF ALL OF THE RESOURCES IDENTIFIED IN ANY GIVEN AREA.

SECONDLY THE BILL CLARIFIES THE LAND CLASSIFICATION STATUTE SO THAT THE LANGUAGE IS CONSISTENT WITH THE DEFINITION OF MULTIPLE USE.

WE HAVE ALSO CHANGED THE WORDING ORDER IN FIRST SENTENCE TO MAKE IT CLEAR THAT THE INTENT OF THE LEGISLATURE IN HAVING THE COMMISSIONER CLASSIFY LAND FOR SURFACE USES, ONLY ON LANDS WHERE THE COMMISSIONER MAKES A FINDING THAT IT IS "CONSIDERED NECESSARY AND PROPER."

THE PRESENT WORDING GIVES THE READER THE IMPRESSION THE COMMISSIONER SHALL CLASSIFY FOR SURFACE USE ALL STATE LANDS IMMEDIATELY. IN THESE TIMES OF BUDGET REDUCTIONS WE'RE ALL WELL AWARE OF HOW DIFFICULT THAT MAY BE, SO, AND I BELIEVE THIS WAS OUR ORIGINAL INTENT IN THIS STATUTE, THE WORD ORDER WAS CHANGED TO INDICATE THAT THE COMMISSIONER HAS CLEAR DISCRETIONARY AUTHORITY.

A COUPLE OF POINTS I MIGHT ADD BRIEFLY IS THAT THE ADMINISTRATION RECOMMENDS PASSAGE, THE ALASKA MINERALS COMMISSION AND THE ALASKA STATE SOCIETY OF AMERICAN FORESTERS SUPPORT THIS MEASURE. WE IN FACT WORKED VERY CLOSELY WITH WITH THE DEPARTMENT OF NATURAL RESOURCES ON THIS, AND THIS WAS ALSO A RECOMMENDATION OF THE ALASKA MINERALS COMMISSION IN THEIR INITIAL REPORT TO THE LEGISLATURE.

THANK YOU.

5-0463L

Bradley

4/3/87

Original sponsors: Coghill, Faiks,
Bennett, et al.

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 136 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to multiple use of state land and
7 water."

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

9 * Section 1. AS 38.04.910(4) is amended to read:

10 (4) "multiple use"

11 (A) means the management of state land and its various
12 resource values so that it is used in the combination that will
13 best meet the present and future needs of the people of Alaska,
14 making the most judicious use of the land for [SOME OR] all of
15 the [THESE] resources or related services over areas large enough
16 to provide sufficient latitude for periodic adjustments in use to
17 conform to changing needs and conditions; [IT]

18 (B) includes

19 (i) [(A)] the use of the [SOME] land for less
20 than all of the resources but does not exclude compatible
21 competing uses; [,] and

22 (ii) [(B)] a combination of balanced and diverse
23 resource uses that takes into account the short-term and
24 long-term needs of present and future generations for renew-
25 able and nonrenewable resources, including, but not limited
26 to, recreation, range, timber, minerals, watershed, wildlife
27 and fish, and natural scenic, scientific, and historic
28 values;

29 * Sec. 2. AS 41.17.950(8) is amended to read:

1 (8) "multiple use" has the meaning given in AS 38.04.910

2 [MEANS

3 (A) THE MANAGEMENT OF ALL THE VARIOUS RESOURCES OF
4 FOREST LAND SO THAT THEY ARE USED IN THE COMBINATION THAT WILL
5 BEST MEET THE NEEDS OF THE CITIZENS OF ALASKA, MAKING THE MOST
6 JUDICIOUS USE OF THE LAND FOR SOME OR ALL OF THESE RESOURCES OR
7 RELATED VALUES, BENEFITS, AND SERVICES OVER AREAS LARGE ENOUGH TO
8 PROVIDE SUFFICIENT LATITUDE FOR PERIODIC ADJUSTMENTS IN USE TO
9 CONFORM TO CHANGING NEEDS AND CONDITIONS;

10 (B) THAT SOME LAND WILL BE USED FOR LESS THAN ALL OF
11 THE RESOURCES; AND

12 (C) HARMONIOUS AND COORDINATED MANAGEMENT OF THE
13 VARIOUS RESOURCES, EACH WITH THE OTHER, WITHOUT SIGNIFICANT
14 IMPAIRMENT OF THE PRODUCTIVITY OF THE LAND AND WATER, WITH CON-
15 sideration being given to the relative values of the various
16 resources, and not necessarily the combination of uses that will
17 give the greatest dollar return or the greatest unit output];

18 * Sec. 3. AS 38.05.300(a) is amended to read:

19 (a) The commissioner shall, where considered necessary and
20 proper, classify land for surface use [CLASSIFY FOR SURFACE USE LAND
21 IN AREAS CONSIDERED NECESSARY AND PROPER]. This section does not
22 prevent reclassification of land where the public interest warrants
23 reclassification, nor does it preclude multiple [PURPOSE] use of land
24 whenever different uses are compatible. An area of state [STATE]
25 land, water, or land and water [AREA] may not, except by act of the
26 state legislature, be ~~withdrawn from settlement, location, sale, or~~
27 ~~entry; reserved for special use; or restricted from the operation of~~
28 ~~the mining or mineral leasing law, ^{Closed to multiple use} ~~CLOSED TO MULTIPLE PURPOSE USE~~ if~~
29 the area involved contains more than 640 acres.

5-0463L
Bradley
4/3/87

Original sponsors: Coghill, Faiks,
Bennett, et al.

1 IN THE SENATE

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21 competing uses; [,] and

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4 prevent reclassification of land where the public interest warrants
5 reclassification, nor does it preclude multiple [PURPOSE] use of land
6 whenever different uses are compatible. An area of state [STATE]
7 land, water, or land and water [AREA] may not, except by act of the
8 state legislature, be closed to multiple [PURPOSE] use if the area
9 involved contains more than 640 acres.

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26 resources, and not necessarily the combination of uses that will
27 give the greatest dollar return or the greatest unit output];
28
29

Original sponsors: Coghill, Faiks,
Bennett, et al.

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 136 (Resources)

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4 FIFTEENTH LEGISLATURE - FIRST SESSION

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24 whenever different uses are compatible. An area of state [STATE]
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26 state legislature, be withdrawn from settlement, location, sale, or
27 entry; reserved for special use; or restricted from the operation of
28 the mining or mineral leasing law. [CLOSED TO MULTIPLE PURPOSE USE] if
29 the area involved contains more than 640 acres.

SB

137

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER:

*Depts ?
Finance ?*

**FISCAL NOTE(S) ATTACHED ✓ **
IN ACCORDANCE WITH AS 24.08.035
(see below)

2/19/87

DATE TURNED INTO OFFICE _____

Mr. President:

RESOURCES _____ Committee considered _____ SB 137

~~relating to the~~ definition of 'multiple use'

and recommended:

replace with CS SB 137 (res) same title
 attached amendment(s) and new title

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Paul Grish

W. G. ... no rec.
Jim ...

[Signature]
Chairman signature and recommendation

Committee Backup Attached



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Habitat	BILL NUMBER SB 137	SPONSOR Coqhill, et al.
DEPARTMENT POSITION Oppose			
PREPARED BY Habitat Division	DATE 3/5/87	COMMISSIONER'S SIGNATURE <i>Donnell</i>	DATE 3-12-87

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Natural Resources	CONSTITUENT GROUP(S) AFFECTED BY BILL All Users of State Land
ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

The existing definition of "multiple use" is consistent with the state's constitutional provision that "Fish, forest, wildlife, grasslands, and all other replenishable resources belonging to the State should be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses." The existing language accommodates the (continued below)

ANALYSIS OF BILL/PROGRAM EFFECTS

commonly recognized fact that all potential natural resource uses may not be compatible on every acre. The current definition also allows for the objective and reasonable identification of appropriate primary, secondary, and incompatible uses on an area-specific basis.

