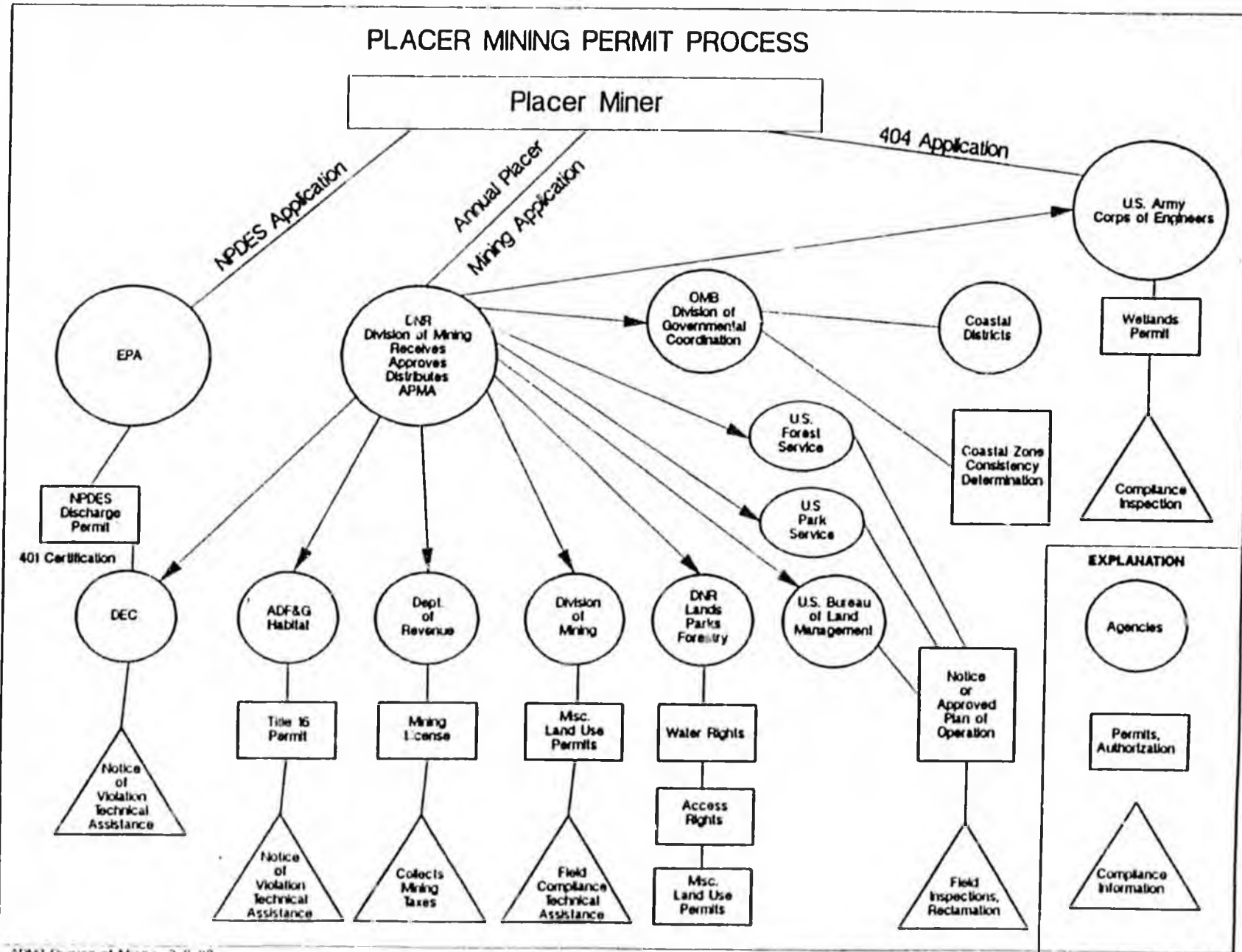


ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672
5466 SRES SB 280 - SB 304

PLACER MINING PERMIT PROCESS



Factsheet:

MINING PERMITS THROUGH THE ANNUAL PLACER MINING APPLICATION

In order to conduct exploration or mining activities in the State of Alaska, permits and licenses are required by as many as twelve State and federal agencies. To assist the industry with applications in the complex permitting process, the State designed the Annual Placer Mining Application (APMA), popularly known as the Tri-agency form.

Each year a claim owner intends to explore or mine, an APMA should be filled out and submitted to the Division of Mining no later than mid-February. A \$100 filing fee is required by the Department of Natural Resources (DNR). Division of Mining reviews the form for completeness and, when accepted, makes distribution of eleven copies of the application to appropriate State and federal agencies. This process relieves the operator of having to understand the details of the permitting process, as DOM does much of the red tape paperwork. Permits may or may not be required and issued by the various agencies, but they are all given the opportunity to make that decision. These agencies review the APMA and either 1) issue the required permit with applicable stipulation(s), 2) request more information from the operator before a permit is issued, or 3) deny the permit under their statutory and regulatory authority, or by order of court injunction.

A list of these agencies and the respective permits/license that they manage is as follows:

AGENCY	PERMIT
Department of Fish and Game	Fish Habitat and Special Areas Permit
Department of Environmental Conservation	Wastewater Discharge Permit issued by EPA*
Department of Revenue	Mining License (to track your State tax obligation)
Office of Management and Budget	Coastal Zone Consistency Determination
U.S. Forest Service	Approved plan of operation
U.S. Park Service	Approved plan of operation
Bureau of Land Management	Approved plan of operation or notice of operation
DNR, Division of Mining	Miscellaneous Land Use Permit (surface use)
DNR, Division of Land and Water Management	Miscellaneous Land Use Permit (access across State land)
DNR, Division of Land and Water Management	Water Permit
DNR, Division of Parks	Special Park Use Permit
DNR, Division of Forestry	Timber purchase may be required

***IMPORTANT NOTE!!!** The Environmental Protection Agency's National Pollutant Discharge Elimination System Permit (NPDES) is not issued under the APMA process. A separate application (EPA Short Form C) must be submitted directly to the Environmental Protection Agency. In addition, Corps of Engineers (COE) permits may only be obtained through direct application.

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Dept. of Natural Resources
 Title: SB280 Relating to the issuance of permits and consistency determinations BRU: Commissioner's Office
 Sponsor: Coghill, Faiks, and Jones Components: _____
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	400.7	400.7	400.7	400.7	400.7	400.7
TRAVEL	14.9	14.9	14.9	14.9	14.9	14.9
CONTRACTUAL	91.7	91.7	91.7	91.7	91.7	91.7
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	507.3	507.3	507.3	507.3	507.3	507.3

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	507.3	507.3	507.3	507.3	507.3	507.3
FEDERAL FUNDS						
OTHER						
TOTAL	507.3	507.3	507.3	507.3	507.3	507.3

POSITIONS:

FULL-TIME	8	8	8	8	8	8
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: _____ Phone: _____

Division: _____ Date: _____

Approved by Commissioner: *Lennie Gornish* Date: 3-11-88

Agency: Department of Natural Resources

Distribution (by preparer):

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

STATE OF ALASKA

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF GOVERNMENTAL COORDINATION

STEVE COWPER, GOVERNOR

CENTRAL OFFICE

P.O. BOX AW
JUNEAU, ALASKA 99811-0165
PHONE: (907) 465-3562

SOUTHEAST REGIONAL OFFICE

431 NORTH FRANKLIN
P.O. BOX AW, SUITE 101
JUNEAU, ALASKA 99811-0165
PHONE: (907) 465-3562

SOUTHCENTRAL REGIONAL OFFICE

2600 DENALI STREET
SUITE 700
ANCHORAGE, ALASKA 99503-2798
PHONE: (907) 274-1581

NORTHERN REGIONAL OFFICE

675 SEVENTH AVENUE
STATION H
FAIRBANKS, ALASKA 99701-4596
PHONE: (907) 456-3084

TO: Senator Mitch Abood, Chairman
Senate State Affairs Committee

FROM: Robert L. Grogan, ^{RLG} Director
Division of Governmental Coordination

RE: Senate Bill 208

DATE: February 29, 1988

I have attached for your review the following documents:

1. The Alaska Coastal Consistency Review Process - Overview

This attachment briefly describes how the state's permitting process works. It highlights key provisions of the state's current procedures and discusses the primary benefits to applicants.

2. Coastal Consistency Review Process - Results

This document focuses on the state's four-year experience with the current regulations. Various performance indicators are used.

3. How to Apply for Permits in Alaska's Coastal Zone

This outreach document has been used to communicate information about the state's permitting process.

Please contact me for additional information.

cc: Senate State Affairs Committee Members

DIVISION OF GOVERNMENTAL COORDINATION
ALASKA COASTAL CONSISTENCY REVIEW PROCESS
OVERVIEW

Since adoption of the coastal consistency review regulations in early 1984, major progress has been made to achieve the following permit reform goals:

- ° establish regulatory deadlines for state permit decisions,
- ° eliminate repetitive state reviews and decisions on the same project,
- ° expedite state permit reviews and decisions,
- ° ensure uniformity in state agency comments on federal permit decisions,
- ° assist applicants in the processing of state and federal permits,
- ° provide adequate opportunity for public and local government participation in state permit decisions, and
- ° achieve a balanced, factually documented decision including consideration of the costs and benefits of requiring particular stipulations.

The state's system for reviewing and processing most project related permits, leases, and other legal approvals is governed by regulations adopted in March 1984, entitled Project Consistency with the Alaska Coastal Management Program (6 AAC 50). The regulations require that coastal projects only be reviewed one time for approvals required by the Departments of Environmental Conservation, Fish and Game, and Natural Resources and for consistency reviews conducted by the Division of Governmental Coordination (DGC). These regulations, provide for (1) easy access to and participation in the decision making process by applicants, (2) expedient decisions on project consistency and (3) quick issuance of permits by the state resource agencies. Features of the existing regulations and additional efforts being taken by the state to improve the permitting process include the following:

- ° All appropriate permits and certificates for a project are evaluated in a single review. This eliminates duplicative and time consuming review of individual permits necessary for the same project.
- ° When a project requires permits of two or more state agencies or a federal permit, DGC coordinates the project review and renders a conclusive consistency determination on behalf of all the state resource agencies. This provides applicants with a single state agency contact (DGC) to coordinate the project review and, if necessary, resolve any outstanding conflicts. It also provides a single state voice for communicating

the state's position on a project to federal permitting agencies.

- ° The consistency review regulations have streamlined the permitting process. Consistency determinations are completed in an average of 39 days. State resource agency permits are required to be issued within 5 days of the consistency determination. Previously, the state could take six months or longer to complete the review of a project for federal consistency with the Alaska Coastal Management Program (ACMP).
- ° If an applicant considers a decision by the State of Alaska to be unacceptable, opportunities exist to elevate a decision to policy makers of the state resource agencies for their reconsideration. Applicants are encouraged to participate in discussions of their project at each level of review.
- ° On request, DGC will assist applicants schedule pre-application meetings with all the concerned agencies (state, federal and local) to discuss their project prior to filing permit applications. At these pre-application meetings, agencies provide recommendations to an applicant for designing a project that will meet review criteria and ensure compliance with state, federal, and local requirements. Also, the applicant learns how the permit process works, who to contact for information, and what to expect during the review process. These pre-application meetings also provide a forum for informal agency contact to assess regulatory requirements for projects.
- ° A brochure which describes the state's consistency review to potential applicants has been mailed to approximately 5,000 potential applicants listed in business directories prepared by the Department of Commerce and Economic Development (attached). Part of the brochure includes a survey form which the applicant can return by mail to request additional assistance from DGC in dealing with the consistency review process.

Since January 1984, DGC has processed 1,959 project reviews. Of this total, more than 99% were found consistent. The average review period for these projects was 39 days. Following the review, all state and most federal permits are promptly issued.

vh87032602kfg

DIVISION OF GOVERNMENTAL COORDINATION
COASTAL CONSISTENCY REVIEW PROCESS
RESULTS

Project Review and Permit Coordination

Development projects in Alaska are regulated by an interlocking web of federal, state, and local permits, leases, and other authorizations. Whether a project involves large investments, such as a major oil and gas project or a relatively small investment such as a residential fill project, all require some degree of review by federal, state, and local agencies before the project can move forward. As provided under AS 44.19.145 and 6 AAC 50, the Division of Governmental Coordination (DGC) coordinates the agency review of all required project permits within the state's coastal boundary. This coordination service means all state permits for a project are reviewed at the same time, permits are issued quickly (Table 1), and that the project applicant and federal permitting agencies has a single point of contact with the state.

DGC coordinates the balancing of different state interests and responsibilities through a process of agency consensus to yield a conclusive consistency finding on the proposed project. If an applicant or resource agency considers a proposed decision to be unacceptable, opportunities exist to elevate that decision to policy makers of the state resource agencies for their reconsideration. When a proposed coastal development project has been found consistent with applicable standards of the Alaska Coastal Management Program (ACMP), all project permits are promptly issued.

Regional offices are maintained in Anchorage, Fairbanks, and Juneau for the convenience of development project applicants and to facilitate timely project review and permit issuance by state resource agency personnel having the greatest familiarity with the natural resources of each region.

DGC's permit coordination process serves eight specific objectives which include:

1. Render a conclusive consistency determination for coastal projects that must be reviewed for consistency within the Alaska Coastal Management Program;
2. Streamline and expedite state reviews and decisions on coastal development projects;
3. Establish uniformity in the state's comments and decisions on direct federal actions of federally permitted development projects;

4. Eliminate repetitive reviews and decisions on the same projects;
5. Provide adequate opportunity for public and local participation in state decisions;
6. Assist applicants in the processing of state and federal permits;
7. Achieve balanced, factually documented decisions including consideration of the costs and benefits of requiring particular stipulations; and
8. Provide an interagency conflict resolution mechanism.

