

ALASKA LEGISLATURE COMMITTEE FILES 1999-2000 8672

9974 HOUSE RESOURCES

1 * **Sec. 95.** AS 25.27.165(a) is amended to read:

2 (a) Upon application from a mother, custodian, putative father, or legal
3 custodian of a child, or from a state, the agency may institute administrative
4 proceedings to determine the paternity of a child born out of wedlock.

5 * **Sec. 96.** AS 25.27.165(b) is amended to read:

6 (b) In order to initiate a paternity proceeding administratively, the agency shall
7 serve a mother and putative father, as appropriate, with a notice of paternity and
8 financial responsibility. The notice shall be served personally as set out in Rule 4(d),
9 Alaska Rules [RULE] of Civil Procedure, [4(d)] or by registered, certified, or insured
10 mail, return receipt requested, for restricted delivery only to the person to whom the
11 notice is directed or to the person authorized under federal law to receive that person's
12 restricted delivery mail. The notice must be accompanied by

13 (1) an administrative order requiring that the mother, child, and putative
14 father submit to genetic testing to be arranged by the agency and stating that a party
15 may provide information to show good cause not to order the testing;

16 (2) an administrative order requiring the putative father to provide
17 financial information, as defined by the agency in regulation, within 20 days after
18 service of the notice; all financial information provided to the agency under an order
19 under this paragraph shall be held confidential by the agency, according to any
20 applicable regulations; and

21 (3) a notice of right to informal conference, to be held within 20 days
22 after receipt of an admission of paternity or service upon the parties of genetic test
23 results.

24 * **Sec. 97.** AS 25.27.165(d) is amended to read:

25 (d) Upon receipt of genetic test results, the agency shall serve on the putative
26 father notice of the test results and of the date for the informal conference. Service
27 of the notice shall be made by first class mail. If the genetic test results are negative
28 under the standard set in AS 25.20.050(d), the agency shall issue a finding of
29 nonpaternity within 20 days after the agency's receipt of the test results. If the genetic
30 test results are positive under the standard set in AS 25.20.050(d), the agency shall
31 issue an informal conference decision within 20 days after the agency's receipt of the

1 test results. Upon request and advance payment by a party, the agency shall order
 2 additional genetic tests. If the second genetic test results contradict the first
 3 genetic test results, the agency shall provide copies of the second genetic test
 4 results to the parties and conduct another informal conference. The agency shall
 5 issue the second informal conference decision within 20 days after the agency's
 6 receipt of the second genetic test results.

7 * **Sec. 98.** AS 25.27.165(i), as amended by sec. 21, ch. 107, SLA 1996, is amended to
 8 read:

9 (i) The agency may recover any costs it pays for genetic tests required by this
 10 section from the putative father unless the testing establishes that the individual
 11 is not the father, except that costs may not be recovered from a person who is a
 12 recipient of assistance under AS 47.27 (Alaska temporary assistance program).

13 * **Sec. 99.** AS 25.27.165 is amended by adding new subsections to read:

14 (j) A decision establishing paternity or an admission of paternity under this
 15 section must include the social security numbers, if ascertainable, of the father, mother,
 16 and the child.

17 (k) Notwithstanding any other provision of this section, if the agency
 18 determines, after considering the best interests of the child, that good cause exists not
 19 to order genetic testing under this section, it shall, without ordering the genetic testing
 20 and as the agency determines appropriate in the best interests of the child,

21 (1) end the administrative proceedings under this section without
 22 making a determination of paternity; or

23 (2) after a hearing provided for under regulations adopted by the
 24 agency, enter a final decision regarding paternity.

25 * **Sec. 100.** AS 25.27.166(a) is amended to read:

26 (a) The agency shall, by regulation, establish procedures and standards for the
 27 disestablishment of paternity of a child whose paternity was established in this state
 28 other than by court order if the paternity was not established by

29 (1) genetic test results that met the standard set out in AS 25.20.050(d)
 30 at the time the test was performed; or

31 (2) an acknowledgment of paternity under AS 25.20.050 or an

1 admission of paternity under AS 25.27.165.

2 * **Sec. 101.** AS 25.27.190(a) is amended to read:

3 (a) Unless a support order has been entered by a court and except as
4 provided in AS 25.25, the obligor, or the obligee or the obligee's custodian, may
5 petition the agency or its designee for a modification of the administrative finding or
6 decision of responsibility previously entered with regard to future periodic support
7 payments. In addition, the agency may initiate a modification and grant a hearing
8 under (c) - (e) of this section.

9 * **Sec. 102.** AS 25.27.190(c) is amended to read:

10 (c) If a hearing is granted, the agency shall serve a notice of hearing together
11 with a copy of any [THE] petition and affidavits submitted on the obligee or the
12 obligee's custodian and the obligor personally or by registered, certified, or insured
13 mail, return receipt requested, for restricted delivery only to the person to whom the
14 notice is directed or to the person authorized under federal regulation to receive that
15 person's restricted delivery mail.