The definition of "multiple use" in SB 137 emphasizes that the land be used for "all" rather than "some or all" resources. Although SB 137's reduced emphasis on "the use of the land for less than all of the resources," is accompanied by the added qualification that multiple use "does not exclude compatible competing uses," the latter requires that individual determinations be made as to whether competition between uses is great enough to result in incompatibility. There is concern that such compatibility tests may 1) unduly tax already strained agency staffs and budgets, 2) create delays in land use decisions that would be burdensome to private industry and the general public, and 3) place the burden of proof unduly upon those attempting to utilize those resources that are often the most difficult to quantitatively value.

AMENDMENTS PROPOSED

None

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

BILL ANALYSIS (Continued)

To the extent that SB 137 also proposes to supplant the multiple use definition in the state's Forest Resources and Practices Act, it would eliminate the current provision that "consideration be(ing) given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output." This provision in existing statute is especially valuable insofar as it recognizes the fact that certain fish, wildlife, and other resource values may not be as easily quantified in economic terms as may timber and certain nonrenewable resources.

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: SB137

Publish Date: 2/19/87

Revision Date: _____

Agency Affected: Fish and Game

Title: An Act Relating to the Definition
of Multiple Use

BRU: _____

Sponsor: Cochill, et al.

Components: _____

Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		0				
TRAVEL		0				
CONTRACTUAL		0				
SUPPLIES		0				
EQUIPMENT		0				
LAND & STRUCTURES		0				
GRANTS, CLAIMS		0				
MISCELLANEOUS		0				
TOTAL OPERATING		0				
CAPITAL		0				
REVENUE		0				

FUNDING: (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS		0				
OTHER		0				
TOTAL		0				

POSITIONS:

FULL-TIME		0				
PART-TIME		0				
TEMPORARY		0				

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Bruce Baker

Phone: 465-4105

Division: Habitat

Date: 3/3/87

Approved by Commissioner: One Collinsworth

Date: 3-12-87

Agency: Department of Fish and Game

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agencies)
- Senate Secretary

RECEIVED
MAR 16 1987

PHIL. B. HARRISON

AS 35.05.300 is amended by adding a new subsections to read:

(c) In the classification for surface use the Commissioner may, subject to prior existing rights, withdraw land from mineral location, leasing and entry in areas of up to 640 acres by a finding of incompatibility.

Subject to prior existing rights, the Commissioner may designate areas up to 23,040 acres each to be closed to mineral location, leasing and mining for a period of two years, during which time the Division of Mines and the Division of Geological and Geophysical Surveys will conduct an assessment of the area's mineral potential. The Commissioner shall send a report to the legislature on the first day of each legislative session including descriptions of the lands closed to mineral location, location leasing and mining and the assessment of mineral potential. After two years have elapsed from the date of mineral closure, the areas shall be opened to mineral entry location, leasing and mining unless the closure is ratified by an act of the legislature.

No area in excess of 23,040 acres of the state land shall be closed to mineral location, leasing and mining except by act of the state legislature.

Nothing in AS 38.05.300 denies the public the opportunity to request reopening any state land to mineral location, leasing or mining.

(d) Within five years of the effective date of this act and not more than every ten years thereafter, the Commissioner shall examine all state lands previously withdrawn from mineral location, leasing or mining, taking into account available technology and resource values. The Commissioner shall submit the results of the examination to the legislature and request, if warranted, the removal of legislative restrictions on mineral location, leasing or mining on such lands.

① Valid existing prior rights



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Habitat	BILL NUMBER SB 137	SPONSOR Coghill, et al.
DEPARTMENT POSITION Oppose			
PREPARED BY Habitat Division	DATE 3/5/87	COMMISSIONER'S SIGNATURE <i>Don Callensworth</i>	DATE 3-12-87

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Natural Resources	CONSTITUENT GROUP(S) AFFECTED BY BILL All Users of State Land
ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

The existing definition of "multiple use" is consistent with the state's constitutional provision that "Fish, forest, wildlife, grasslands, and all other replenishable resources belonging to the State should be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses." The existing language accommodates the (continued below)

ANALYSIS OF BILL/PROGRAM EFFECTS

commonly recognized fact that all potential natural resource uses may not be compatible on every acre. The current definition also allows for the objective and reasonable identification of appropriate primary, secondary, and incompatible uses on an area-specific basis.

The definition of "multiple use" in SB 137 emphasizes that the land be used for "all" rather than "some or all" resources. Although SB 137's reduced emphasis on "the use of the land for less than all of the resources," is accompanied by the added qualification that multiple use "does not exclude compatible competing uses," the latter requires that individual determinations be made as to whether competition between uses is great enough to result in incompatibility. There is concern that such compatibility tests may 1) unduly tax already strained agency staffs and budgets, 2) create delays in land use decisions that would be burdensome to private industry and the general public, and 3) place the burden of proof unduly upon those attempting to utilize those resources that are often the most difficult to quantitatively value.

AMENDMENTS PROPOSED

None

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

BILL ANALYSIS (Continued)

To the extent that SB 137 also proposes to supplant the multiple use definition in the state's Forest Resources and Practices Act, it would eliminate the current provision that "consideration be(ing) given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output." This provision in existing statute is especially valuable insofar as it recognizes the fact that certain fish, wildlife, and other resource values may not be as easily quantified in economic terms as may timber and certain nonrenewable resources.

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: SB137
Publish Date: 2/19/87

Revision Date: _____
Title: An Act Relating to the Definition
of Multiple Use
Sponsor: Coghill, et al,
Requestor: _____

Agency Affected: Fish and Game
BRI: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		0				
TRAVEL		0				
CONTRACTUAL		0				
SUPPLIES		0				
EQUIPMENT		0				
LAND & STRUCTURES		0				
GRANTS, CLAIMS		0				
MISCELLANEOUS		0				
TOTAL OPERATING		0				

CAPITAL		0				
---------	--	---	--	--	--	--

REVENUE		0				
---------	--	---	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS		0				
OTHER		0				
TOTAL		0				

POSITIONS:

FULL-TIME		0				
PART-TIME		0				
TEMPORARY		0				

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Bruce Baker
Division: Habitat

Phone: 465-4105
Date: 3/3/87

Approved by Commissioner: Orin Callensworth
Agency: Department of Fish and Game

Date: 3-12-87

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

5-0504B

Bradley

4/2/87

Original sponsors: Coghill, Faiks,
Bennett, et al.

*- Title is changed
- Wording a development
of staff and DNR*

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 137 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the classification and withdrawal
7 of state land."

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

9 * Section 1. AS 38.05.185 is amended by adding new subsections to read:

10 (d) The commissioner shall submit a report to the legislature
11 and to the governor within the first 10 days of the convening of each
12 regular session of the legislature detailing the state land closed to
13 mineral location and mining during the previous calendar year. The
14 report shall include

- 15 (1) the known resource values of the area;
- 16 (2) the reason for the closure;
- 17 (3) the effective date of the closure; and
- 18 (4) the legal description of the land involved in the

19 closure.

20 (e) Each area closed under (a) of this section remains closed to
21 mineral location and mining until the commissioner issues an order
22 altering the status of the land or until the closure is disapproved by
23 act of the legislature. An act of the legislature disapproving a
24 closure by the commissioner may direct the commissioner on future
25 management of the area involved.

26 (f) Each report prepared under (d) of this section that reports
27 on an area of more than 5,120 acres shall include a mineral assessment
28 report for the area.

29 (g) Every 10 years, the commissioner shall submit a report to

1 the governor and the legislature concerning state land that is at that
 2 time withdrawn from mineral location or mining, including state land
 3 withdrawn from multiple use by the legislature. The commissioner may
 4 make recommendations in each report regarding existing closures of
 5 state land.