The result of this process is that the time and effort needed to obtain state approval for a variety of permits is significantly reduced especially for projects requiring several federal and state approvals.

The following table shows that the majority of projects reviewed for consistency are approved, and the average project review is completed in 39 days. Following the review, all state and most federal permits are promptly issued.

TABLE 1

Consistency Reviews Summary
January 1, 1984 - December 30, 1987

<u>Total Number of Projects Reviewed:</u>	1959
Projects Found Consistent:	1941
Projects Found Inconsistent:	18
<u>Total Number of Projects Elevated:</u>	15
Director Level:	9
Commissioner Level:	6
<u>Average Number of Days in Review:</u>	39

A few examples of DGC coordinated consistency review projects follow.

PLATINUM MINING Platinum mining occurred this year in the Goodnews Bay area within the Cenaliulriit coastal resource service area, in the Yukon-Kuskokwim region. Cenaliulriit has an approved coastal management program and actively participated in the consistency review, including site visits with state agency staff. DGC's consistency determination balanced several competing resource needs. The determination assured that mining could occur, that access would be provided to a subsistence berry-picking site, and that significant work was completed on a reclamation plan for an onsite anadromous fish stream.

RED DOG ROAD On behalf of the Alaska Industrial Development Authority, Cominco Alaska submitted a detailed permit package for the Delong Mountain Transportation System, or the "Red Dog Road." DGC coordinated the review of the proposed port facility, the 54-mile road from the port to the mine, 16 material sites and access roads, a temporary construction camp, a solid waste disposal site, and tundra travel, interagency agreement on conditions for state approvals was reached in 43 days.

BRADLEY LAKE HYDROELECTRIC PROJECT Review of the Bradley Lake Hydroelectric Project included review of the final environmental impact statement and Federal Energy Regulatory Commission license, state and federal construction permits and leases (23 approvals), permanent camp permits (two approvals), and operational discharge permits and transmission line construction permits (three approvals). Each phase was found to be consistent with the standards of the Alaska Coastal Management Program.

DEFENSE ENVIRONMENTAL RESTORATION ACT The U.S. Army Corps of Engineers (COE) has been conducting a major effort to inventory and clean up former military sites across Alaska. DGC worked with COE and Defense Environmental Restoration Act Program staff to establish review procedures for these activities. Based on the COE's implementation schedule, DGC proposed a four-phase review process to satisfy state regulatory requirements without delaying the COE's schedule. This procedure has subsequently been used as the basis for numerous other project reviews.

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SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

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

FURTHER:

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

5/5/87 DATE TURNED INTO OFFICE _____
Mr. President:

RESOURCES _____ Committee considered _____ SB 289

establishing the Arctic National Wildlife Refuge Policy Council; efd.

and recommended:

replace with CS _____ [] same title
[] new title

attached amendment(s) and

[] 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

[Signature]

Celia Sturgis

OTHER RECOMMENDATIONS

[Signature]

[Signature] DO PASS
Chairman signature and recommendation

[] Committee Backup Attached

SENATE AMENDMENT

BY: Resource Committee

TO: _____ SENATE BILL NO. 289

TO: _____ HOUSE BILL NO. _____

Remove from line 17, page 1: " a special " *& insert "an"*

~~Insert on line 17, page 1, after the word through: " an "~~

~~The line now reads: "public process through an ad hoc group established
for that purpose."~~

(TURN IN ORIGINAL AMENDMENT TO SENATE SECRETARY'S OFFICE.
THE AMENDMENT WILL BE NUMBERED, COPIED AND DISTRIBUTED.)

Alaska State Legislature

Senate Resources Committee



Sen. John B. (Jack) Coghill, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Arliss Sturgulewski
Sen. Jim Duncan
Sen. Fred Zhanoff
Sen. Dick Ellason

Box V
Juneau, Alaska 99811
(907) 465-4907

MEMORANDUM

TO: Senate Resource Committee Members

FROM: Senate Resource Committee Staff *ERG*

RE: SB 289; An Act establishing the Arctic National Wildlife Refuge Policy Council; and providing for an effective date.

DATE: May 6, 1987

This legislation creates a special ad hoc council to deal with the issues of ANWR and advocate its consensus positions before the Congress of the United States. The Policy Council will also monitor the federal public process on ANWR.

This measure is similar to the railbelt energy council statute. Comparatively this policy council is also sunsetted after a period of one fiscal year, June 30, 1988.

Included in your packet is a memo that Senator Coghill sent to Senators Faiks, Bennett and Binkley, regarding funding for this council.

This bill is also a product of the ANWR subcommittee report, draft joint resolution.

Alaska State Legislature

Senate Resources Committee



Sen. John B. (Jack) Coghill, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Arliss Sturgulevski
Sen. Jim Duncan
Sen. Fred Zhaioff
Sen. Dick Eliason

Box V
Juneau, Alaska 99811
(907) 465-4007

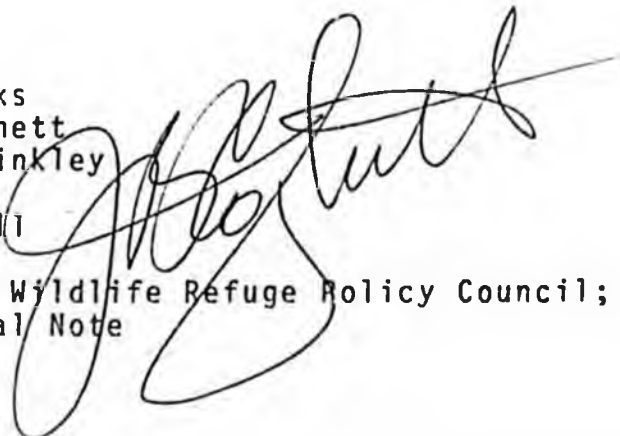
MEMORANDUM

TO: Senator Jan Faiks
Senator Don Bennett
Senator John Binkley

FROM: Senator Coghill

RE: Arctic National Wildlife Refuge Policy Council;
Budget and Fiscal Note

DATE: May 5, 1987



The Senate Resource Committee has introduced legislation that will establish a special ad hoc policy council to deal with state policy on ANWR.

I have attempted to prepare as complete a budget and fiscal note for this council as possible. Considering the issues this council will be dealing with and the fact that the total membership of the council has not been determined at this point, exact figures could not be produced for travel expenses.

The Resource Committee Fiscal Note and Council Budget are attached.

Legal Services has advised me that the necessary appropriation can be made to the Legislative Council Budget, for the Arctic National Wildlife Refuge Policy Council, rather than to the Governors Office Budget.

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

Bill Version : SB 289
Publish Date : _____

REQUEST: _____

Revision Date: _____

Agency Affected: _____

Title: Establishing the ANWR Policy Council
and providing an effective date

BRU: _____

Sponsor: Senate Resource Committee

Components: _____

Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		62.292				
TRAVEL		80.0				
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS		5.708				
TOTAL OPERATING		150.300				

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		150.300				
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		2				
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Senate Committee on Resource

Phone: 465-4797

Division: _____

Date: _____

Approved by Chairman
[Signature]

Date: May 5, 1987

Agency: _____

Distribution (by preparer):

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

SB

290

ALASKA STATE LEGISLATURE - SENATE

SENATOR RICHARD I. ELIASON

RULES COMMITTEE, CHAIRMAN
LABOR & COMMERCE COMMITTEE, VICE CHAIRMAN
LEGISLATIVE COUNCIL
RESOURCES COMMITTEE
FISHERIES SUBCOMMITTEE, CHAIRMAN



P O BOX 143
SITKA ALASKA 99835
P O BOX V
JUNEAU, ALASKA 99811
(907) 465-4916

EXPLANATION OF PURPOSE OF SB 290 BY Senator Eliason

SB 290 "An Act relating to supplying false information on fish tickets"

By law, every time a fisherman sells fish to a commercial fish buyer, the transaction must be documented by a fish ticket which is filled out by the fish buyer and signed by the buyer and the fisherman. This ticket describes what species of fish are sold, the poundage, the price paid, an imprint of the fisherman's fishing permit, and a description of the area where the fish were caught. Copies of each fish ticket are provided to the fisherman, the Dept. of Fish and Game (or National Marine Fisheries Service for those fisheries under federal jurisdiction), the Dept. of Revenue, Commercial Fisheries Entry Commission, and Dept. of Public Safety.

It is vitally important for fisheries management, taxation, and so on that all of this information in accurate. But currently there is no specific prohibition in law against providing false information when fish is sold to the fish buyer.

One prime example of how incorrect information on fish tickets can affect a fishery is in the halibut fishery. The fishery is managed jointly between the U.S. and Canada by the International Pacific Halibut Commission. It is managed on a strict quota-by-area system whereby the Alaskan and Canadian coastline is divided into areas (labeled 1A, 2A, 3A, 1B, 2B, etc.). Each area has an allotted number of pounds it can catch. There have long been suspicions, and lately some substantiation, that some of the large vessels which fish in one area will report to their buyers that they caught the fish in another area. They do this in hopes of filling the quota in an area where they do not fish so that the quota in their own area will not be filled as soon and they will be allowed more days of fishing. Without disincentives for this practice it is likely to continue or get worse as halibut seasons get shorter and shorter each year.

While creating penalties for providing false information on fish tickets may not be highly enforceable or totally effective in stopping the practice, it is likely to curb it dramatically since fishermen have no guarantee that falsely reporting the area fished will extend their season and so will see it as not worth the risk. Management of the fishery will become more fair and will be based on more dependable catch data.

BILL NO: SB 290

DATE: 5/8/87

TITLE: "An Act relating to supplying false information on fish tickets."

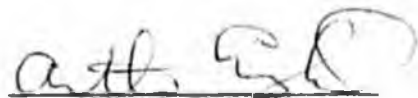
CONTACT: Capt. James Nutgrass
Director
Fish & Wildlife Protection

DEPARTMENT OF PUBLIC SAFETY /

The Department of Public Safety supports SB 290, "An Act relating to supplying false information on fish tickets."

The passage of this amendment to AS 16.05.690 will give the Department of Public Safety the ability to charge a person who falsifies information on fish tickets with a clear, enforceable statute. This amendment will place the commercial fishermen who harvest Alaska's resources on notice that accurate information is required to be supplied by them on fish tickets.

In sum, the passage of this amendment will aid our department in carrying out its enforcement responsibilities and protection of the Fish & Wildlife Resources of the State of Alaska.


ARTHUR ENGLISH
Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: SB 290

Publish Date: _____

REQUEST

Revision Date: _____

Title: "An Act relating to supplying false information on fish tickets."

Sponsor: Sen. Eliason

Requestor: Senate Resources

Agency Affected: Public Safety

BRL: Fish & Wildlife Protection

Components: Enforcement

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 FUNDS		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

JWK
5/11/87 Prepared by: Kyle Weaver
Division: Fish & Wildlife Protection

Phone: 269-5539

Date: 5/11/87

Approved by Commissioner: Arthur English
Agency: Public Safety

Date: 5/11/87

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

SB

297

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

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

FURTHER:

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

5/12/87

DATE TURNED INTO OFFICE _____

Mr. President:

RESOURCES

Committee considered SB 297

placing a moratorium/on the issuance or granting of licenses, permits, leases, or authorizations for commercial finfish farming; providing for a bivalve spat collection permit; efd.

and recommended:

replace with CS CS SB 297 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

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

[Signature]
Chairman signature and recommendation

Committee Backup Attached

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

REQUEST: _____ Bill Version: SB 297
 _____ Publish Date: 5/12/87
 Revision Date: _____ Agency Affected: Fish and Game
 Title: An Act providing for a bivalve spat collection permit;...and providing for an effective date. BRU: FRED
 Sponsor: Zharoff Components: _____
 Requestor: Senate Resources _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		35.0				
TRAVEL		6.0				
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		41.0				

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		41.0				
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

This analysis estimates costs of pathology services and permitting based on 50 permit applications in FY 88. Two to three serious operation fish farms can be expected by the end of 1988.
 (See attached for additional comments.)

Prepared by: Dr. Mike Kaill Phone: 465-6160
 Division: F.R.,D. Date: _____

Approved by Commissioner: *Conrad Callisworth* Date: 5-13-87
 Agency: Fish and Game

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

Estimated cost of services to be provided by ADF&G are fish pathology services, permit processing, and technical oversight.

For pathology services, \$10,000 is budgeted for investigations and diagnostic services. Types of services are: diagnostic, broodstock, water source analysis, shellfish certification, pre-release inspection, and human health concerns.

For permitting and technical oversight services, an assessment of work requirements was made by calling the Marine Resources Division of the British Columbia provincial government. One additional part-time technician would be required. The types of work to be undertaken would be communication with applicants, review of application materials, coordination with programs such as coastal zone consistency review, and technical biology and fish culture oversight.



SENATOR FRED F. ZHAROFF

ALASKA STATE LEGISLATURE

P.O. BOX 405, KODIAK, ALASKA 99615 (907) 488-5259

DURING SESSION:

P.O. BOX V, JUNEAU, ALASKA 99811 • (907) 465-3473 • 465-3474

DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • PRIBILOF ISLANDS • SHUMAGIN ISLANDS

SECTIONAL ANALYSIS

SENATE BILL NO. 297

"An Act placing a moratorium on the issuance or granting of licenses, permits, leases, or authorizations for commercial finfish farming; and providing for a bivalve spat collection permit; and providing for an effective date."