16 * **Sec. 103.** AS 25.27 is amended by adding a new section to read:

17 **Sec. 25.27.193. Periodic review or adjustment of support orders.** As
18 necessary to comply with 42 U.S.C. 666, the agency, by regulation, shall provide
19 procedures and standards for the modification, through periodic review or adjustment,
20 of a support order. Regulations adopted under this section must include procedures
21 for periodic notice of the right to request review, procedures for hearings, and
22 standards for adjustments regarding future periodic support payments. A modification
23 under this section may be made without a showing of a material change in
24 circumstances.

25 * **Sec. 104.** AS 25.27.230(a) is amended to read:

26 (a) At the expiration of 30 days after (1) the date of distribution of an income
27 withholding order under AS 25.27.062; [,] (2) the date of service of a notice and
28 finding of financial responsibility under AS 25.27.160; [,] or (3) the date of service of
29 a decision establishing paternity under AS 25.27.165 [AS 25.27.165(c) OR (d)], the
30 agency may assert a lien upon the real or personal property of the obligor [,] in the
31 amount of the obligor's liability.

1 * **Sec. 105.** AS 25.27.240(a) is amended to read:

2 (a) The agency **of this state or another state** may, at any time after recording
3 of a lien recorded under AS 25.27.230, serve a copy of the lien upon any person,
4 political subdivision, or department of the state possessing earnings, or deposits or
5 balances held in any bank account of any nature that are due, owing, or belonging to
6 the obligor.

7 * **Sec. 106.** AS 25.27.244(a) is amended to read:

8 (a) The agency shall compile and maintain a list of obligors who are not in
9 substantial compliance with a support order or payment schedule negotiated under
10 (g)(1) of this section **and of other persons who, after receiving appropriate notice,**
11 **have failed to comply with a subpoena or warrant relating to paternity or a child**
12 **support proceeding.** The agency may not include an obligor on the list unless the
13 agency has sent to the obligor, at the obligor's most recent address on file with the
14 agency, written notice of the arrearages at least 60 days before placement on the list.
15 The list must include the names, social security numbers, dates of birth, and last
16 known addresses of the **persons** [OBLIGORS]. The list shall be updated by the
17 agency on a monthly basis.

18 * **Sec. 107.** AS 25.27.244(c) is amended to read:

19 (c) Promptly after receiving an application from an applicant and before
20 issuing or renewing a license, a licensing entity, **other than one issuing commercial**
21 **crewmember fishing licenses,** shall determine whether the applicant is on the most
22 recent list provided by the agency. If the applicant is on the list, the licensing entity
23 shall immediately serve notice under (e) of this section of the licensing entity's intent
24 to withhold issuance or renewal of the license. The notice shall be considered given
25 when delivered personally to the applicant or deposited in the United States mail
26 addressed to the applicant's last known mailing address on file with the licensing
27 entity.

28 * **Sec. 108.** AS 25.27.244(d) is amended to read:

29 (d) **Other than for a commercial crewmember fishing license, a** [A]
30 licensing entity shall issue a temporary license valid for a period of 150 days to an
31 applicant whose name is on the list if the applicant is otherwise eligible for a license.

1 The temporary license may not be extended. Only one temporary license may be
2 issued during a regular license term and its validity shall coincide with the first 150
3 days of that license term. A license for the full or remainder of the license term may
4 be issued or renewed only upon compliance with this section. If a license or
5 application is denied under this section, money paid by the applicant or licensee shall
6 be refunded by the licensing entity after retention of the temporary license fee, if any.

7 * **Sec. 109.** AS 25.27.244(e) is amended to read:

8 (e) Notices for use under (c) and (s) of this section shall be developed by each
9 licensing entity under guidelines provided by the agency and are subject to approval
10 by the agency. The notice must include the address and telephone number of the
11 agency and shall emphasize the necessity of obtaining a release from the agency as a
12 condition for the issuance or renewal of a license. The notice must inform an
13 applicant whose license is governed by (d) of this section that the licensing entity shall
14 issue a temporary license for 150 calendar days under (d) of this section if the
15 applicant is otherwise eligible and that, upon expiration of that time period, the license
16 will be denied unless the licensing entity has received a release from the agency. The
17 agency shall also develop a form that the applicant may use to request a review by the
18 agency. A copy of this form shall be included with each notice sent under (c) or (s)
19 of this section.