6 * Sec. 2. AS 38.05.300(a) is amended to read:

7 (a) The commissioner shall, where considered necessary and
 8 proper, classify land for surface use [CLASSIFY FOR SURFACE USE LAND
 9 IN AREAS CONSIDERED NECESSARY AND PROPER]. This section does not
 10 prevent reclassification of land where the public interest warrants
 11 reclassification, nor does it preclude multiple [PURPOSE] use of land
 12 whenever different uses are compatible. An area of state [STATE]
 13 land, water, or land and water [AREA] may not, except by act of the
 14 state legislature, be closed to multiple [PURPOSE] use if the area
 15 involved contains more than 640 acres.

16 * Sec. 3. Notwithstanding AS 38.05.185(g), as enacted by sec. 1 of this
 17 Act, the first report to the governor and legislature shall be delivered to
 18 the legislature five years after the effective date of this Act.
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From The
**SENATE
FINANCE COMMITTEE**

April 22, 1987

Senator Coghill:

Since the time of its introduction SB 137 has received a fiscal note by the Department of Natural Resources.

I will therefore be requesting a Finance Committee referral on the bill.

Senator John Binkley

4/17/87 3 (Res)
No SFC Approval

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: SB 137
Publish Date: _____

Revision Date: 4/13/87
Title: An act relating to state land withdrawn from mineral location, etc.
Sponsor: Coghill, Faiks, et al
Requestor: Senate Resources

Agency Affected: Natural Resources
BRU: Geological and Geophysical Surveys
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	35	35	35	35	35	35
TRAVEL	5	5	5	5	5	5
CONTRACTUAL	25	25	25	25	25	25
SUPPLIES	5	5	5	5	5	5
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	70	70	70	70	70	70

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	70	70	70	70	70	70
FEDERAL FUNDS						
OTHER						
TOTAL	70	70	70	70	70	70

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

The fiscal consequences of SB 137 are difficult to quantify precisely because the projected offer is directly related to the amount of land withdrawn from mineral entry in any one calendar year, and the amount of resource information readily available for each parcel.

Prepared by: Wyatt Gilbert Phone: 465-2520
Division: Geological and Geophysical Surveys Date: 4/13/87

Approved by Commissioner: [Signature] Date: 4/15/87
Agency: Natural Resources

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

APR 17 1987

LEGISLATIVE FINANCE

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400

April 13, 1987

The Honorable Jack Coghill
Chairman, Senate Resources Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Coghill:

Subject: CSSB 137, an act relating to state land withdrawn from mineral location or mining.

Position: The Department of Natural Resources recommends passage of CSSB 137, with modification to Section 1(e), page 1, lines 24-26.

Background: CSSB 137 calls for the Commissioner of Natural Resources to provide a report to the Governor and Legislature detailing state land closed to mineral location and mining during the previous calendar year.

Additionally, the bill states that a section closed to mineral location and mining by the Commissioner shall remain closed until the Commissioner issues an order altering its status, or the Legislature disapproves of the closure.

In Section 1(e), lines 24-26, of CSSB 137, the proposed language states that "[a]n act of the legislature disapproving a closure by the commissioner may direct the commissioner on future management of the area involved." Such language appears to pre-empt the authority of the Commissioner of Natural Resources. In the opinion of the Department, a preferable substitute would be as follows: "[a]n act of the legislature disapproving a closure by the commissioner may make recommendations to the commissioner on future management of the area involved."

Section 1(f) of CSSB 137 calls for a mineral assessment report for each area that exceeds 5,120 acres for which a report to the Legislature is prepared.

Senator Coghill

-2-

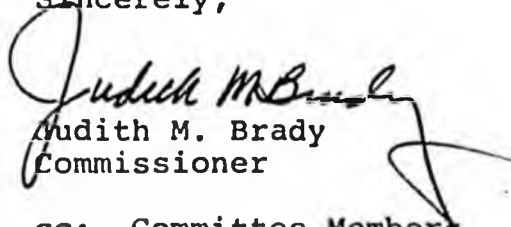
April 13, 1987

Finally, under Section 1(g), the commissioner is required to submit a report, every 10 years, concerning land that is withdrawn from mineral location or mining and may make recommendations regarding existing closures.

Recommendation: With the suggested language change in Section 1(e), the Department of Natural Resources supports CSSB 137 and recommends its passage.

I would be pleased to make my staff available to the committee for additional information or further work with the committee staff.

Sincerely,



Judith M. Brady
Commissioner

cc: Committee Members
Bill Sponsors
George Sullivan
Rod Swope

SB

179

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400

March 24, 1987

The Honorable Jack Coghill
Chairman, Senator Resources Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Coghill:

Subject: SB 179, an act relating to the sale of inherited remote parcels.

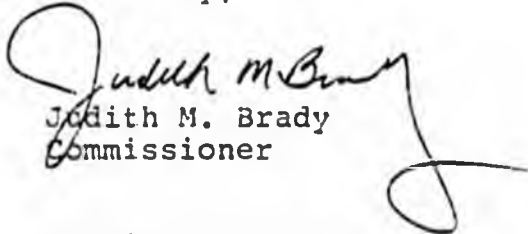
Position: The Department of Natural Resources supports the proposed changes in AS 38.09.100, lessees of remote parcels.

Background: The original drafters of AS 38.09.100, the statute that sets up leasing of remote parcels, did not allow remote parcel leases to be assigned in order to reduce the possibilities for speculation. SB 179 would allow the assignment of a remote parcel lease only in the event of the death of the lessee. The incidents to which this change would apply are few, because the remote parcel program was discontinued in 1983.

Recommendation: The Department of Natural Resources supports the proposed changes in AS 38.09.100.

If you would like additional information or have any questions, please contact my office.

Sincerely,



Judith M. Brady
Commissioner

Committee Members
Bill Sponsors
George Sullivan
Rod Swope

Alaska State Legislature

Senate Resources Committee



Sen. John B. (Jack) Coqhill, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Aliss Sturqulewski
Sen. Jim Duncan
Sen. Fred Zharoff
Sen. Dick Elason

Box V
Juneau, Alaska 99811
(907) 465-1907

March 30, 1987

To: All Members of the
Senate Resources Committee

From: Committee Staff

Re: SB 179, An act relating to the sale of inherited remote parcels

SB 179 was introduced to correct a problem which currently exists with reference to remote parcel leases. The remote parcel lease program, which has since been repealed, allowed Alaskans to lease state land in a designated remote area. The statutes provided that a remote parcel lease could not be assigned, conveyed or otherwise transferred by the lessee, but that rights to the lease could be transferred by testate or intestate succession.

These restraints on assignment were designed to prevent speculation,

Presently the heirs of a deceased leaseholder can not assign or transfer a remote parcel lease, sometimes a valuable portion of an estate. If the heirs can not use the property and have no ability or desire to prove it up the lease is worthless.

This bill would allow an assignment of a remote parcel lease only in the event of the death of the lessee and would not promote speculation.

DORIS LOENNIG
A PROFESSIONAL CORPORATION
ATTORNEY AT LAW

SUITE 120, 515 SEVENTH AVENUE - FAIRBANKS, ALASKA 99701
907 452-2006

January 14, 1987
(Dictated 1-13-87)

Sen. John B. Coghill, Chairman
Senate Resource Committee
Pouch V (Mail Stop 3100)
Juneau, Alaska 99811

Re: Our file # 13-87-01

Dear Jack:

I am renewing a request which I made in December of 1985, addressed at that time to all of the interior legislators. Copies of this letter to you will likewise be mailed to each of the interior legislators.

For you and the benefit of the other legislators I will review the statements in my letter of December, 1985. I have closed the probate of two persons who were killed tragically at Manley Hot Springs, Alaska. Each had applied for a remote parcel under A.S. 38.05.077, -.078. These two provisions of the statutes, subsequent to their applications, were repealed effective July 1, 1984. However, the proving up and subsequent conveyance of these parcels are still governed by those provisions.

The sole heirs of each of these persons were their respective parents. These parents are of retirement age, and live in the mid-west. At the time of closing the probates, the leasehold interests were assigned to the respective surviving parents.