SECTION 1 FINFISH FARMING MORATORIUM.

The state is prohibited from issuing the following licenses, permits, leases or authorizations for the construction or operation of a commercial finfish farm:

- (1) authorization for use of an interim-use permit for the experimental taking of a fishery resource.
- (2) fish farming license
- (3) collection permit
- (4) land use or tidelands permit
- (5) a land lease
- (6) fish transport permit
- (7) permit to appropriate water
- (8) temporary water use permit

This section means that a commercial finfish farm will not be able to obtain any of the licenses, permits, etc. that it needs to operate.

SECTION 2 NO PREFERENCE INTENDED.

Anyone who obtains any of the above listed permits for a purpose other than commercial finfish farming (shellfish farm, houseboat, floats, etc.) will receive no right or preference with regard to the "issuance, granting, or renewal of, or conditions or limitations placed on" any license, permit, etc., used to operate an aquatic farm.

This section is intended to discourage speculation. Everyone will be on notice that nothing they do now in regard to aquatic farming will give them any advantage if and when final aquatic farming legislation passes the legislature. Also, everyone will be on notice that their acquisition of a tidelands permit (renewable after one year) grants them no competitive or

speculative advantages if and when the legislature decides the state's official aquatic farming policy.

SECTION 3

Amendment to AS 16.05.340(b)

Allows the commissioner of fish and game to issue a discretionary permit for individuals to collect bivalve (two-shelled - scallops, mussels, clams, etc.) spat (seeds) to grow in aquatic farms. Fish and Game does not now have a permit that allows individuals to collect and possess bivalve spat for their private operations. Assists individuals now doing scallop and mussel mariculture.

SECTION 4

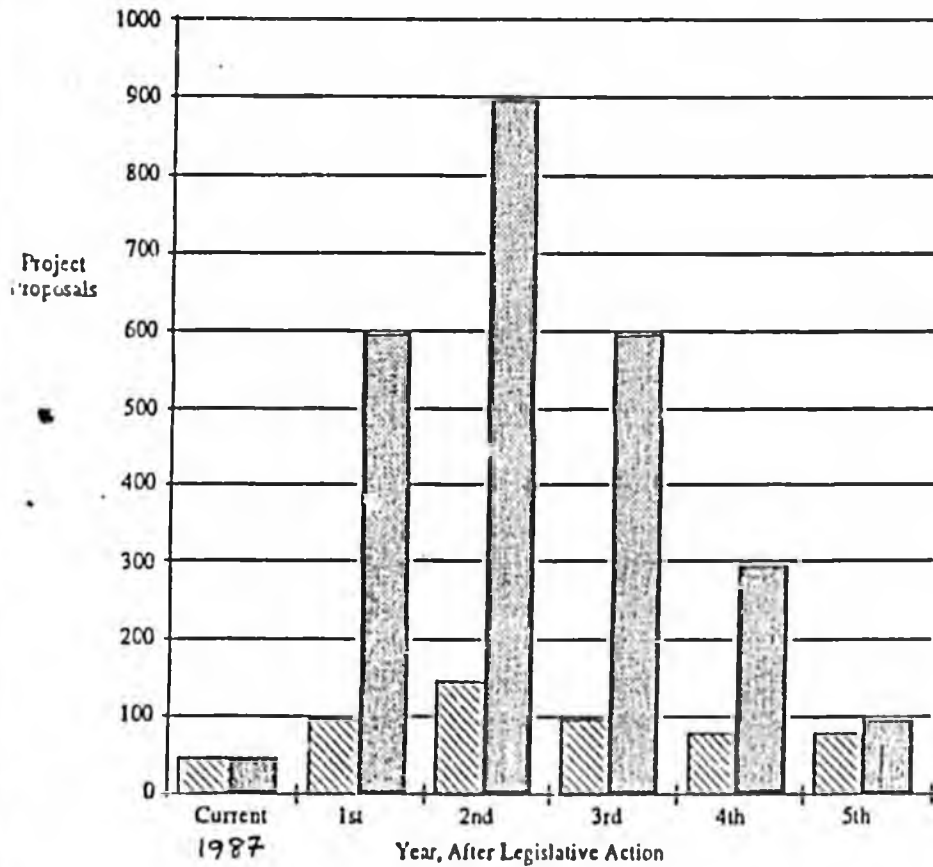
The Finfish Farming Moratorium is repealed July 1, 1988, on the expectation that the legislature will have developed and passed a final state aquatic farming policy.

SECTION 5

Immediate effective date.

Figure 1

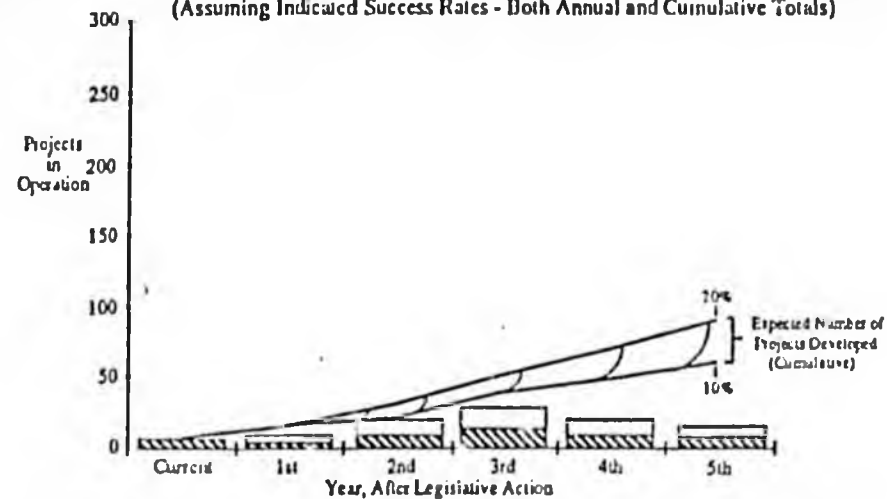
Anticipated Number of Proposed Aquatic Farm Projects, After Legislative Action (Annually, All Types)



- | | |
|---|--|
| <p>Assumptions:</p> <ul style="list-style-type: none"> - Good screening - Good "prove-up" - Good site review criteria - Mostly medium and large projects | <p>Assumptions:</p> <ul style="list-style-type: none"> - No screening - Minimal "prove-up" - Minimum site review criteria - Mostly small projects |
|---|--|

Figure 2A

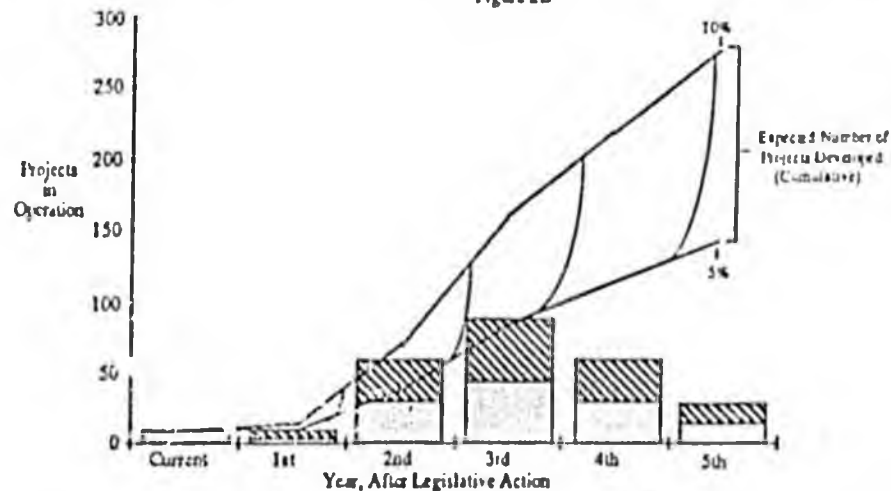
Estimation of Operating Aquatic Farms After Legislative Action (Assuming Indicated Success Rates - Both Annual and Cumulative Totals)



- Assumptions:**
- Based on number of [] applications from Figure 1.
 - Range of 10% to 20% success rate.
 - No atlantic salmon.
 - Existing level of pathology.

- | | |
|-----|-------------------------|
| [] | 20% Annual Success Rate |
| [] | 10% Annual Success Rate |

Figure 2B



- Assumptions:**
- Based on number of [] applications from Figure 1.
 - Range of 5% to 10% success rate.
 - No atlantic salmon.
 - Existing level of pathology.

- | | |
|-----|-------------------------|
| [] | 10% Annual Success Rate |
| [] | 5% Annual Success Rate |

S B

303

SENATE COMMITTEE REPORT

5-11796

FURTHER FINANCE

2/22/88

DATE TURNED INTO OFFICE _____

Mr. President:

Resources _____ Committee considered SB 303 _____

establishing additional marine parks

and recommended

replace with Res CS for SB 303 (c)) same title
 or adopt _____ CS _____) 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

[Signature]
[Signature]

OTHER RECOMMENDATIONS

Do Not Pass

[Signature]
Chairman signature and recommendation

Committee Backup attached

5-1179L
Bradley
4/19/88

Original sponsors: Josephson, Kerttula,
Szymanski, et al.

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 303 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state marine parks."

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

8 * Section 1. AS 41.21.304 is amended by adding new paragraphs to read:

9 (20) Boswell Bay Beaches

10 Township 17 South, Range 5 West, Copper River Meridian

11 Section 10

12 Section 15

13 Sections 19 - 22

14 (21) Canoe Passage

15 Township 15 South, Range 5 West, Copper River Meridian

16 Section 31: E1/2E1/2

17 Section 32

18 Township 16 South, Range 4 West, Copper River Meridian

19 Section 6: S1/2, S1/2N1/2

20 Township 16 South, Range 5 West, Copper River Meridian

21 Section 3: the land South and West of the mid-channel
22 of Canoe Passage

23 Section 4: N1/2

24 Section 5: N1/2N1/2, SE1/4NE1/4

25 Section 10: N1/2NE1/4

26 Sections 11 - 12: N1/2N1/2

27 (22) Decision Point

28 Township 8 North, Range 6 East, Seward Meridian

29 Section 5: SW1/4SW1/4

1 Section 6: S1/2S1/2

2 Section 7: N1/2, N1/2S1/2

3 Section 8: W1/2NW1/4, NW1/4SW1/4

4 (23) Driftwood Bay

5 Township 3 South, Range 1 East, Seward Meridian

6 Section 14: SW1/4

7 Section 15

8 Section 16: E1/2E1/2

9 Section 21: NE1/4NE1/4

10 Section 22: N1/2

11 Section 23: NW1/4

12 (24) Entry Cove

13 Township 8 North, Range 6 East, Seward Meridian

14 Section 2: S1/2

15 Section 3: SE1/4, S1/2SW1/4

16 Sections 10 - 11: N1/2

17 (25) Granite Bay

18 Township 9 North, Range 8 East, Seward Meridian

19 Sections 4 - 6: S1/2

20 Sections 7 - 8

21 Section 9: N1/2, SW1/4

22 Section 17: W1/2W1/2

23 Section 18: E1/2, E1/2NW1/4

24 (26) Kayak Island

25 Township 22 South, Range 5 East, Copper River Meridian

26 Section 25

27 Section 36: N1/2, SW1/4, W1/2SE1/4

28 Township 22 South, Range 6 East, Copper River Meridian

29 Section 30: W1/2

1 Township 23 South, Range 5 East, Copper River Meridian

2 Section 1: N1/2NW1/4, SW1/4NW1/4

3 Section 2

4 Sections 10 - 11

5 (27) Jack Bay

6 Township 9 South, Range 7 West, Copper River Meridian

7 Section 31: S1/2SW1/4

8 Township 9 South, Range 8 West, Copper River Meridian

9 Section 35: SE1/4SE1/4

10 Section 36: S1/2S1/2

11 Township 10 South, Range 7 West, Copper River Meridian

12 Section 6: N1/2NW1/4

13 Township 10 South, Range 8 West, Copper River Meridian

14 Section 1

15 Section 2: N1/2, N1/2N1/2S1/2

16 Section 3: NE1/4NE1/4

17 Section 12: E1/2NE1/4, E1/2W1/2NE1/4

18 (28) Safety Cove

19 Township 2 South, Range 1 East, Seward Meridian

20 Section 23: S1/2

21 Section 24: SW1/4

22 Section 25: NW1/4

23 Section 26: N1/2

24 (29) Sandspit Point

25 Township 3 South, Range 1 East, Seward Meridian

26 Section 5: SW1/4, S1/2SE1/4

27 Section 8: N1/2

28 (30) Sunny Cove

29 Township 3 South, Range 1 East, Seward Meridian

Section 19

Section 20: W1/2W1/2

Township 3 South, Range 1 West, Seward Meridian

Section 24: E1/2E1/2

(31) Thumb Cove

Township 2 South, Range 1 East, Seward Meridian

Section 16: W1/2, W1/2NE1/4

Section 17: E1/2

* Sec. 2. AS 41.21 is amended by adding a new section to read:

Sec. 41.21.308. LAND EXCLUDED. The state land described in AS 41.21.304 does not include land

(1) conveyed to a Native corporation under 43 U.S.C. 1601 - 162b (Alaska Native Claims Settlement Act); or

(2) the tide or submerged land of the state fronting on land conveyed to a Native corporation under 43 U.S.C. 1601 - 1628 to the mid-point of the channel or bay separating the private land from the upland within the state marine park.