However, the parents of at least one of the decedents have no means of actually proving up on the property. On the other hand the leasehold is a valuable asset of the estate since there have been improvements placed on the property by the parties before their death. The areas of these remote parcels have now been withdrawn by the State so these parcels are no longer available for re-entry by the public for settlement.

I make reference to A.S. 38.05.077(e) [repealed effective July 1, 1984]:

"A remote parcel lease may not be assigned, conveyed, or otherwise transferred, but rights under the lease may

Senator John Coghill
Re: Our file # 13-87-01

January 14, 1987
Page two

devolve by testate or intestate succession. An attempt to assign, convey, or otherwise transfer the lease is void and terminates the lease."

Likewise, under A.S. 38.05.078(d) [repealed effective July 1, 1984]:
"In addition to the terms specified in A.S. 38.05.065(b) a contract of sale for land in a remote parcel shall contain the following conditions: 1) the land may not be sold, leased, or otherwise conveyed before ten years after the date that the contract of sale is signed by the purchaser, but title to the land may devolve by testate or intestate succession."

My problem, and one that I have discussed with both the Department of Natural Resources and the attorney generals office, is whether once the property becomes vested by testate or intestate succession, can those distributees then proceed to dispose of their interest. The State's answer is "no". It is my understanding that this provision was placed in the statutes by those who were afraid the original bidders would obtain a speculative profit by immediately re-selling the parcel. Re-sale by the parents is for the purpose of preserving their inheritance.

Last year a bill was introduced to modify this provision as Senate Bill Number 368 by Senator Bennett, and was passed by the Senate, but died in the house. The bill provided as follows:

§1. A.S. 38.09.100 is amended by adding a new subsection to read:

(c) Notwithstanding the provisions of former A.S. 38.05.078, the heirs* of a deceased lessee of a remote parcel may sell their interest in the lease of the remote parcel. (* the amendment should read "heirs or devisees")

The original lessee was in position to prove up on the property and had accepted restraint on alienation. The heirs of the original lessee are not necessarily in that same position. There is a changed position; they do not reside in the State; physically they are unable to comply with the requirements of the statute. And it is my position that the State should not have such a strong interest in frustrating

Senator John Coghill
Re: Our file # 13-87-01

January 14, 1987
Page three

the legislative intent to dispose of State land as to deny the parents their inheritance, due to the changed circumstances with respect to the parents ability to prove up on the property.

Please review my request for the reintroduction of Senate Bill Number 368 in this legislature. It is my understanding that the Department of Natural Resources, at least under the Sheffield administration, was not opposed to the amendment.

Thank you for your attention.

Very truly yours,

DORIS LOENNIG, P.C.

By: 

DORIS LOENNIG

DL:dcn

cc: Mr. and Mrs. Art Mortvedt
General Delivery
Manley Hot Springs, Alaska 99756

Representative Steve Frank
Representative Mike Davis
Representative Nilo Koponen
Senator Bettye Fahrenkamp
Representative Richard Shultz
Senator Don Bennett
Representative Kay Wallis
Pouch V
Juneau, Alaska 99811

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: SB 179

Publish Date: _____

Revision Date: _____

Agency Affected: Natural Resources

Title: An act relating to the sale of
inherited remote parcels

BRU: Land and Water Management

Sponsor: Codhill

Components: _____

Requestor: Senate Resources

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS:

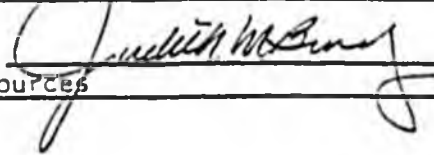
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The Department of Natural Resources anticipates no additional staff time or expenditures associated with this legislation.

Prepared by: Paula Burgess
Division: Land and Water Management

Phone: 465-3400
Date: 3/24/87

Approved by Commissioner: 
Agency: Natural Resources

Date: 3/24/87

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

SB

182

SENATE COMMITTEE REPORT

FURTHER:

FINANCE

3/25/87

DATE TURNED INTO OFFICE _____

Mr. President:

RESOURCES _____ Committee considered _____ SB 182

state oil and gas lease sales.

and recommended:

replace with _____ CS FOR SB 182 (Re)) same title
 or adopt _____ CS FOR _____) new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous
 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Bill Glass
Paul Gish
John Duncan

John B. ... DO PASS
Chairman signature and recommendation

Committee Backup Attached

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE SENATE**

BILL VERSION: CSSB 182(O&G)
PUBLISH DATE: 3/25/87

REQUEST: _____

Revision Date: March 23, 1987

Title: State Oil and Gas Lease Sales

Agency Affected: Natural Resources
BRU: Petroleum Management

Sponsor: Senate Oil & Gas Special Committee Components: _____
Requester: Senate Oil & Gas Committee

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL	**	**	**	**	**	**
CONTRACTUAL	**	**	**	**	**	**
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	*	*	*	*	*	*

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS :

* Earlier offering of exempt acreage sales resulting from this bill will result in earlier receipt of bonus and rental payments and, in the event of a discovery, earlier receipt of royalties and taxes.

** Some savings in contractual and travel costs related to public meetings could occur, depending on the location of the exempt sale and the public's interest

Prepared by: Carol Wilson Phone: 465-2400
Division: Commissioner's Office Date: 3/23/87

Approved by Commissioner: Judith M. Brown Date: 3/24/87
Agency: Natural Resources

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary



ALASKA STATE LEGISLATURE

SENATE SPECIAL COMMITTEE ON OIL AND GAS

Senator Bettye Fahrenkamp
Chairman
Senator Jack Coghill
Senator Paul Fischer

P.O. Box V, State Capitol
Juneau, Alaska 99811
(907) 465-3834

M E M O R A N D U M

TO: Members, Senate Special Committee on Oil and Gas
FROM: Committee Staff
RE: Committee Meeting, March 24, 1987
DATE: March 23, 1987

On Tuesday, March 24, at 3:30 pm in the Beltz Room, the Senate Special Committee on Oil and Gas will hear SB 182, Relating to state oil and gas lease sales.

Current statute requires that all proposed state oil and gas lease sales be included in a yearly five year leasing program submitted to the legislature. However, under certain circumstances, sales that are not included in the five year plan, or "exempt sales", may be held. Exempt sales usually include previously offered leases, areas adjacent to those leases, or areas in which industry has shown high interest. Current statute requires that a written best interest finding be made for most exempt sales.

SB 182 would waive the best interest finding requirement for exempt sales if a previous finding has been made for that area within the preceding three years. This change may enable the department to add new areas to the leasing schedule with reduced administrative costs and delay.

MEMORANDUM
DEPARTMENT OF NATURAL RESOURCES

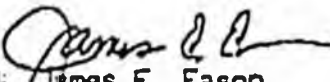
State of Alaska
DIVISION OF OIL AND GAS

TO: Carol Wilson, Special Assistant
to the Commissioner

DATE: February 3, 1987

FILE NO:

TELEPHONE NO: 762-4241

FROM: 
James E. Eason
Director

SUBJECT: Proposals to Streamline
Exempt Lease Sale Process

While I was in Juneau the week of January 26-30, I was asked by both Senator Bettye Fahrenkamp and Senator Jack Coghill for recommendations on how to promote early exploration of the state's lands; specifically, how to streamline the procedures for exempt oil and gas lease sales. On January 30, Ned Farquhar called me on behalf of Representative Sam Cotten and said that Rep. Cotten might be interested in possible changes to Title 38 that would make it easier to hold exempt acreage sales.

At present, exempt acreage sales must follow all of the procedural "hoops" required of scheduled sales. One way to streamline the process would be to apply previous best interest findings under AS 38.05.035 to the exempt sale area. This would greatly reduce administrative costs and delay. I am sending you a suggested change to AS 38.05.035 that would enable the state to hold exempt sales without having to write preliminary or final .035 best interest findings if the leases offered are in, contiguous with or adjacent to an area for which a written .035 finding has been prepared during the preceding 36 months. I would appreciate your discussing this proposal with the Commissioner, and if it meets with her approval, transmitting it on my behalf to Senators Fahrenkamp and Coghill and Representative Cotten.