CITY OF SEWARD

P. O. BOX 167
SEWARD, ALASKA 99664



- Main Office (907) 224-3331
- Police (907) 224-3338
- Harbor (907) 224-3138
- Fire (907) 224-3445
- Telecopier (907) 224-3248

April 14, 1988

The Honorable Joe Josephson
Alaska State Senate
P. O. Box V
Juneau, AK 99811

Dear Senator Josephson:

At its regular meeting on Monday, April 11, 1988, the Seward City Council approved Resolution No. 88-036 in support of passage of Senate Bill 303, an act relating to State Marine Parks.

Enclosed is a copy of the above mentioned resolution for your information. Thank you.

Sincerely,

THE CITY OF SEWARD

Patricia J. Jones

Patricia J. Jones
Administrative Secretary
Office of the City Clerk

Enclosure

CITY OF SEWARD, ALASKA
RESOLUTION NO. 88-036

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SEWARD, ALASKA, IN SUPPORT OF SB 303, AN ACT
RELATING TO STATE MARINE PARKS

WHEREAS, the state of Alaska, Fifteenth Legislature, Second Session, is considering a bill entitled "An act relating to State Marine Parks" (SB 303); and

WHEREAS, the areas of Sunny Cove, Thumbs Cove and Fox Island Spit (known as Sand Spit Point) are part of this bill; and

WHEREAS, the areas are of scenic and recreational importance to boaters of Resurrection Bay; and

WHEREAS, these lands are becoming attractive visitor destinations for camping, fishing, picnicing, hiking and other outdoor recreational pursuits; and

WHEREAS, the lands proposed are currently titled to the state and require no purchase or financial burden to the state; and

WHEREAS, passage of the bill will benefit the local economy through the provision of transportation and support services; and

WHEREAS, opening these areas will enhance the boating opportunities in Resurrection Bay and make Seward an increasingly popular destination city;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, that:

Section 1. The city of Seward supports the passage of SB 303.

Section 2. Copies of this resolution shall be forwarded to Senators Coghill, Josephson, Kerttula, Szymanski, Sturgulewski and Rodey.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, this 11 day of April, 19 88.

THE CITY OF SEWARD, ALASKA



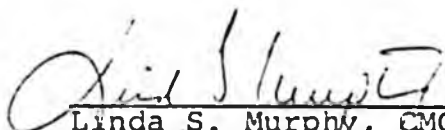
HARRY E. GIESELER, MAYOR

AYES: DUNHAM, GIESELER, HILTON, MEEHAN, NOLL, O'BRIEN & SIMUTIS
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

ATTEST:

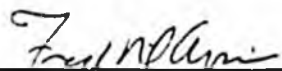
APPROVED AS TO FORM:

HUGHES, THORSNESS, GANTZ,
POWELL & BRUNDIN, Attorneys
for the City of Seward, AK



Linda S. Murphy, CMC
City Clerk

(City Seal)



Fred B. Arvidson
City Attorney

ALASKA STATE SENATE

JOE P. JOSEPHSON
DISTRICT H ANCHORAGE
3111 C STREET, SUITE 950
ANCHORAGE, ALASKA 99503
(907) 561-7611



WHILE IN JUNEAU
P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4525

SPONSOR STATEMENT ON CS SB 303 (C&RA)

What does SB 303 do?

The bill would add twelve new units to the Marine Park System. These units in Prince William Sound and Resurrection Bay have been recommended for designation because of their frequent use by the public, the need for active management, and their exceptional recreational and natural values.

How were these areas selected for designation?

Ten of these units are a part of the recommendations of the recently completed draft land management area plan for the Prince William Sound which was conducted by the Department of Natural Resources during 1986-88. DNR conducted public meetings in Whittier, Valdez, Cordova, Tatitlek, Chenega, Seward and Anchorage. Nearly 300 people either submitted written comments or attended the meetings.

The Department has also worked closely with nearby Native corporations, other State and Federal land managers, public interest groups as well as the general public. These efforts were to ensure that the location, boundaries, and management intent for the proposed park units were consistent with the needs of adjacent landowners and the recreation and tourism industry.

The draft PWS Area Plan also ensures that the proposed marine park units are consistent with the need for other resources.

Two park units are in Resurrection Bay, outside of the PWS planning area. The Department has considered these two areas and supports their inclusion into this bill. Senator Szymanski intends to offer a third Resurrection Bay unit (Sandspit Point) which the Department also supports.

Who supports SB 303?

The Chugach Alaska Corporation, the adjacent Native regional corporation, supports the bill.

The Department of Natural Resources supports the designation of 12 of the 13 park units, which includes Senator Szymanski's amendment of Sandspit Point. They recommend that Glacier Island be deleted for the time being. The sponsor is willing to concur. The total acreage of the 12 units supported by the Department is 9,797 acres.

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 28, 1988

The Honorable Jack Coghill
Chairman, Senate Resource Committee
P.O. Box V
Juneau, Alaska 99811

Dear Senator Coghill:

Subject: Senate Bill 303, An act relating to State Marine Parks.

Position: DNR supports the designation of 12 of the 13 parks in the bill. Designation of a state marine park at Glacier Island should be postponed pending development of nearby private land.

Background: The bill amends AS 41.21.304 by adding 13 new marine parks: ten within Prince William Sound and three in Resurrection Bay. Except for Glacier Island, the bill is consistent with the proposals that will be in the final Prince William Sound Area Plan, including changes based on public and agency testimony on the draft plan. The bill is also consistent with public testimony on that draft plan gathered over the last few months.

As a part of its recommendations for land management in Prince William Sound, the draft Prince William Sound Area Plan recommended the Legislature consider areas for designation as marine parks. Areas were recommended because of the frequent public use, the need for active management, and their exceptional public recreation values. The package of parks is designed to complement the remainder of the plan's land use recommendations and to provide areas for a variety of recreation experiences for the recreation and tourism industry in Prince William Sound. The department worked closely with adjacent Native corporations, state and federal agencies, public interest groups, and the general public to be sure that the location, boundaries, and management intent for the proposed parks was consistent with the needs of other resources, adjacent landowners, and those of the recreation and tourism industry.

The department recently finished public meetings on the draft plan, including the marine park recommendations. Seven public meetings were held: Whittier, Valdez, Cordova, Tatitlek, Cheneqa, Seward, and Anchorage. Almost 300 people either attended the meetings or submitted written comment. In general, public comment has been favorable on the marine parks recommendation in the draft plan. The majority of public comment supported designation of these areas. As a result of specific comments, three areas have been dropped and the acreage reduced. With the exception of Glacier Island, the areas in the current version of SB 303 will be in the final plan.

While the department believes that land at Glacier Island should be managed for public recreation, designation of the area as a marine park should be postponed. State-selected land at Glacier Island is near private land owned by Chugach Alaska Corporation and by Tatitlek Corporation. The corporations intend to develop their land for commercial recreation purposes. The department believes that state land at Glacier Island should be managed to support the private lands commercial development such as providing a water source, access, or hiking trails. The recreation emphasis on state lands should serve the portions of the recreation market that are not adequately served by the development on private land. For example, if private development includes a lodge, state land might be used for a fuel stop and campsites for the general public.

Because the type and amount of state facilities near Glacier Island should be determined considering the eventual development on private land, the exact role of state land is not yet clear. Within the next five years, that amount of type of private development should be apparent. By that time, the department should know what role state land should fill, and the facilities required for that role. At that time, it will be clear whether state park status is the most appropriate method for the state to achieve its management objectives.

The department is also in the process of developing its expertise at managing commercial recreation facilities on state park and general domain state land. As the department accumulates experience, it may become clear that certain regulations and permitting processes are more appropriate for certain types of development, and statute changes may give the department new tools for working with development of private land in the vicinity.

Senator Coghill

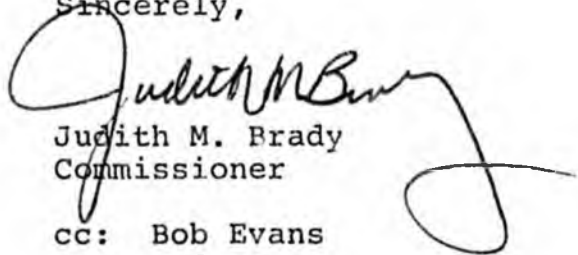
-3-

March 28, 1988

Three areas in the bill are outside the Prince William Sound planning area: Thumb Cove, Sunny Cove, and Sandspit Point. These areas have not received public review. Their designation, however, appears to be consistent with the land use needs in Resurrection Bay; it would allow the department to promote and accommodate public recreation in Resurrection Bay.

Recommendation: For those reasons, the department supports 12 of the 13 areas in SB 303 for designation as state marine parks: Entry Cove, Decision Point, Granite Bay, Jack Bay North, Canoe Passage, Boswell Bay Beaches, Kayak Island, Safety Cove, Driftwood Bay, Thumb Cove, Sunny Cove, and Sandspit Point. The department recommends the decision to designate Glacier Island as a state marine park be postponed pending development of nearby private land.

Sincerely,



Judith M. Brady
Commissioner

cc: Bob Evans
Rod Swope
Senate Resources Members
Sponsor

FISCAL NOTE

REQUEST:

Revision Date: 4/19/88
Title: An act relating to State
Marine Parks
Sponsor: Senator Josephson et.al.
Requestor: Senate Resources

Agency Affected: DNR
BRU: Parks Management
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
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						
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)

While recognizing that active management is always desirable, the Division of Parks can passively manage the proposed units as the major focus of this legislation is aimed at protecting their scenic and recreation values.

Prepared by: Larry Ostrovsky Phone: 465-2400
Division: Commissioner's Office Date: 4/19/88

Approved by Commissioner: Judith M. Brady Tom Hawkins Date: 4/19/88
Agency: Department of Natural Resources

Distribution (by preparer):

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

Alaska State Legislature

ARLISS STURGULEWSKI, Chairman
TIM KELLY, Vice Chairman
RICK HALFORD
MIKE SZYMANSKI
FRED ZHAROFF



P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4989

Senate Community and Regional Affairs Committee

February 17, 1988

TO: Senate Community and Regional Affairs Committee Members
FROM: Senate C&RA Staff *MJL*
RE: SB 303 "An Act establishing additional marine parks."

In 1983 the legislature passed legislation creating the Alaska Marine Parks system. Twelve parks were created, seven in the Prince William Sound Area and five in Southeast Alaska.

SB 303 creates twelve new parks in the Prince William Sound area. The boundaries of these parks have been designed to conform to the draft Prince William Sound Area Plan, though some minor adjustments may take place in the final version of the plan.

A Prince William Sound Area Plan map, with the parks marked in red pen, is included in your packet. The upland area of the parks is approximately 13,500 acres.

A copy of the enabling statute is included in your packet. The Department of Natural Resources will have a position paper and fiscal note available at the meeting.

Senator Josephson or his representative will be at the meeting to testify and a representative of the Division of Parks will testify by teleconference.

Original sponsors: Josephson, Kerttula,
Szymanski, et al.

BOUNDARY CHANGES
MADE IN C&RA

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2

CS FOR SENATE BILL NO. 303 (C&RA)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to state marine parks."

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

8 * Section 1. AS 41.21.304 is amended by adding new paragraphs to read:

9

(20) Boswell Bay Beaches

10

Township 17 South, Range 5 West, Copper River Meridian

11

Section 10

12

Section 15

13

Sections 19 - 22

14

(21) Canoe Passage

15

Township 15 South, Range 5 West, Copper River Meridian

16

Section 31: E1/2E1/2

17

Section 32

18

Township 16 South, Range 4 West, Copper River Meridian

19

Section 6: S1/2, S1/2N1/2

20

Township 16 South, Range 5 West, Copper River Meridian

21

Section 3: the land South and West of the mid-channel

22

of Canoe Passage

23

Section 4: N1/2

24

Section 5: N1/2N1/2, SE1/4NE1/4

25

Section 10: N1/2NE1/4

26

Sections 11 - 12: N1/2N1/2

27

(22) Decision Point

28

Township 8 North, Range 6 East, Seward Meridian

29

Section 5: SW1/4SW1/4

1 Section 6: S1/2S1/2
2 Section 7: N1/2, N1/2S1/2
3 Section 8: W1/2NW1/4, NW1/4SW1/4
4 (23) Driftwood Bay
5 Township 3 South, Range 1 East, Seward Meridian
6 Section 14: SW1/4
7 Section 15
8 Section 16: E1/2E1/2
9 Section 21: NE1/4NE1/4
10 Section 22: N1/2
11 Section 23: NW1/4
12 (24) Entry Cove
13 Township 8 North, Range 6 East, Seward Meridian
14 Section 2: S1/2
15 Section 3: SE1/4, S1/2SW1/4
16 Sections 10 - 11: N1/2
17 (25) Glacier Island
18 Township 11 South, Range 11 West, Copper River Meridian
19 Sections 14 - 17: S1/2
20 Sections 20 - 21
21 Section 22: N1/2, SW1/4, N1/2SE1/4
22 Section 23: N1/2, SW1/4, N1/2SE1/4 excluding IC 637
23 Section 27: NW1/4
24 Section 28: N1/2N1/2, SE1/4NE1/4
25 Section 29
26 Section 32
27 (26) Granite Bay
28 Township 9 North, Range 8 East, Seward Meridian
29 Sections 4 - 6: S1/2