AS 38.05.035(e). Amend by adding a new section (7), as follows: "(7) an exempt oil and gas lease sale under AS 38.05.180(d) for which a written finding has been issued, within a period of 36 months before the date of the sale, for the area of the proposed sale, or for contiguous or adjacent areas."

CC: Mark Worcester
Pam Rogers

0737R

DELIVER TO: <u>Carol Wilson</u>	LOCATION: <u>Juneau</u>
FROM: <u>Jim Eason</u>	LOCATION: <u>Oil & Gas</u>
TELEPHONE/TELECOPIER # <u>546-2734</u>	TOTAL NUMBER OF PAGES: _____
TRANSMITTING ON/SPEED _____	DATE: <u>2/3/87</u> TIME: <u>4:00</u>
PHONE FOR PROBLEMS-NAME/NUMBER _____	<u>Labator 762-4244</u>
COMMENTS _____	

Wael 101
SP
306

SB

183

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of March 26, 1987 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: RESOURCES
FINANCE

**FISCAL NOTE(S) ATTACHED **
IN ACCORDANCE WITH AS 24.08.035
(see below)

3/12/87

DATE TURNED INTO OFFICE April 2, 1987

Mr. President:

TRANSPORTATION

Committee considered SB 183

dams and reservoirs; efd.

and recommended:

replace with CS _____ same title
 new title

attached amendment(s) and

myself
 do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)
2 zero *and one* fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Ting 1987
[Signature]
[Signature]

[Signature] Do Pass
Chairman signature and recommendation

Committee Backup Attached

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____
 Revision Date: _____
 Title: An Act relating to dams and
reservoirs
 Sponsor: Senator Sturgulewski
 Requestor: _____

Bill Version: Senate Bill 183
 Publish Date: 3/12/87

Agency Affected: Natural Resources
 BRU: Land and Water Management

Components: Land and water Public Use

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	65.0	65.0	65.0	65.0	65.0
OTHER	0	0	0	0	0	0
TOTAL	65.0	65.0	65.0	65.0	65.0	65.0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Senate Bill 183 will qualify DNR's Dam Safety Program to qualify for at least 65.0 federal funding under P.L. 99-662 for five years. No increases in state expenditures will occur as a result of this legislation.

Prepared by: Kyle Cherry Phone: 562-3332
 Division: Land and Water Management Date: 3/26/87

Approved by Commissioner: *Julia M. Brandy* Date: _____
 Agency: Natural Resources

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)
 Senate Secretary

Alaska State Legislature



SENATOR
ARLISS STURGULEWSKI

Chairman, Senate Community and Regional Affairs Committee
Vice-Chairman, Senate Judiciary Committee
Member, Senate Resources Committee

2957 SHELDON JACKSON STREET
ANCHORAGE, ALASKA 99508

While in Juneau
P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3818

Senate

MEMORANDUM

April 10, 1987

TO: Senator Jack Coghill, Chairman
Senate Resources Committee

FROM: Senator Arliss Sturgulewski *AS*
Senate District F

RE: SB 183 "An Act relating to dams and reservoirs and providing for
an effective date."

Thank you for scheduling a hearing on SB 183 "An Act relating to dams and reservoirs and providing for an effective date."

Senate Bill 183 was before the legislature last year and extensive hearings were held. However at the end of last session the bill was still in the Senate Finance Committee. Senate Bill 183 sets up a formal system of regulation of dams by the Department of Natural Resources (DNR). Presently the DNR only has clear authority to regulate construction activities and no clear authority to monitor the safety of dams throughout the life of the dam. This legislation is based on a Model State Dam Safety Program sponsored by the Association of State Dam Safety Officials and the Council of State Governments. The main purpose of this legislation is to protect the public health and safety.

In order to assist states in the implementation of a dam safety program, the federal government will make funds available through PL 99-662. Alaska would be eligible to receive at least \$65,000 per year for the next five years. There is a zero fiscal impact on state funding.

I have enclosed a sectional analysis prepared by the Legislative Legal Services Division; a DNR position paper supporting this legislation; fiscal notes from the Departments of Natural Resources, Environmental Conservation, and Law; and a recent Wall Street Journal article discussing dam safety. My staff is available to assist if you need additional information.

Enclosures

April 14, 1987

The Honorable Arliss Sturgulewski
Alaska State Senator
State Capitol
P.O. Box V
Juneau, Alaska 99811

Subject: Senate Bill No. 183

Dear Senator Sturgulewski:

The Alaska Power Authority supports enactment of Senate Bill 183 based upon the agency's general intent to provide a safe environment for the citizens of the State. However, we wish to insure that there will not be a duplication in the Federal Energy Regulatory Commission (FERC) effort in reviews and inspections on Alaska Power Authority projects. In order to insure that there is no duplication we suggest the following amendment:

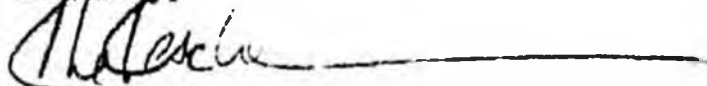
- A. CHAPTER 17. SUPERVISION OF SAFETY OF DAMS AND RESERVOIRS.
Sec. 46.17.010 PURPOSE. It is the purpose of this chapter to provide for the regulation, supervision, and periodic inspection by the department, of [PRIVATELY OWNED AND STATE-OWNED] dams, reservoirs, and...
- B. Under Sec. 46.17.100. OTHER GOVERNMENT AGENCIES.

Paragraph (C) should be changed to read:

(c) This chapter does not apply to an Alaska Power Authority hydroelectric facility or a federally-owned or operated dam or reservoir.

If the above changes were incorporated into SB 183, the Power Authority would have no objection to its enactment. Any questions concerning this may be directed to me or Mr. Don Shira of my staff.

Sincerely,



Robert E. LeRasche
Executive Director

EAM:REL:nc

cc: Commissioner Judy Brady, Department of Natural Resources

8618/724/D4/1

ALASKA STATE LEGISLATURE

Sen. Lloyd Jones, Chairman
Sen. John B. "Jack" Coghill, Vice Chairman
Sen. Mitch Abood
Sen. Bettye Fahrenkamp
Sen. Tim Kelly



P.O. Box V
Juneau, AK 99811

907-465-4921

Senate Transportation Committee

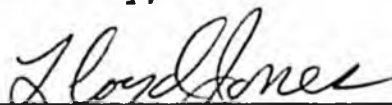
COMMITTEE REPORT

Madame President:

The transportation committee expresses that it is not the intent, either through Senate Bill 183, nor through regulations, that the bill affect settling ponds of small placer miners.

The transportation committee also asks to see and review the regulations that are promulgated to implement the legislation.

Sincerely,

 4/2/87

Senator Lloyd Jones, Chairman
Senate Transportation Committee

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 27, 1987

SUBJECT: Sectional Analysis of SB 183..
(Dams and reservoirs)

TO: Senator Arliss Sturgulewski
Chairman, Community and Regional Affairs
Committee

FROM: Teresa B. Cramer *TBC*
Legislative Counsel

You have requested a sectional analysis of the above described bill.

As a preliminary matter, I must advise you that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

Section 1 imposes criminal penalties for knowingly making a false report to the Department of Natural Resources concerning the condition of a dam or reservoir.

Section 2 adds a new chapter concerning dam and reservoir safety.

Sec. 36.17.010 sets out the legislative purpose.

Sec. 46.17.020 gives the Department of Natural Resources responsibility for supervising the safety of dams and reservoirs.

Sec. 46.17.030 requires the department to adopt regulations and issue orders necessary to carry out the chapter.

Sec. 46.17.040 prohibits construction, repair, or removal of a dam or reservoir unless the department approves. Routine maintenance and operations are excepted.

Sec. 46.17.050 directs the department to inspect each dam and reservoir subject to the chapter once every five years and permits the department to inspect more frequently. The department may require the owner to perform the inspection or pay for the cost of an inspection performed by the department.

Sec. 46.17.060 permits the department to seek a search warrant to allow an inspection if the department has given two weeks' written notice. The department may enter premises without notice if a dam or reservoir is believed to be unsafe.

Sec. 46.17.070 sets out standards for the department's determination of whether a dam or reservoir constitutes or would constitute a danger to life or property.

Sec. 46.17.080 permits the department to seek an injunction and damages in enforcing the chapter.

Sec. 46.17.090 subjects a final action of the department to judicial review under the Administrative Procedure Act.

Sec. 46.17.100 permits the department to enter into cooperative agreements with other governments and prohibits municipalities from exercising powers that conflict with the powers and duties given the department. Under subsections (c) and (d), the chapter does not apply to a federally-owned or operated dam or reservoir and does not affect the powers of the Department of Environmental Conservation or the Department of Fish and Game.

Sec. 46.17.110 limits actions against the state. An action may be maintained against the state if the state negligently orders a dam owner to perform an action and the dam owner complies with the order but objected to it.

Sec. 46.17.120 acknowledges that the chapter does not relieve an owner of a dam or reservoir of the duties or liabilities incident to the ownership or operation of the dam or reservoir.

Sec. 46.17.150 imposes penalties on persons who knowingly violate the chapter, an approval, order, regulation, or requirement of the department, or who obstruct performance of duties.

Senator Sturgulewski
Page 3
March 27, 1987

Sec. 46.17.900 is a definition section.

Section 3 is an immediate effective date clause.

If I may be of further assistance, please advise.

TBC:mkr
m10/065

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1798
PHONE: (907) 485-2400

March 31, 1987

APR 1 1987

The Honorable Arliss Sturgulewski
Sponsor of Senate Bill 183
Alaska State Legislature
P.O. Box V
Juneau, AK 99801

Dear Senator Sturgulewski:

Subject: Senate Bill 183, relating to supervision of safety of dams and reservoirs.

Position: The Department of Natural Resources recommends the passage of Senate Bill 183.

Background: Currently, there are 185 dams on Alaska's dam inventory. In 1981, the U.S. Department of the Army, Corps of Engineers, ended its dam safety program for non-federal dams in Alaska. There are but 20 federal dams in Alaska. The remaining dams are covered under a minimal dam safety program the Department of Natural Resources, division of land and water management, established through regulations. The department adopted regulations in 11 AAC 93 under the authority of several sections in AS 46.15, the Alaska Water Use Act, including a provision in AS 46.15.080 which gives the commissioner authority to regulate water diversions.

Alaska Water Resources Board resolution 84-4, dated March 14, 1984, recommended review of the existing statutory authority under which dams in the state are regulated by the division.

About half of the 50 states have enacted specific dam safety legislation, but most of these states did so in response to dam failures resulting in loss of life and extensive property damage. Clearly it would be advantageous for Alaska to have a well-founded, comprehensive dam safety statutory scheme and program in effect to prevent such tragedies from occurring here. SB 183 is based on the Model Law for State Supervision of Safety of Dams and Reservoirs drafted by the United States Committee on Large Dams of the International Commission on Large Dams.

Section 2, which contains the body of the bill, creates a new ch. 17 in AS 46. Proposed AS 46.17.010 first states the purpose of the chapter. It then makes the supervision of safety of dams and reservoirs the responsibility of the Department of Natural Resources. The commissioner of that department is directed to employ a qualified engineer experienced in the design and construction of dams and reservoirs to direct the dam safety program. Proposed AS 46.17.040 would make it unlawful for anyone to construct, enlarge, repair, alter, remove, maintain, operate, or abandon a dam or reservoir, as defined in the bill, except upon application to, and approval of, the department. To ensure that dams and reservoirs remain safe once constructed, the department is directed in proposed AS 46.17.050 to inspect or to require owners to inspect dams and reservoirs covered under the bill at least once every five years, or more frequently if necessary. To ensure that it can make adequate inspections, the department is also given authority, in proposed AS 46.17.060, to enter the private property on which the dam or reservoir is located as might be necessary to make the inspection. Proposed AS 46.17.050 also authorizes the department to require owners to bear the costs of inspection.

Proposed AS 46.17.070 sets out specific standards for determining the safety of a dam or reservoir. In addition, the department is allowed, by proposed AS 46.17.110, to enter into cooperative management agreements with municipal corporations and other state and federal agencies to effectuate its responsibilities under the bill. To ensure that the state's action in inspecting and regulating the operation of dams or reservoirs does not shift the liability of the private owner to the state for loss of life or property damage due to a dam or reservoir failure, proposed AS 46.17.120 bars any action against the state based on any purported act or omission of a state agent or employee connected with the dam safety program.

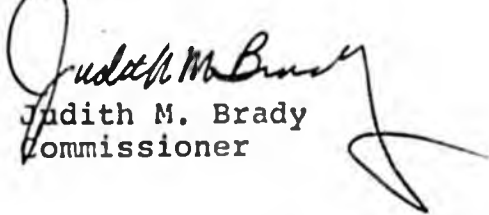
Section 1 of the bill amends AS 11.56.800(a), dealing with the crime of making a false report. A new paragraph (4) will make it a crime to file a false report with the Department of Natural Resources concerning the condition of a dam or reservoir. Additional criminal sanctions are also contained in sec. 2 of the bill in proposed AS 46.17.100, which would make it a class A misdemeanor to violate any provision of AS 46.17 or lawful order the department issues under AS 46.17.

The Honorable Arliss Sturgulewski -3-

March 31, 1987

Recommendation: Given the importance of a good dam safety program to the State of Alaska, the Department of Natural Resources favors passage of this legislation.

Sincerely,


Judith M. Brady
Commissioner

cc: Senate Transportation Committee
George Sullivan
Rod Swope

No 203

FX

STATE OF ALASKA 1987 LEGISLATIVE SESSION FISCAL NOTE

SENATE
BILL VERSION: SB 183 a
PUBLISH DATE: 4/3/87

REQUEST: _____
Revision Date: _____
Title: An act relating to dams and
reservoirs
Sponsor: Sturgeonlavski
Requestor: _____

Agency Affected: Natural Resources
BRU: Land and Water Management
Components: Land and Water Public Use

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	65.0	65.0	65.0	65.0	65.0
OTHER	0	0	0	0	0	0
TOTAL	65.0	65.0	65.0	65.0	65.0	65.0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS :

Senate Bill No. 183 will qualify DNR's Dam Safety Program to qualify for at least 65.0 federal funding under P.L. 99-662 for five years. No increases in state expenditures will occur as a result of this legislation.

Prepared by: Kyle J. Cherry Phone: 562-3332
Division: Land and Water Management Date: 3/26/87

Approved by Commissioner: _____ Date: _____
Agency: _____

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

No 204

FX

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

SENATE

BILL VERSION: SB 183 b
PUBLISH DATE: 4/3/87

REQUEST: _____

Revision Date: _____
Title: Relating to dams and reservoirs

Agency Affected: Environmental Conservation
BRU: N.A.

Sponsor: Senator Sturgulewski
Requestor: Senator Jones--Transportation

Components: N.A.

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS :

Prepared by: Randy Bayliss
Division: Office of the Commissioner

Phone: 465-2600
Date: March 17, 1987

Approved by Commissioner: _____
Agency: Environmental Conservation

Date: 5/18/87

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

No. 205

STATE OF ALASKA 1987 LEGISLATIVE SESSION
 FISCAL NOTE

SENATE
 BILL VERSION: SB 183 c
 PUBLISH DATE: 4/3/87

REQUEST: _____

Revision Date: _____
 Title: "An Act relating to dams and reservoirs..."
 Sponsor: Sen. Sturgulewski
 Requestor: Senate Transportation

Agency Affected: Department of Law
 BRU: Prosecution, Legal Services

Components: Prosecution - All
Legal Services - Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS :

Please see attached analysis.