WANTS TO
DELETE

1 Sections 7 - 8
 2 Section 9: N1/2, SW1/4
 3 Section 17: W1/2W1/2
 4 Section 18: E1/2, E1/2NW1/4
 5 (27) Kayak Island
 6 Township 22 South, Range 5 East, Copper River Meridian
 7 Section 25
 8 Section 36: N1/2, SW1/4, W1/2SE1/4
 9 Township 22 South, Range 6 East, Copper River Meridian
 10 Section 30: W1/2
 11 Township 23 South, Range 5 East, Copper River Meridian
 12 Section 1: N1/2NW1/4, SW1/4NW1/4
 13 Section 2
 14 Sections 10 - 11
 15 (28) Jack Bay
 16 Township 9 South, Range 7 West, Copper River Meridian
 17 Section 31: S1/2SW1/4
 18 Township 9 South, Range 8 West, Copper River Meridian
 19 Section 35: SE1/4SE1/4
 20 Section 36: S1/2S1/2
 21 Township 10 South, Range 7 West, Copper River Meridian
 22 Section 6: N1/2NW1/4
 23 Township 10 South, Range 8 West, Copper River Meridian
 24 Section 1
 25 Section 2: N1/2, N1/2N1/2S1/2
 26 Section 3: NE1/4NE1/4
 27 Section 12: E1/2NE1/4, E1/2W1/2NE1/4
 28 (29) Safety Cove
 29 Township 2 South, Range 1 East, Seward Meridian

- 1 Section 23: S1/2
- 2 Section 24: SW1/4
- 3 Section 25: NW1/4
- 4 Section 26: N1/2
- 5 (30) Sunny Cove
- 6 Township 3 South, Range 1 East, Seward Meridian
- 7 Section 19
- 8 Section 20: W1/2W1/2
- 9 Township 3 South, Range 1 West, Seward Meridian
- 10 Section 24: E1/2E1/2
- 11 (31) Thumb Cove
- 12 Township 2 South, Range 1 East, Seward Meridian
- 13 Section 16: W1/2, W1/2NE1/4
- 14 Section 17: E1/2

15 * Sec. 2. AS 41.21 is amended by adding a new section to read:

16 Sec. 41.21.308. LAND EXCLUDED. The state land described in

17 AS 41.21.304 does not include land

18 (1) conveyed to a Native corporation under 43 U.S.C.

19 1601 - 1628 (Alaska Native Claims Settlement Act); or

20 (2) the tide or submerged land of the state fronting on

21 land conveyed to a Native corporation under 43 U.S.C. 1601 - 1628 to

22 the mid-point of the channel or bay separating the private land from

23 the upland within the state marine park.

SANDSPIT POINT
 (GEN. SEYMENSKI MONTS ADDED;
 DNR SUPPORTS)



Alaska State Legislature

Senator Mike Szymanski

While in Session:
P.O. Box V
State Capitol
Juneau, Alaska 99811
(907) 465-4978/4979

Interim
311 C Street
Suite 150
Anchorage, AK 99503
(907) 276-6739

M E M O R A N D U M

TO: Senator Jack Coghill
Chairman, Senate Resources

FROM:  Senator Mike Szymanski

DATE: March 4, 1988

Subject: SB 303, establishing additional marine parks

When you take up SB 303 I hope you will consider an amendment to add an additional unit, the Sandspit Point Marine Park. This park unit would be near Seward and contain approximately 400 acres. It will provide outstanding recreational opportunities.

The amendment would be in the following form:

AMENDMENT TO CSSB 303 (C&RA)

Page 4, line 15, add a new subsection:

(32) Sandspit Point

Township 3 South, Range 1 East, Seward Meridian

Section 5: SW1/4, S1/2SE1/4

Section 8: N1/2

Thanks for your consideration of this amendment.

Senate District E



March 4, 1988

Jack B Coghill, Senator
Senate Room 30-C
P. O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Senator Coghill:

This is to convey Chugach Alaska Corporation's (CAC) recommendation that CSSB No. 303 dated February 22, 1988 establishing new State Marine Parks in Prince William Sound be adopted. The bill reflects the consensus reached by the ADNR Area Plan team to expand the park system and further clarifies that neither ANCSA uplands nor adjacent submerged lands are included within park boundaries.

CAC looks forward to participating in the development of the Prince William Sound marine parks to enhance its recreation and tourism resources. Please do not hesitate contacting the corporation if we can be of further assistance in this matter.

Sincerely,

CHUGACH ALASKA CORPORATION

A handwritten signature in cursive script, appearing to read 'Michael H. Chittick'.

Michael H. Chittick
President

cc: Senator Joseph Josephson
Senator Jalmar Kerttula
Senator Mike Szymanski
Representative Bette Cato

Sec. 41.21.165. Regulations. The department shall consult with Department of Fish and Game and the management council before adoption of regulations governing the public use of the park. The Department of Fish and Game shall consult with the department and the management council before adoption of regulations governing fish and wildlife management in the park. No regulations may be adopted by either department without prior review at public hearings. (§ 1 ch 86 SLA 1978)

Revisor's notes. — Formerly AS 41.20.480(d). Renumbered in 1983.

Sec. 41.21.166. Fish and wildlife breeding areas. The fish and wildlife habitat breeding areas in the Wood-Tikchik State Park shall be managed to sustain the fish and wildlife resources of the park in perpetuity. (§ 1 ch 86 SLA 1978)

Revisor's notes. — Formerly AS 41.20.480(e). Renumbered in 1983.

Sec. 41.21.167. Incompatible uses. (a) The land and water areas described in AS 41.21.161 are not open to mineral entry under AS 38.05.135 — 38.05.280.

(b) The regulations adopted under AS 41.21.165 shall recognize that the current practice of traditional subsistence and recreational activities includes the use of small outboard motors and snow machines. Reasonable access by aircraft for recreational purposes shall be permitted.

(c) Development and operation of a hydroelectric site at Lake Elva or Grant Lake is not considered an incompatible use.

(d) Development and operation of campsites on or adjacent to major spawning and breeding areas are incompatible uses unless it can be shown by a preponderance of evidence that the fishery and wildlife habitat and breeding areas will not be adversely affected to a significant degree by the development and operation. (§ 1 ch 86 SLA 1978)

Revisor's notes. — Formerly AS 41.20.490. Renumbered in 1983.

Article 3. Alaska Marine Parks.

Section	Section
300. Declaration of purpose	304. Designated land and water
302. Designation of management responsibility	306. Compatibility of uses

Legislative history reports. — For relating to ch. 64, SLA 1983, see 1983 adoption of House Intent statements House Journal, pp. 2061 and 2063.

Sec. 41.21.300. Declaration of purpose. (a) The purpose of AS 41.21.300 — 41.21.306 is to establish, subject to valid existing rights, the state-owned or acquired land and water described in AS 41.21.304 as marine park units of the Alaska state park system. The primary purposes in establishing the land and water areas described in AS 41.21.304 as marine park units of the Alaska state park system are to

- (1) maintain natural, cultural, and scenic values;
 - (2) maintain fish and wildlife resources and lawful existing uses of these resources;
 - (3) promote and support recreation and tourism in the state.
- (b) The land and water described in AS 41.21.304 is dedicated as special purpose sites under art. VIII, sec. 7 of the state constitution. (§ 1 ch 64 SLA 1983)

Revisor's notes. — Enacted as AS 41.20.530. Renumbered in 1983.

Sec. 41.21.302. Designation of management responsibility. (a) The state land and water described in AS 41.21.304 is assigned to the Department of Natural Resources for control, maintenance, and development consistent with the purposes and provisions of AS 41.21.300 — 41.21.306.

(b) The Department of Fish and Game is responsible for the management of fish and game resources on the state land and water described in AS 41.21.304 consistent with the purposes of AS 41.21.300 — 41.21.306. The Department of Fish and Game shall give written notice to and consult with the Department of Natural Resources before adoption of regulations governing fish and game management in a marine park unit of the Alaska state park system.

(c) The Department of Natural Resources shall develop a management plan for each marine park unit of the Alaska state park system to determine the specific purposes and uses for the unit. The commissioner of natural resources shall give written notice and consult with the Department of Fish and Game, proximately located municipalities of the state, proximately located private landowners, the United States Forest Service, organizations concerned with conservation, recreation, and tourism, and other interested parties during the preparation of a management plan for a marine park unit of the Alaska state park system.

(d) The commissioner of natural resources may not restrict the exercise of fishing, hunting, or trapping rights permitted under law or under a regulation of the Board of Fisheries or the Board of Game within a marine park unit of the Alaska state park system.

(e) The commissioner of natural resources shall allow the development of aquaculture facilities within a marine park unit of the Alaska state park system under terms and conditions that ensure that the development is compatible with AS 41.21.300 — 41.21.306.

(f) The commissioner of natural resources may enter into a cooperative agreement for

(1) the management of a marine park unit of the Alaska state park system with a federal agency, a municipality of the state, or a proximately located private landowner for a purpose stated under AS 41.21.020(7); or

(2) the management of proximately located federal, municipal, or private land as part of a marine park unit of the Alaska state park system.

(g) In the management of a marine park unit of the Alaska state park system the commissioner of natural resources shall consult and cooperate with a Native corporation that owns an historical or cultural site granted under 43 U.S.C. 1613(h)(1) (sec. 14(h)(1) of the Alaska Native Claims Settlement Act) and that is proximately located to a marine park unit of the Alaska state park system. In the management of a marine park unit of the Alaska state park system the commissioner of natural resources shall address the potential conflicts with the cultural and historical values of land granted to a Native corporation under 43 U.S.C. 1613(h)(1) (sec. 14(h)(1) of the Alaska Native Claims Settlement Act) and shall provide for appropriate protection to these values.

(h) Nothing in AS 41.21.300 — 41.21.306 precludes the use of or access to privately owned land or mineral claims and leases. The commissioner of natural resources shall permit adequate and feasible access across state land within a marine park unit of the Alaska state park system to and from private land within or outside a unit. In the granting of such access the commissioner of natural resources may adopt reasonable regulations to protect the natural and other values of the marine park unit lands and water. (§ 1 ch 64 SLA 1983)

Revisor's notes. — Enacted as AS 41.20.532. Renumbered in 1983.

Sec. 41.21.304. Designated land and water. The state-owned land and water and that land and water acquired by the state in the future lying within the following described parcels is designated as marine park units of the Alaska state park system:

(1) Bettles Bay

Township 10 North, Range 6 East, Seward Meridian

Section 12: S½ SW¼, SW¼ SE¼

Section 13: NW¼, W½ NE¼, N½ SW¼, NW¼ SE¼

Section 14: N½ SE¼, S½ NE¼, NE¼ NE¼

(2) Oliver Inlet

Township 43 South, Range 68 East, Copper River Meridian

Section 28: SW¼

Section 32: E½ E½

Section 33: NW¼, W½ SW¼

(3) Sawmill Bay

Township 9 South, Range 9 West, Copper River Meridian

Section 22: E½ SE¼, SW¼ SE¼

Section 23: SW¼, S½ NW¼, NE¼ NW¼, W½ NE¼

Section 26: W½

Section 27: E½, S½ SW¼

Section 28: E½ SE¼

Section 33: NE¼ NE¼

Section 34: N½, SE¼, N½ SW¼, SE¼ SW¼

Section 35: W½

Township 10 South, Range 9 West, Copper River Meridian

Section 3: N½ NE¼

(4) Shoup Bay

Township 8 South, Range 7 West, Copper River Meridian

Section 30: W½ W½

Section 31: W½ W½

Township 8 South, Range 8 West, Copper River Meridian

Section 25: All

Section 26: All

Section 27: E½

Section 34: E½

Section 35: All

Section 36: All

Township 9 South, Range 8 West, Copper River Meridian

Section 1: N½ NW¼

Section 2: N½

Section 3: All

(5) South Esther Island

Township 8 North, Range 8 East, Seward Meridian

Section 3: W½, W½ SE¼, SW¼ NE¼

Section 4: E½ E½, SW¼ SE¼

Section 5: E½ SW¼, SW¼ SW¼, SE¼ NW¼

Section 6: E½ SW¼, S½ SE¼, NW¼ SE¼

Section 7: N½ NE¼, SE¼ NE¼

Section 8: E½, NW¼, N½ SW¼, SE¼ SW¼

Section 9: All

- Section 10: N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 16: N $\frac{1}{2}$
 Section 17: NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$
 Township 9 North, Range 8 East, Seward Meridian
 Section 33: SW $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$
- (6) Surprise Cove
 Township 8 North, Range 6 East, Seward Meridian
 Section 21: SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$
 Section 22: SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$
 Section 23: W $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 26: W $\frac{1}{2}$ W $\frac{1}{2}$
 Section 27: All
 Section 28: S $\frac{1}{2}$, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$
 Section 29: SE $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 34: N $\frac{1}{2}$ N $\frac{1}{2}$
 Section 35: NW $\frac{1}{4}$ NW $\frac{1}{4}$
- (7) Chilkat Islands
 Township 32 South, Range 60 East, Copper River Meridian
 Section 22: SE $\frac{1}{4}$
 Section 23: All
 Section 26: All
 Section 27: All
 Section 34: All
 Section 35: All
 Township 33 South, Range 61 East, Copper River Meridian
 Section 4: All
 Section 5: All
 Section 8: All
 Section 9: All
 Section 16: All
- (8) Ziegler Cove
 Township 9 North, Range 6 East, Seward Meridian
 Section 25: SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$
 Section 26: E $\frac{1}{2}$
 Section 36: N $\frac{1}{2}$ N $\frac{1}{2}$
- (9) Horseshoe Bay
 Township 1 South, Range 9 East, Seward Meridian
 Section 32: SE $\frac{1}{4}$
 Township 2 South, Range 9 East, Seward Meridian
 Section 4: S $\frac{1}{2}$ SW $\frac{1}{4}$ excluding amended Iron Mountain Lode No. 2 and Iron Mountain Lode
 Section 5: All
 Section 8: N $\frac{1}{2}$ excluding Iron Mountain Lode No. 11 and Iron Mountain Lode No. 10
 Section 9: NW $\frac{1}{4}$ NW $\frac{1}{4}$ excluding amended Iron Mountain Lode No. 2 and Iron Mountain Lode

- (10) Sullivan Island
 Township 34 South, Range 60 East, Copper River Meridian
 Section 12: SE $\frac{1}{4}$
 Township 34 South, Range 61 East, Copper River Meridian
 Section 7: All
 Section 18: All
 Section 19: All
 Section 30: All
- (11) Shelter Island
 Township 39 South, Range 64 East, Copper River Meridian
 Section 29: All
 Section 31: All
 Section 32: All
 Section 33: All
- (12) Saint James Bay
 Township 37, Range 62 East, Copper River Meridian
 Section 27: All
 Section 28: All
 Section 29: All
 Section 30: SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$
 Section 31: E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$
 Section 32: All
 Section 33: All
 Section 34: All
 Section 35: W $\frac{1}{2}$
 Township 38 South, Range 62 East, Copper River Meridian
 Section 2: W $\frac{1}{2}$
 Section 3: All
 Section 4: All
 Section 5: All
 Section 6: NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$
 Section 8: N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$
 Section 9: All
 Section 10: All
 Section 11: W $\frac{1}{2}$
 Section 14: NW $\frac{1}{4}$
 Section 15: N $\frac{1}{2}$
 Section 16: N $\frac{1}{2}$
 Section 17: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$
- (§ 1 ch 64 SLA 1983)

Revisor's notes. — Enacted as AS 41.20.534. Renumbered in 1983.

Sec. 41.21.306. Compatibility of uses. (a) The commissioner of natural resources may prohibit or restrict by regulation except as provided in AS 41.21.302(d) incompatible uses within the state-owned land and water described in AS 41.21.304.

(b) Discharge of a firearm is permitted in state-owned land and water described in AS 41.21.304 unless the land or water is closed by regulation of the commissioner of natural resources for public safety purposes.

(c) Nothing in AS 41.21.300 — 41.21.306 prohibits the Department of Fish and Game from engaging in rehabilitation, enhancement, and development under AS 16.05.092 within an area described in AS 41.21.304.

(d) Reasonable access shall be permitted to and across a marine park unit of the Alaska state park system for lawful hunting, fishing, trapping and recreational purposes.

(e) The Department of Public Safety and the Department of Fish and Game shall be allowed reasonable access for fish and game management, research, and enforcement purposes. (§ 1 ch 64 SLA 1983)

Revisor's notes. — Enacted as AS 41.20.536. Renumbered in 1983.

Article 4. State Recreation Areas.

Section	Section
410. Purpose of AS 41.21.410 — 41.21.425	450. Purpose of AS 41.21.450 — 41.21.465
415. Authority to designate Captain Cook State Recreation Area	455. Nancy Lake State Recreation Area established
420. Incompatible use prohibited	460. Incompatible uses prohibited
425. Purchase authorized	465. Purchase authorized
430. Purpose of AS 41.21.430 — 41.21.445	470. Purpose of AS 41.21.470 — 41.21.490
435. Authority to designate Cairnes Head State Recreation Area	475. Chena River Recreation Area established
440. Incompatible use prohibited	480. Eminent domain
445. Purchase authorized, eminent domain prohibited	485. Zoning of private land
	490. Incompatible uses prohibited

Sec. 41.21.410. Purpose of 41.21.410 — 41.21.425. The purpose of AS 41.21.410 — 41.21.425 is to empower the governor to restrict state owned land and water described in AS 41.21.415 to use as a public recreation area. Under AS 38.05.300, state land, water or land and water containing more than 640 acres may be closed to multiple purpose use only by act of the legislature. Because the area described in AS 41.21.415 exceeds 640 acres, AS 41.21.410 — 41.21.425 are intended to provide for the closing of the described land and water to multiple purpose use in conformity with AS 38.05.300 and its subsequent designation as a special purpose site in accordance with article VIII, § 7, of the Constitution of the State of Alaska. (§ 1 ch 100 SLA 1969)

Revisor's notes. — Formerly AS 41.20.070 and renumbered in 1969 41.20.130 Renumbered in 1983. Enacted

Sec. 41.21.415. Authority to designate Captain Cook Recreation Area. The governor may designate by proclamation state-owned land and water and all that acquired in the future state, lying within the parcels described in this section, as the Captain Cook State Recreation Area. The proclamation may include the area or portions of the area at different times, shall reserve the included from all uses incompatible with their primary function for public recreation land and water, and shall assign them to the department for control, development and maintenance. Land covered 41.21.410 — 41.21.425 is that within the following described p

- Township 8 North, Range 10 West, Seward Meridian
- Section 3
- Section 9
- Section 10: NW¼, NE¼, SW¼, W½ SE¼
- Section 15: W½ W½
- Sections 16 and 17

All tideland abutting the above and all of Stormy Lake. (§ 1 SLA 1969)

Revisor's notes. — Formerly AS 41.20.140. Renumbered in 1983. Enacted as AS 41.20.080 and renumbered in 1969. In the description of land in Section 10, "SW1/4" has been inserted by omission from ch 100 SLA 1969 typographical error.

Sec. 41.21.420. Incompatible use prohibited. The commissioner shall designate by regulation incompatible uses within the boundaries of the Captain Cook State Recreation Area in accordance with AS 41.21.410, and those incompatible uses designated shall be prohibited or restricted, as provided by regulation. (§ 1 ch 100 SLA 1969)

Revisor's notes. — Formerly AS 41.20.090 and renumbered 41.20.150. Renumbered in 1983. Enacted

Sec. 41.21.425. Purchase authorized. The commissioner may acquire, by negotiated purchase only in the name of the state or interest in real property lying within the boundaries of the Captain Cook State Recreation Area. (§ 1 ch 100 SLA 1969)

Revisor's notes. — Formerly AS 41.20.100 and renumbered 41.20.160. Renumbered in 1983. Enacted

Sec. 41.21.430. Purpose of AS 41.21.430 — 41.21.445. The purpose of AS 41.21.430 — 41.21.445 is to empower the governor to restrict state-owned land and water described in AS 41.21.415 to use as a public recreation area. Under AS 38.05.300, state land, water or land and water containing more than 640 acres may be closed to multiple purpose use only by act of the legislature. Because the

THE FOLLOWING DOCUMENT HAS
NOT BEEN FILMED BUT IS
AVAILABLE IN THE ORIGINAL
FILE

PRINCE WILLIAM SOUND AREA PLAN

SUMMARY OF THE DRAFT PLAN

NOVEMBER 1987



WHAT IS THE PRINCE WILLIAM SOUND AREA PLAN?

State lands in Prince William Sound can be used for recreation, fish and wildlife, places to live, access for mineral and timber development, and mariculture. There are many different ideas about how state lands should be used. Although some uses conflict with each other, many uses can occur in the planning area, provided the uses are carefully managed.

To decide how state land should be managed, the Alaska Department of Natural Resources (DNR), is preparing a land use plan for state lands. The plan identifies areas for sale and establishes guidelines for managing state lands and tidelands for the next 20 years.

The plan will not direct the use of federal, Native, or private lands; nor will it change fish and game regulations.

HOW WAS THE DRAFT PLAN DEVELOPED?

DNR began working on this plan in 1985. In that year, public meetings were held to learn about important issues in the Prince William Sound area and to gather ideas on how state lands should be managed. Using information from these meetings and from state and federal agencies, the department developed alternative uses for state lands. These alternatives were reviewed at public meetings in each of the Sound's communities and in Anchorage and Seward. Based on comments from these meetings and from a public survey, the department developed the proposals in this draft plan.

HOW CAN YOU BE INVOLVED?

SUMMARY OF PROPOSALS

Proposals for management of each resource
The map on the other side shows the proposals

Settlement

The Prince William Sound Area Plan will show what state land will be offered for private sale over the next 20 years. Within settlement areas, the plan's guidelines protect sensitive habitat features; reserve recreation areas; and ensure public access, especially to tidelands and corridors.

Land Offerings. Land offerings are made around existing communities. All the settlements in the plan meet the following criteria:

1. The land is relatively good quality, accessible, and is currently state owned or likely to be state owned.
2. Conflicts with fish and wildlife, habitat management, public recreation, other public uses are less than in other parts of the region that are capable of supporting settlement. However, because so much land suitable for settlement is also suitable for other uses, conflicts with other uses inevitably exist on some of these areas.
3. The public has expressed some support for land offerings in that area.

Thirteen settlement areas will be offered for sale over the next twenty years. These areas total approximately 2,620 acres of land suitable for recreational purposes, and approximately 920 acres suitable for commercial/industrial use. An additional area, near Seward Bay, will be offered for sale if, by the end of the 20-year planning period, a significant

SB

304

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 1-28-87 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER:

FINANCE

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

5/15/87

DATE TURNED INTO OFFICE _____

Mr. President:

RESOURCES

Committee considered SB 304

filing and recording, recordable documents, conveyances, plats, and
planning authorities; efd.

Margot
and recommended:

replace with CS SB 304 (Res) same title
 ~~attached amendment(s) and the entire original~~ new title
+ dispass

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

FN

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Glendon

Ken Fanning No REC

Julius Sturgulewski

J. Duncan

Paul Frank

Committee Backup Attached

John G. ...
Chairman signature and recommendation

FISCAL NOTE

REQUEST:

Revision Date: 5/15/87
Title: An act relating to filing and recording, recordable documents, etc.
Sponsor: Judiciary
Requestor: _____

Agency Affected: Natural Resources
BRU: Management & Administration
Components: Recorder's Office

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		30.7	30.7	30.7	30.7	30.7
TRAVEL						
CONTRACTUAL		65.0				
SUPPLIES		5.0	5.0	5.0	5.0	5.0
EQUIPMENT		2.0				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		102.7	35.7	35.7	35.7	35.7
CAPITAL						
REVENUE		66.0	80.0	80.0	80.0	80.0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER -Prog Rec		102.7	35.7	35.7	35.7	35.7
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Costs are entirely associated with the Class B requirement of the bill. The fiscal note funds one position to handle additional centralized workload and support costs: these are continuing costs. One-time funds are requested to automate the indexing of these documents. Contractual costs include (CONT.)

Prepared by: Sharon Barton Phone: 465-2406
Division: Management Date: 1/18/88
Approved by Commissioner: [Signature] Date: 1-18-88
Agency: Natural Resources

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

SB 304 Analysis: Continued

feasibility study, design, and programming. Equipment costs include equipment to serialize, date stamp and time documents.

Revenues are based on an estimate of 5000 documents per year at current fees.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

April 10, 1987

The Honorable Bettye Fahrenkamp
Chairman, Alaska Legislative Council
P.O. Box V, State Capitol
Juneau, Alaska 99811

RE: Bill on recording and recorded documents

Dear Senator Fahrenkamp:

The attached bill is submitted to the Alaska Legislative Council pursuant to AS 24.20.075 with the request that it be introduced in the Fifteenth Legislature.

The bill has been in the legislature before. In the Thirteenth Legislature it was HB 342/SB245 which in turn was a somewhat revised version of SB 78 of the Twelfth Legislature. In the Fourteenth Legislature it was HB 244/SB 197.

The commission continues to believe the legislation is needed and, in fact, overdue. It appears that the recording system is being left behind in the state's communication system. The bill would lay the groundwork for recording in a central place that is connected electronically with recording offices around the state. From those offices documents would be transmitted and in those offices the central records could be searched with equipment available in each office.

The bill provides that each existing recording office could participate in the interconnected system only when that office is ready and the central office is ready for it. Full statewide participation would evolve over whatever time period proved to be feasible.

As a necessary part of providing the framework for an electronically interconnected system, the bill gathers together and clarifies provisions on recording that are scattered through Alaska Statutes. Other features of the bill include provision for recording a subordinate class of document for

Senator Fahrenkamp
Page 2
April 10, 1987

safekeeping only and provision for recording federal liens
consistent with the Uniform Federal Lien Registration Act.

Respectfully submitted,

Tamara Brandt Cook

Tamara Brandt Cook
Executive Secretary
Alaska Code Revision Commission

TBC:mkr
m11/006

cc: Hon. Steve Cowper
Hon. Jay Rabinowitz, Chief Justice
Executive Director, Legislative Affairs Agency

Alaska State Legislature

Senate Resources Committee



Sen. John B. (Jack) Coughlin, Chairman
Sen. Paul Fischer, Vice-Chairman
Sen. Lloyd Jones
Sen. Arliss Stuniglewski
Sen. Jim Duncan
Sen. Fred Zhatoff
Sen. Dick Eliason

Box V
Juneau, Alaska 99811
(907) 465-4007

MEMORANDUM

TO: Members of the Committee

FROM: Staff

RE: SB 304, recording of documents

DATE: January 20, 1988

Included in today's packet are:

1. Department of Natural Resources position paper
2. Fiscal note
3. Sectional analysis
4. Alaska Code Revision Commission transmittal letter
5. CSHB 266 and related backup dealing with recorder's office
6. 1985 backup on recording bill

A M E N D M E N T #1

Offered in the SENATE

By Coghill

TO: CSSB 304 (Finance)

Page 36, line 5:

Delete "system"

Insert "svsystems [SYSTEM]"

Page 36, following line 20:

Insert a new bill section to read:

"* Sec. 41. AS 44.37.025 is amended by adding a new subsection to read:

(e) In addition to the recording system established under AS 40.17, the commissioner of natural resources may by regulation establish a system for recording documents to enable members of the public to safeguard copies of documents. Recording a document in the system established under this subsection does not provide constructive notice for any purpose."