Prepared by: Richard I. Peguch, Director Phone: 465-3672
 Division: Administrative Services Date: March 18, 1987
 Approved by Commissioner: Grace Bagg Schaible, Atty. Gen. Date: March 18, 1987
 Agency: Department of Law

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

SB

190

SENATE COMMITTEE REPORT

FURTHER: FINANCE

DATE TURNED INTO OFFICE _____

Mr. President:

RESOURCES _____ Committee considered SB 190 _____

establishing the Point Bridget State Park; efd

and recommended:

[] replace with _____ CS FOR _____) [] same title
[x] or adopt _____ CS FOR _____) [] new title

[] attached amendment(s) and

[x] do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

[] letter of intent adopted _____

Committee [] attached or [x] adopted fiscal note(s)

[] new [] updated or [x] previous
[] zero [x] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Hot Line (Only if dollars added to budget)
[Signature]
[Signature]
[Signature]
[Signature]

[Signature]

[Signature] Do-Pass
Chairman signature and recommendation

[] Committee Backup Attached

Alaska State Legislature

Senate Resources Committee



Sen. John B. (Jack) Coghill, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Arliss Sturqulewski
Sen. Jim Duncan
Sen. Fred Zharoff
Sen. Dick Eason

Box V
Juneau, Alaska 99811
(907) 465-1907

TO: SENATE RESOURCES COMMITTEE
FROM: COMMITTEE STAFF
DATE: MAY 4, 1987
RE: SB 190, "An act establishing Point Bridget State
Park"

CONTENTS

1. SPONSOR'S STATEMENT
2. DNR POSITION AND FISCAL NOTE
3. JUNEAU AREA STATE PARKS ADVISORY BOARD. .AND MAPS
4. LITIGATION BETWEEN UNIVERSITY OF ALASKA AND MUNICIPALITY OF ANCHORAGE
5. PUBLIC COMMENT



Alaska State Legislature

SENATOR JIM DUNCAN

P. O. BOX V JUNEAU, ALASKA 99811

(907) 465-4766

COMMITTEES:
FINANCE
RESOURCES
BUDGET AND AUDIT

M E M O R A N D U M

April 17, 1987

TO: Senator Jack Coghill, Chair
Senate Resources Committee

FROM: Senator Jim Duncan

SUBJECT: Request to hear Senate Bill 190, establishing the
Point Bridget State Park

I request that SB 190, establishing the Point Bridget State Park be scheduled for a hearing by the Senate Resources Committee as soon as possible.

Because Juneau, Alaska's Capital City, does not currently have a full-fledged State park, I feel it is appropriate that the Point Bridget area be designated as such. This area's versatile topography would provide year round recreational opportunities for Juneau residents, as well as a unique outdoors experience for Juneau's visitors.

The Juneau Area State Parks Advisory Board has chosen the Point Bridget parcel as their number one preference for inclusion in the State Park System. I attach descriptive information provided by the Advisory Committee for your information.

Attachment

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1796
PHONE: (907) 485-2400

April 15, 1987

The Honorable Arliss Sturgulewski
Chair, Senate Community and Regional
Affairs Committee
P.O. Box V
Juneau, AK 99801

Dear Senator Sturgulewski:

Subject: Senate Bill 190, which would establish the Point
Bridget State Park.

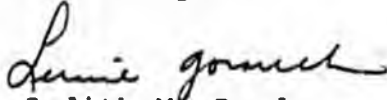
Position: Unfortunately, at this time, the Department of
Natural Resources is unable to take a position on Senate
Bill 190. A portion of the land to be included in the park
is also included in the replacement pool of land proposed
for settlement of pending litigation between the University
of Alaska and the Municipality of Anchorage, and the
University of Alaska and the State of Alaska (see attached
document).

Background: The proposed litigation settlement (including
the proposed pool of land) is currently being reviewed by
the public. Comments will be accepted through May 13, 1987,
and will be carefully considered before a final decision on
the land to be included in the pool is made.

Recommendation: We suggest that the record of public
testimony concerning Senate Bill 190 be provided to the
Department for inclusion in the public comment record for
the proposed settlement land pool.

A State Park should be established in Alaska's capital city
and we look forward to working with the bill's sponsor and
the committee concerning the establishment of a State Park
in Juneau.

Sincerely,



for
Judith M. Brady
Commissioner

Attachment

cc: Senator Jim Duncan
Representative Fran Ulmer
Representative Bill Hudson
Senate Committee members
George Sullivan
Rod Swope

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____

Bill Version: Senate Bill 190
Publish Date: _____

Revision Date: April 14, 1987

Agency Affected: Natural Resources
BRU: Park Management

Title: on Bridgman State Park

Sponsor: Senator Duncan

Comments: _____

Requester: Senate CSRA Committee

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		20.0	20.0	20.0	20.0	20.0
TRAVEL						
CONTRACTUAL		1.0	1.0	1.0	1.0	1.0
SUPPLIES		2.0	2.0	2.0	2.0	2.0
EQUIPMENT		2.0	2.0	2.0	2.0	2.0
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		25.0	25.0	25.0	25.0	25.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		25.0	25.0	25.0	25.0	25.0
FEDERAL FUNDS						
OTHER						
TOTAL		25.0	25.0	25.0	25.0	25.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Neil Johannsen/Linda Kruger
Division: Parks and Outdoor Recreation

Phone: 465-2400
Date: 4/14/87

Approved by Commissioner: Jennie Bottom
Agency: Natural Resources

Date: 4-15-87

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requester
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 190

100 - \$20.0 for half-time Park Ranger, Range 14 (Existing position, currently funded for only 5 months per year.)

200 - -0-

300 - \$1.0 Mileage for travel to and from park site.

400 - \$2.0 Supplies for volunteers to develop access trails to park.

500 - \$2.0 Equipment for volunteers to develop access trails to park.

The Park Ranger would supervise the volunteers and assist them in developing access trails to the park. Defined access routes would help to prevent trespass on private property adjacent to the park.



Juneau Area State Parks Advisory Board

400 Willoughby Avenue

Juneau, Alaska 99801

Pt. Bridget State Park Proposal

A Summary

NEED FOR PT. BRIDGET STATE PARK:

- Pt. Bridget has outstanding park qualities.
- Pt. Bridget is the only remaining large and contiguous parcel of state land in Juneau with park potential.
- There is only one state park in Southeast, located in Haines.
- State park facilities should be available in the capital city.

RECREATIONAL OPPORTUNITIES AT PT. BRIDGET:

- Birds arrive in great concentrations because of the marine, intertidal, and meadow habitat.
- Bear viewing opportunities are the highest of any area in Juneau.
- Fishing for salmon and Dolly Varden is available in Cowee Creek.
- Hiking, picnicking, berry picking, camping, hunting, photography, etc. is available in the summer.
- Cross country skiing at sea level is available in the winter long after snow has left other low levels.

PT. BRIDGET DETAILS

- Highway access about 40 miles from downtown near the end of the Glacier Highway.
- 2,758 acres in park proposal.
- Lands include intertidal meadows, 800 foot tree covered hills, a small freshwater lake, Cowee Creek, viewpoint bluffs along Lynn Canal, shoreline along Berners Bay.

COSTS FOR PROPOSED PARK

- No fiscal notes are attached to the legislative bills.
- Modest future development might be accomplished by volunteer interest groups.

POINT BRIDGET STATE PARK

A PROPOSAL

A STATE PARK FOR JUNEAU:

Although state parks have been established throughout Alaska, none exist in the capital city. In fact the only state park in Southeast Alaska is the Chilkat State Park in Haines. The Alaska State Park system contains 3,116,956 acres of land. The Southeast Region manages 84,704 acres of park lands 606 of which are in the Juneau District.

In recent years city and borough and Native land selections have taken land that might have been considered for possible state park designation. Although there are several areas throughout Juneau with high park potential, declining state revenues make purchase of these lands an impractical consideration.