Renumber remaining bill sections accordingly.

A M E N D M E N T

2

Offered in the SENATE

By Coghill

TO: CSSB 304 (Finance)

Page 36, line 5:

Delete "system"

Insert "systems [SYSTEM]"

Page 36, following line 20:

Insert a new bill section to read:

"* Sec. 41. AS 44.37.025 is amended by adding a new subsection to read:

(e) In addition to the recording system established under AS 40.17, the commissioner of natural resources may by regulation establish a system for recording and filing documents to enable members of the public to safeguard documents. Recording or filing a document in the system established under this subsection does not provide constructive notice for any purpose."

Renumber remaining bill sections accordingly.

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

January 18, 1988

The Honorable Jack Coghill
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Senator Coghill:

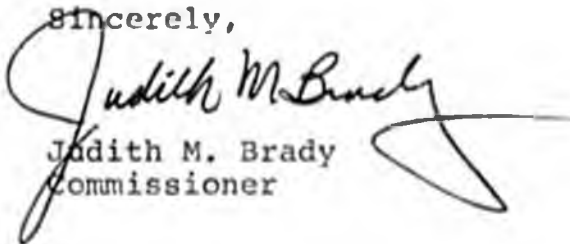
Your staff has requested a position statement on SB 304, An act relating to filing and recording, recordable documents, conveyances, plats, and platting authorities.

A great deal of time and effort by the Code Revision Commission, the Fourteenth Alaska Legislature, the State Recorder's Office, the title industry, and others has been invested in this proposed legislation.

The Department supports this bill as written noting that a fiscal note will be required to handle the class B document provision of the bill. Should that section be deleted, no fiscal note will be required.

You may refer further questions to Sharon Barton, Director, Division of Management.

Sincerely,


Judith M. Brady
Commissioner

cc: Sharon L. Barton, Director, Division of Management

JMB/SLB/rlc

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 25, 1988

SUBJECT: Comparison of SB 304 and CSHB 266 (Resources)
TO: Senator Jack Coghill, Chairman
Senate Resources Committee
FROM: Theresa L. Bannister *TB*
Legislative Counsel

You have requested that I provide the Senate Resources Committee with a comparison between SB 304 and CSHB 266 (Resources) ("HB 266"), two bills dealing with the recording of documents. As a preliminary matter, note that this comparison should not be considered an authoritative interpretation of the bills and the bills themselves are the best statements of their contents.

In general, SB 304 contains a major revision of the state recording system while HB 266 addresses only two subjects on state recording, which are

- (1) the recorder's decision on whether the document is to be recorded (sec. 2 of HB 266); and
- (2) the adoption of regulations on recording (sec. 3 of HB 266).

Section 1 of HB 266 makes certain legislative findings for the bill. SB 304 does not contain findings.

Section 2 of HB 266 gives specific directions to the recorder for reviewing a document for recording. SB 304 directs the recorder to promptly record all documents presented which are recordable under certain sections (see Sec. 40.17.070(a)).

Sec. 34.15.343(1) prohibits the recorder from considering whether the document's contents are legally sufficient for the purpose of the document. SB 304 does not address this specific subject.

Sec. 34.15.343(2) directs the recorder to resolve any reasonable doubts about the document's eligibility for recording in favor of recording the document. SB 304 does not address this specific subject.

Sec. 34.15.343(3) prohibits the recorder from rejecting a document in certain listed situations.

Sec. 34.15.343(3)(A) prohibits the recorder from rejecting a document that met the requirements for recording when the document was executed. Sec. 40.17.060 (in sec. 1 of SB 304) provides nearly the same protection, except that SB 304 limits its application to certain listed documents.

+ Sec. 34.15.343(3)(B) prohibits the recorder from rejecting a document that serves more than one purpose. SB 304 does not address this issue.

Sec. 34.15.343(3)(C) prohibits the recorder from rejecting a document that does not state the name of the recording district, if the information is either given to the recorder when the document is offered for recording or contained in a cover letter accompanying the document. SB 304 requires that a document be accompanied by or include the information required by department regulations (Sec. 40.17.030(4)).

Sec. 34.15.343(3)(D) prohibits the recorder from rejecting a document that references an attached exhibit that is not labelled. SB 304 requires that a document be accompanied by or include the information required by department regulations (Sec. 40.17.030(4)).

Sec. 34.15.343(3)(E) prohibits the recorder from rejecting a document that is a certified copy of an official document from a governmental office in this or another state. SB 304 allows certified or otherwise verified copies of specific types of documents (e.g., judgments) to be recorded as Class A documents, but does not contain a general reference to all official governmental documents.

Section 3 of HB 266 prohibits a regulation from imposing a restriction on document recording unless the restriction is required by statute or furthers a legitimate administrative

Senator Jack Coghill, Chairman
Senate Resources Committee
Page 3
January 25, 1988

need. SB 304 requires that the regulations be consistent with the new law.

If I may be of further assistance, please advise.

TLB:gc
WKC1:048

SB 304

SENATE BILL NO. 304 by the Rules Committee by request of the Legislative Council (for the Code Revision Commission), entitled:

"An Act relating to filing and recording, recordable documents, conveyances, plats, and platting authorities; and providing for an effective date."

was read the first time and referred to the Resources Committee and the Finance Committee.

Sectional Analysis on SENATE BILL NO. 304 and HOUSE BILL NO. 320 (same bill) in Senate and House Joint Supplement No. 7.

SB 304

The Resources Committee considered SENATE BILL NO. 304 "An Act relating to filing and recording, recordable documents, conveyances, plats, and platting authorities; and providing for an effective date" and a majority of the committee recommended it be replaced with

CS FOR SENATE BILL NO. 304 (Resources)

and do pass. The report was signed by Senator Coghill, Chairman and concurred in by Senators Eliason, Sturgulewski, Duncan and Fischer. Senator Fanning signed "no recommendation."

Fiscal note published today from Department of Natural Resources.

SENATE BILL NO. 304 was referred to the Finance Committee.

April 6, 1988

SENATE JOURNAL

p. 2903

SB 304

The Finance Committee considered SENATE BILL NO. 304 "An Act relating to filing and recording, recordable documents, conveyances, plats, and platting authorities; and providing for an effective date" and a majority of the committee recommended it be replaced with

CS FOR SENATE BILL NO. 304 (Finance) and do pass. The report was signed by Senator Halford, Co-chairman and concurred in by Senators Duncan, Uehling, Hensley and Binkley. Senator Zharoff signed "do pass as long as there is no additional financial impact on Department of Administration."

Zero fiscal note published today from Senate Finance Committee.

SENATE BILL NO. 304 was referred to the Rules Committee.

April 8, 1988

SENATE JOURNAL

p. 2941

SB 304

The Rules Committee considered SENATE BILL NO. 304 "An Act relating to filing and recording, recordable documents, conveyances, plats, and platting authorities; and providing for an effective date" and a majority of the committee recommended calendar. The report was signed by Senator Eliason, Chairman and concurred in by Senators Hensley, Faiks and Jones.

Senator Coghill moved and asked unanimous consent for the adoption of the Resources Committee Substitute offered on page 2168. Senators Halford and Kerttula objected.

The question being: Shall the Resources Committee Substitute for SENATE BILL NO. 304 be adopted? The roll was taken with the following result:

SB 304 RES CS MOTION

Yeas: 6 Coghill, Eliason, Fanning,
Fischer, Kelly, Sturgulewski

Nays: 6 Abood, Binkley, Faiks, Halford,
Josephson, Kerttula

Excused: 6 Duncan, Fahrenkamp, Hensley,
Jones, Uehling, Zharoff

Absent: 2 Rodey, Szymanski

and so, the Resources Committee Substitute was not adopted.

Senator Eliason moved and asked unanimous consent that SENATE BILL NO. 304 "An Act relating to filing and recording, recordable documents, conveyances, plats, and platting authorities; and providing for an effective date" be held in second reading until Monday's calendar. Without objection, it was so ordered.

SB 304

Senator Coghill moved and asked unanimous consent that SENATE BILL NO. 304 be held until the April 12 calendar. Without objection, it was so ordered.

HOUSE & SENATE JOINT
JOURNAL SUPPLEMENT

April 8, 1983

No. 10

THE FOLLOWING COMMENTARY
FROM THE
ALASKA CODE REVISION COMMISSION
COVERS

HOUSE BILL NO. 342)
)
) "An Act relating to filing
) and recording and to record-
) able documents; and providing
) for an effective date."
)
SENATE BILL NO. 245)

MEMORANDUM

TO: Chairman, Alaska Legislative Council

FROM: John W. Abbott, Chairman *JWA*
Alaska Code Revision Commission

DATE: February 22, 1983

RE: Bill on recording and recorded documents

The attached bill is submitted to the Alaska Legislative Council pursuant to AS 24.20.075 with the request that it be introduced in the Thirteenth Legislature.

It is a simpler version of SB 78 of the Twelfth Legislature, a bill prepared by the code revision commission on the public recording system, repealing and replacing AS 34.-15.260--34.15.350.

SB 78 (the bill in the last legislature) included provisions changing certain requirements as to the form of recordable documents, deleting the statutory requirement that a conveyance be acknowledged before a notary public. The bill as reintroduced does not contain this controversial section. It makes no changes in existing law on the form of conveyances.

Other differences between this bill and SB 78 of the Twelfth Legislature are explained in the enclosed commentary and section analysis.

The general purpose of the bill remains the same: It gathers together and clarifies provisions on recording that are scattered throughout Alaska Statutes, and lays a suitable framework for future use of technological advances in a centralized recording system.

JWA:chw

Attachment

cc: Hon. Bill Sheffield
Hon. Edmond W. Burke, Chief Justice
Myrton R. Charney, Executive Director
Legislative Affairs Agency

ALASKA CODE REVISION COMMISSION
SUPPLEMENT TO TRANSMITTAL STATEMENT AND DRAFT ON
RECORDING AND RECORDED DOCUMENTS

GENERAL FEATURES OF THE BILL

A bill drafted by the Alaska Code Revision Commission to revise the law on the public recording system was in the Twelfth Legislature as SB 78.

The attached bill is a redrafted SB 78 with changes to accommodate some requests made by title companies and by the Department of Natural Resources. Existing AS 34.15.260--34.15.350, AS 34.20.020, and AS 43.10.090--43.10.150 would be repealed by the bill.

The main purpose of the bill remains the same: (1) to gather together and clarify the jumble of Alaska law on recording, and (2) to provide a structure for future centralized recording. That structure, with other provisions in the bill, would make it possible to use existing and future advanced technology for transmitting, indexing, storing, retrieving and searching title documents. There is continually improving technology available for computer assisted search of documents in which the image of the document is called up from central storage and viewed at a remote terminal and copied at the remote terminal if a copy is needed. With safeguards in the bill, and with flexibility for either rapid or gradual extension of the high technology system into recording districts, there need be no lessening of access to recording and retrieval in any recording district during development of the improved system.

Most of SB 78 is carried over into the attached bill, but there are some changes.

A provision in SB 78 would have removed a requirement of existing law that a conveyance be acknowledged before a person authorized to take an oath. This provision in the bill proved to be extremely controversial, as did its corollary that permitted recording of an unacknowledged conveyance. Although title company representatives who testified about the provision agreed that there are shortcomings in the practices of some notaries public, they urged that the acknowledgment requirement not be dropped. The commission has accepted their position in the attached redrafted bill.

SB 78 provided for recording of subdivision plats and certain other maps and plats. The attached bill continues the requirement of SB 78 that these plats and maps be recorded. However, it adds the requirement that the original be retained in the recording office, the practice under existing law. What results is a system in which access to the original plat is retained, but the document also is photocopied as a record that may be called up for viewing at a remote terminal where copies can be taken off.

An innovative part of the bill carried over from SB 78 is a provision for recording two general classes of documents. Section 40.17.110 defines the two classes. Class A includes documents relating to title to real property and includes all other documents required or permitted to be recorded by other statute or by regulation of the Department of Natural Resources. Recording of a class A document would provide constructive notice of the document to all persons, and therefore would protect the rights of the person whose document is recorded. The second class of document, class B, would be recordable for safekeeping but with no constructive notice afforded by the recording. Any document that is not included in class A and that can be processed by the recording equipment falls into class B.

In order to meet the concerns of the Department of Natural Resources, a requirement is added to the bill that class B convenience recording be physically separate from class A constructive notice recording. In the attached bill class B recording will be done only at a central recording office in the state. A separate indexing system will be used to further assure that the class A system is safe from any possible confusion with class B convenience recording.

While the bill deals with all recorded documents in general, it also deals specifically with federal liens. Existing Alaska law on federal liens is the obsolete Uniform Federal Tax Lien Registration Act, AS 43.10.090--43.10.150, adopted in Alaska in 1933. That Act would be repealed and replaced by proposed AS 40.19.010--40.19.030. The new sections follow the current Uniform Federal Lien Registration Act (1978) with changes and deletions to fit Alaska's statewide recording system. The form of these sections has been approved by the Internal Revenue Service at both the state and national levels. The bill applies part of these sections to state tax liens as well.

SECTION ANALYSIS

Sections 1-19

Sections 1 through 19 deal with plats and maps and can be considered as a unit.

Some of the existing statutes on plats use the terms "file" and "record" interchangeably. Although statutory directions are not always clear, existing practice is to not record plats but to keep them on file in the recording offices.

Sections 1 through 19 change existing law and practice. They retain provisions for keeping plats on file but add the requirement that they be recorded, that is, copied into public records. In generations past, recording required laborious copy-

ing in longhand. These days a document is quickly copied by a photo process exactly in the form in which it is presented. (By AS 40.17.030 in the bill, if a plat, map, or other document cannot be copied, it is not accepted for recording.)

The bill is drafted both for the existing system and for the future time when most use of the recording system will be through remote terminals. As noted above, plats and maps that are required to be filed for public access will also be recorded so they can be viewed and copied at remote terminals. Since not all needs for a plat will be met by the recorded copy, the original will be available in the district recorder's office to the same extent as at present.

The first nineteen sections of the bill make this change for the following:

- Sec. 1 (AS 19.10.260(2))--state highway right-of-way maps
- Sec. 2 (AS 29.33.160(b))--subdivision and dedication plats
- Sec. 3 (AS 29.33.170)--subdivision and dedication plats
- Sec. 4 (AS 29.33.190)--subdivision and dedication plats
- Sec. 5 (AS 29.33.200)--subdivision and dedication plats
- Sec. 6 (AS 29.33.230)--subdivision and dedication plats
- Sec. 7 (AS 34.07.020(14))--condominium floor plans
- Sec. 8 (AS 34.07.030)--condominium floor plans & survey maps
- Sec. 9 (AS 34.07.040(a))--condominium floor plans
- Sec. 10 (AS 34.07.050)--condominium floor plans
- Sec. 11 (AS 34.08.045(b))--state subdivisions
- Sec. 12 (AS 40.15.010)--subdivision and dedication plats
- Sec. 13 (AS 40.15.020)--subdivision and dedication plats
- Sec. 14 (AS 40.15.030)--subdivision and dedication plats
- Sec. 15 (AS 40.15.040)--subdivision and dedication plats
- Sec. 16 (AS 40.15.050)--subdivision and dedication plats
- Sec. 17 (AS 40.15.060)--subdivision and dedication plats

Sec. 18 (AS 40.15.070)--subdivision and dedication plats

Sec. 19 (AS 40.15.075)--subdivision and dedication plats

Section 20

The main body of the bill is Section 18. It creates a new chapter 17 in title 40 to replace AS 34.15.260--34.15.350. In it the Uniform Simplification of Land Transfers Act is the basis for several of the sections and is referred to in these notes as the USLTA. Alaska Statute numbers are used here for reference within the section.

AS 40.17.010

SOURCE: The section is original drafting.

COMMENT: This section is an overview of the recording system expressed in terms of the recording and retrieval services to be provided by the Department of Natural Resources. References to class B documents in (c) and to class A documents in (d) can be clarified by looking at AS 40.17.110 in the bill where class A and class B are defined. Class A may be thought of as the existing recording system, while class B is a new and subordinate system with no purpose beyond providing a convenience to persons who wish a permanent repository of a copy of any document. Therefore, the concentration of the bill is on class A recording.

Basic to the class A system are provisions for future recording in a central place by electronic transmission of documents from offices for the various recording districts, and records will be available for search in those offices.

By subsection (c), the date for starting the class B system is the effective date of the bill. Although recording of class B documents will be in one central place, the B system is relatively informal and recording B documents in a central place need not wait for readiness of electronic transmittal and access. Central recording of B documents is to permit tight

control by the recorder--one of the devices to assure that class B convenience recording is kept separate from the class A system.

In contrast, central recording of documents in the basic "constructive notice" (class A) recording system can be, and perhaps must be, deferred. One or more recording districts at a time can be shifted to central recording based upon readiness for the transfer as reflected in appropriations the department requests and receives for the purpose. (Reference (a)(4)). Under (d), complete transfer to central recording in class A is mandated only when the DNR staff and equipment are ready. The broad standard of readiness in (d) seems necessary at this stage since no malfunction of the class A system can be risked. (d) should be read with AS 44.37.025 which gives the Department of Natural Resources broad authority over establishing, modifying, or discontinuing recording districts

AS 40.17.020

SOURCE: AS 34.15.260 with major changes and additions. Part of existing AS 34.15.260 also appears in Sections 40.17.080 and 40.17.090 in this bill.

COMMENT: (a) is traditional recording law except for reference to "class A" documents. "Class A" is the class of traditional recorded (constructive notice) documents listed and defined in Sec. 110, as opposed to "class B" which is all other documents.

(b) provides that certified copies of documents recorded or filed in public recording offices in other states or in the Bureau of Land Management are entitled to recordation as class A documents. It is sometimes necessary to go to these records to complete a chain of title. Recording is defined in the general definitions section, AS 40.17.040.

AS 40.17.030

SOURCE: (a)(1) is from WSLTA § 2-301(a)(1). (a)(2)

is from USLTA § 2-301(a)(2); (a)(3) is from USLTA § 2-301(a)(3); (a)(4) and (a)(5) are original drafting; (a)(6) is AS 34.15.345 paraphrased; (b) is original drafting; and (c) is from USLTA § 2-301(b).

COMMENT: The form requirements of this section are applicable to all documents offered for recording. The section fits the definition of "document" which may even be in the form of electronic signals so long as the form is compatible with equipment in the recording office.

(a)(4) contains only a minimal reference to the requirement of indexing information. Indexing is the subject of the following section, 040. (a)(5) is to discourage the unauthorized presentation of a document for recording and to provide a record of how each document came to the recording office. At present, a document is mailed back after it is recorded. (a)(6) is information needed by municipalities to keep up real property tax rolls and provides assistance in locating parties to transactions.

Because anything can be recorded as a class B document, subsection (b) requires that the name of the person in whose behalf a class B document is recorded be included in or accompany the document when it is presented for recording. This should prevent the recording of anonymous defamatory material.

Regarding (c), in its redrafted form the bill leaves intact the requirement that a conveyance must be acknowledged before it can be recorded. Reference AS 40.17.110(b)(1) in the bill. The term is broadly defined in the "definitions" section, AS 40.17.140, to mean any transfer of an interest in real property other than by will or operation of law. But where another document is made recordable by law, only the form requirements of that law and this section apply.

AS 40.17.040

SOURCE: The section is original drafting.

COMMENT: In the bill, indexing of class A documents has been left to regulation of the department responsible for the recording system. Indexing a document to a specific tract is highly desirable. But parts of the state are not sufficiently accustomed to the existing formalities of recording to make it practical to require sophisticated tract indexing information in all recording districts. Regulation is the more flexible approach and seems the desirable one for the present. Unofficial tract indices are kept at present and would be continued in any event.

The index of class B documents is kept with the class B records at one central recording office, another safeguard to ensure that class B recording will not be confused with class A.

The indexing of class B documents is specifically limited to emphasize that class B is for personal safekeeping of documents not part of the chain of title to real property. It is intended that a title search should never involve searching the class B index.

AS 40.17.050

SOURCE: The section is from USLTA § 2-309.

COMMENT: The purpose of allowing the recording of master forms is to reduce the volume of documents recorded. A final sentence of USLTA § 2-309(a) provides: "This section does not affect contractual relations of parties to a title transaction." The sentence is omitted as superfluous.

Indexing of a master form is not covered here since indexing is to be generally covered by regulation.

AS 40.17.060

SOURCE: AS 34.15.270, paraphrased.

COMMENT: The section of Alaska Statutes this section

would replace applies only to "conveyances" and provides that a conveyance legal when executed remains recordable and retains "the same force as evidence." The redraft is broader since it applies to all class A documents. The reference to "same force as evidence" is not included since it is considered to be unnecessary. The "force" of recorded documents as evidence is covered in AS 40.17.090. See also Rule 1005, Alaska Rules of Evidence.

AS 40.17.070

SOURCE: (a) is from USLTA § 6-203; (b) is original drafting; (c) and (d) are based upon USLTA § 6-204(a) and 6-204(b), with additions; (e) is from USLTA § 6-204(c); (f) is from USLTA § 6-205(a); (g) is from USLTA § 6-205(d); (h) is from USLTA § 6-201(b); and (i) is from USLTA § 6-204(d) paraphrased.

COMMENT: The recorder's duties are spelled out in this section. (b) is another provision to assure that class B recording will not be confused with class A. (b) does not refer to book and page indexing, but book and page indexing is consistent with it and can be continued so long as it is useful. Consistent with the definition of "record", (c) requires acceptance (recording) of a recordable document without delay in the order in which it is received. (c) and (d) make it clear that the time of recording is the time of acceptance even when a document is erroneously rejected and later accepted. If a person is damaged by erroneous rejection of a recordable class A document, the person's remedy is to seek damages from the state under AS 40.17.130 in this bill. The reference in (i) is to a master form recorded under AS 40.17.050.

AS 40.17.080

SOURCE: (a) is from AS 34.15.260(a); (b) is from AS 34.15.290; (c) is AS 34.20.010 redrafted; and (d) is from USLTA § 3-206 paraphrased.

COMMENT: Law on constructive notice is gathered in this section. Constructive notice is limited to class A documents which are defined in AS 40.17.110 in the bill. Within class A existing and traditional law is perpetuated. (d) allows a title searcher to assume that no contract or deed was executed pursuant to a recorded option or earnest money agreement after passage of a reasonable period of time.

AS 40.17.090

SOURCE: (a) is from AS 34.15.260(c)(1). (b) and (c) are based upon USLTA § 2-305(a) and (b), which in turn are based upon the Model Act Concerning Evidenciary Effect of the Record. (d) is original drafting; and (e) is from USLTA § 2-305(c) and Alaska Rules of Evidence, Rule 301(c).

COMMENT: This section is generally designed to pull together provisions for the evidenciary effect of recorded documents. (a) makes a recorded conveyance in proper form admissible in evidence without further proof. This is consistent with Rule 1005, Alaska Rules of Evidence. (b) and (c) provide in detail for several rebuttable presumptions arising from recording in class A. By Alaska Rule of Evidence 301(a), a presumption created here would not shift the burden of proof, but a person seeking to avoid the presumption would have to present some evidence to rebut it.

AS 40.17.100

SOURCE: as 34.15.310 redrafted.

COMMENT: No change in the substance of existing law is intended by this section, but the statutory language is simplified.

AS 40.17.110

SOURCE: (a) is original drafting. (b) is a list of documents derived from the following sources, with substantial

changes in some instances. (b)(1) as indicated in the subparagraph; (b)(2) is from AS 34.15.320(a)(1) and AS 34.15.330; (b)(3) is from AS 34.15.320(a)(2); (b)(4) is original drafting; (b)(5) is from Conn. Gen. Stat. Ann. 47-1(a); (b)(6) is from AS 34.20.130; (b)(7), (b)(8) and (b)(9) are original drafting; (b)(10) is from AS 34.15.340(a)(6); (b)(11) is from AS 34.15.-340(a)(1); (b)(12) is based upon Bankruptcy Rule 602; (b)(13) is from AS 34.15.340(a)(2); (b)(14) and (b)(15) are original drafting; (b)(16) is from AS 34.15.340(a)(3); (b)(17) is from AS 34.15.340(a)(4); (b)(18) is from AS 34.15.340(a)(5); (b)(19) is from AS 06.30.560; (b)(20) is from AS 09.30.010; (b)(21) is from AS 09.40.050; (b)(22) is from AS 09.55.370; (b)(23) is from AS 19.05.090; (b)(24) is from AS 10.30.020; (b)(25) is from AS 10.15.230--10.15.235; (b)(26) is from AS 10.15.260; (b)(27) is from AS 13.26.265; (b)(28) is from AS 23.10.047; (b)(29) is from AS 23.20.200; (b)(30) is from AS 23.30.165; (b)(31) is from AS 27.10.050 and AS 27.10.070, AS 38.05.185--38.05.220 and 38.05.-245; (b)(32) is from AS 27.10.020 and AS 27.15.010; (b)(33) is from AS 27.10.150; (b)(34) is from AS 27.10.190; (b)(35) is from AS 40.15; (b)(36) is from AS 32.10.010 and 32.10.240; (b)(37) is from AS 34.07; (b)(38) is from AS 34.07.030; (b)(39) is from AS 34.20.120; (b)(40) is from AS 34.20.070--34.20.080; (b)(41) is from AS 34.35.064; (b)(42) is from AS 34.35.065; (b)(43) is from AS 34.35.069; (b)(44) is from AS 34.35.070, 34.35.085, 34.35.-160, 34.35.185, 34.35.240, 34.35.250, 34.35.305, 34.35.330, 34.-35.405, 34.35.440 and 34.35.450; (b)(45) is from AS 34.35.071; (b)(46) is from AS 34.35.072; (b)(47) is from AS 34.35.080; (b)(48) is from AS 43.10.042; (b)(49) is from AS 43.10.090--43.10.-150 (and see sec. 19 of this bill); (b)(50) is from AS 46.15.-160; (b)(51) is from the UCC, §§ 9-313(1)(b) and 9-402(5); (b)(52) and (b)(53) are original drafting; (b)(54) is from AS 19.10.260(2); (b)(55) is from AS 26.10.070(a); (b)(56), (b)(57) and (c) and (d) are original drafting.