The only remaining large and contiguous parcel of state land in Juneau with park potential is located at Pt. Bridget. Although managed by the Division of Land and Water Management, the land has no status that protects it from possible future development that would negate its park potential.

The recreational potential of the Pt. Bridget land has long been recognized. In 1970 the Chief of Habitat Development, Department of Fish and Game wrote to the Division of Lands regarding the state land selection in the Berners Bay-Echo Cove area. Joe Blum wrote, "The Department of Fish and Game wishes to go on record as requesting that a "green belt" concept be developed for Cowee Creek... We would also like to see a recreation area developed around Point Bridget. The location would offer excellent beach fishing plus an unsurpassed scenic viewpoint."

In addition, two bills have been introduced in the Alaska House and Senate to establish the park, the area has been identified by the Juneau Area State Parks Advisory Board as a prime park site since 1984, and local residents support the proposal.

Creation of Juneau's first state park at Pt. Bridget is an investment for future residents and visitors. As demands for recreational opportunities grow the need for park areas will increase.

CHARACTERISTICS OF PT. BRIDGET

The proposed Pt. Bridget State Park containing approximately 2,758 acres, is about 40 miles from downtown Juneau and accessible by road.

--Surrounding Land:

The proposed park lands are bordered on the north by Berners Bay a popular water, hunting, and fishing recreation area, which has been proposed for logging; on the east by Native land selections, which could be developed, and the Echo Cove water access point to Berners Bay; on the west by Lynn Canal; and on the south by City and Borough of Juneau land designated as open space.

There are some private inholdings in the proposed area the largest of which is a church-owned Echo Bay Bible Camp. None of the land in this proposal is included in the proposed timber sale at Berners Bay.

--Habitat Features:

The Pt. Bridget area encompasses a variety of habitat features. One of the most important is an uplifted tideland that is rarely submerged. Cowee Creek meanders through the tideland meadow and supports a variety of wildlife. It is one of the only three Department of Fish and Game identified waterfowl and shore bird areas on the Juneau road system. Bears are seen along the creek. Beavers have built a network of dams and resulting ponds. Dolly Varden and several species of salmon are found in Cowee Creek. The meadows also offer a colorful assortment of wildflowers during the blooming season including shooting stars, lupine, columbine, and wild iris.

--Terrain Features:

The Lynn Canal shoreline, on the east, is rugged with rocky cliffs that provide sweeping panoramas of the Chikat Mountains, Berners Bay and the coastal mountains to the east.

The Berners Bay shoreline, on the north, provides normal beach walking conditions to the actual Pt. Bridget. Near the end of the meadow an unusually large berm separates the intertidal area from the beach.

There are also large sections of wooded acreage in the proposed park.

There are several hills, the highest point is 800 feet, and a small lake at about 300 feet.

Currently trail access exists along Cowee Creek. Other, trails also exist including an older tram trail.

RECREATIONAL OPPORTUNITIES AT PT. BRIDGET:

Opportunities abound in this area for outdoor enthusiasts of all ages. This is one of the few areas in Juneau that incorporates so many varied uses and opportunities.

--Bear Viewing: This is generally recognized as the best opportunity for bear sighting in the Juneau area.

--Bird Watching: The combination of marine, intertidal and meadow areas has created one of Southeast's best areas for birds.

-- Fishing: Dolly Varden, silver and chum salmon are available in Cowee Creek.

--Summer Use: The area offers typical recreational opportunities such as hiking, picnicking, berry picking, a profusion of flowers, photography, camping, and hunting.

--Winter Use: Because of the generally cooler temperatures in this area snow for cross country skiing remains at sea level long after it has gone from lower elevations in Juneau.

--Educational Opportunities: The availability of different ecosystems within one area provides an excellent forum for study and observation and could be used by such organizations as the school district sea week, parks and recreation hikes and outdoor programs, high school and university classes.

A BIRD VIEWING AREA OF UNUSUAL DIMENSIONS:

The Pt. Bridget area is only 1 of 3 areas of waterfowl and shore bird concentration on the Juneau road system according to the Department of Fish and Game.

The "Alaska Habitat Management Guide-Southeast Region" produced by the department's division of Habitat in 1986 identified shorebirds that might be seen: " The shorebird population consists primarily of semipalmated and black-bellied plovers, greater and lesser yellowlegs, spotted, least, western, pectoral, and rock sandpipers, dunlin, short-billed dowitcher, common snipe, black turnstone, red-necked phalarope, and sandhill crane."

The book also identified waterfowl that might be seen:

"The duck population consists primarily of mallard, northern pintail, green-winged and blue-winged teals, northern shoveler, American widgeon, greater and lesser scaups, common and Barrow's goldeneyes, bufflehead, oldsquaw, harlequin, black, white-winged scoters, and common, red-breasted, and hooded mergansers. Geese include the Vancouver and dusky Canada, greater white-fronted, and snow goose. Swans include trumpeter and tundra swan."

There is at least one identified eagle nesting site near the point.

NEED FOR A STATE PARK IN JUNEAU

--Juneau has no State Park:

The lack of state parks in the Juneau Borough was recognized in a 1977 city and borough "Comprehensive Park and Recreation System Plan."

They determined that throughout all of Southeast there were about 82 acres of park land/1000 people and none in the Juneau Borough. This compared with 1,077 acres of state parks/1,000 population in Southcentral Alaska, 396 acres of state parks/1,000 in Interior, and 3,900 acres/1,000 statewide.

The report's recommendation said, "It is evident by comparing the per capita park acreage in other portions of the state to the City and Borough of Juneau that there is a substantial lack of park land in Juneau. On this basis it appears that the State of Alaska should fulfill its responsibility by acquiring and developing regional parks within the area of Juneau that can be reached by normal means of transportation within two to three hours." Pt. Bridget is less than an hour by car from downtown Juneau.

"State parks should be geographically balanced on a regional basis to provide high quality natural areas for use by nearby residents as well as by visitors." according to the "Alaska State Park System: Statewide Framework" published in 1982.

The most recent plan which studied recreation resources and users in Alaska is Outdoor Recreation:Alaska, December 1986, by the Division of Parks and Outdoor Recreation. Statistics presented in this plan show that Southeast Alaska has the highest participation in 10 of 23 categories of activities even though there is only 7% of the states recreation facilities and trails located here. Fishing, hunting, camping, and hiking are all identified among most popular activities for Southeast residents.

--Juneau's Interest in Parks is High:

The 1975 Juneau Comprehensive Parks and Recreation System Plan reported, "Use of regional parks, for example, was found to be from 100 percent to 350 percent of what would be expected in the 'average' community."

There is good reason to believe that this enthusiasm for outdoor recreation has not diminished in recent years. In 1982 the Juneau Area Recreation Plan identified numerous outdoor recreation sites and facilities that were in high demand by Juneau residents.

Among the priority recommendations by the plan were coastal parks and recreation beaches along the Glacier Highway, including areas accessible by road in the Point Bridget area. Development of trail access to the lake at Point Bridget area and stocking the lake with trout were both identified as important future recreation considerations.

More recent public responses to the city's budget survey further add to the documentation of public demand for quality outdoor recreation sites and facilities in the Juneau area.

--Juneau Residents Are Active Outdoor Recreationists

In the Alaska Public Survey, conducted in 1979, 84% of the survey respondents reported that outdoor recreation opportunities were a principle reason for living in the area. In that survey, beachcombing, hiking, and walking were the most popular activities identified with 75% of all residents participating. Fishing was mentioned most frequently of all responses as the activity that Juneau residents wanted to do more often.

The results of the survey were summarized in the 1982 Juneau Area Recreation Plan by the Alaska Division of Parks: "The predominant features of these popular recreation activities are the dependence on relatively undisturbed natural areas, abundant fish and wildlife, marine access, and the opportunity for an uncrowded, or dispersed, recreation experience."