20 * **Sec. 110.** AS 25.27.244(g) is amended to read:

21 (g) If the applicant wishes to challenge being included on the list, the applicant
22 shall submit to the agency a written request for review within 30 days after receiving
23 the notice under (c) or (s) of this section by using the form developed under (e) of this
24 section. Within 30 days after receiving a written request for review, the agency shall
25 inform the applicant in writing of the agency's findings. The agency shall immediately
26 send a release to the appropriate licensing entity and the applicant if any of the
27 following conditions is met:

28 (1) the applicant is found to have complied with all subpoenas and
29 warrants described in (a) of this section, if applicable, and is found to be in
30 substantial compliance with each support order applicable to the applicant or has
31 negotiated an agreement with the agency for a payment schedule on arrearages and is

1 in substantial compliance with the negotiated agreement; if the applicant fails to be in
 2 substantial compliance with an agreement negotiated under this paragraph, the agency
 3 shall send to the appropriate licensing entity a revocation of any release previously sent
 4 to the entity for that applicant;

5 (2) the applicant has submitted a timely request for review to the
 6 agency, but the agency will be unable to complete the review and send notice of
 7 findings to the applicant in sufficient time for the applicant to file a timely request for
 8 judicial relief within the 150-day period during which the applicant's temporary license
 9 is valid under (d) of this section; this paragraph applies only if the delay in completing
 10 the review process is not the result of the applicant's failure to act in a reasonable,
 11 timely, and diligent manner upon receiving notice from the licensing entity that the
 12 applicant's name is on the list;

13 (3) the applicant has, within 30 days after receiving the agency's
 14 findings following a request for review under (2) of this subsection, filed and served
 15 a request for judicial relief under this section, but a resolution of that relief will not
 16 be made within the 150-day period of the temporary license under (d) of this section;
 17 this paragraph applies only if the delay in completing the judicial relief process is not
 18 the result of the applicant's failure to act in a reasonable, timely, and diligent manner
 19 upon receiving the agency's notice of findings; or

20 (4) the applicant has obtained a judicial finding of substantial
 21 compliance.

22 * **Sec. 111.** AS 25.27.244(i) is amended to read:

23 (i) Except as otherwise provided in this section, the agency may not issue a
 24 release if the applicant is not in substantial compliance with the order for support or
 25 [IS NOT IN SUBSTANTIAL COMPLIANCE] with an agreement negotiated under
 26 (g)(1) of this section, or is not in compliance with a subpoena or warrant described
 27 in (a) of this section. The agency shall notify the applicant in writing that the
 28 applicant may request any or all of the following: (1) judicial relief from the agency's
 29 decision not to issue a release or the agency's decision to revoke a release under (g)(1)
 30 of this section; (2) a judicial determination of substantial compliance; (3) a
 31 modification of the support order. The notice must also contain the name and address

1 of the court in which the applicant may file the request for relief and inform the
 2 applicant that the applicant's name shall remain on the list if the applicant does not
 3 request judicial relief within 30 days after receiving the notice. The applicant shall
 4 comply with all statutes and rules of court implementing this section. This section
 5 does not limit an applicant's authority under other law to request an order to show
 6 cause or notice of motion to modify a support order or to fix a payment schedule on
 7 arrearages accruing under a support order or to obtain a court finding of substantial
 8 compliance with a support order **or a court finding of compliance with subpoenas**
 9 **and warrants described in (a) of this section.**

10 * Sec. 112. AS 25.27.244(j) is amended to read:

11 (j) A request for judicial relief from the agency's decision must state the
 12 grounds on which relief is requested, and the judicial action shall be limited to those
 13 stated grounds. Judicial relief under this subsection is not an appeal [,] and shall be
 14 governed by court rules adopted to implement this section. Unless otherwise provided
 15 by court rule, the court shall hold an evidentiary hearing within 20 calendar days after
 16 the filing of service on the opposing party. The court's decision shall be limited to a
 17 determination of each of the following issues, **as applicable:**

18 (1) whether there is a support order or a payment schedule on
 19 arrearages;

20 (2) whether the petitioner is the obligor covered by the support order;

21 [AND]

22 (3) whether the obligor is in substantial compliance with the support
 23 order or payment schedule; **and**

24 **(4) whether the person requesting relief complied with all**
 25 **subpoenas and warrants relating to paternity or a child support proceeding.**

26 * Sec. 113. AS 25.27.244(k) is amended to read:

27 (k) If the court finds that the **person requesting relief** [OBLIGOR] is in
 28 substantial compliance with the support order or payment schedule, **and is in**
 29 **compliance with all subpoenas and warrants described in (a) of this section,** the
 30 agency shall immediately send a release under (g) of this section to the appropriate
 31 licensing entity and the applicant.

1 * **Sec. 114.** AS 25.27.244(l) is amended to read:

2 (l) **If an applicant** [WHEN THE OBLIGOR] is in substantial compliance with
 3 a support order or payment schedule, **and is in compliance with subpoenas and**
 4 **warrants described in (a) of this section**, the agency shall mail to the applicant and
 5 the appropriate licensing entity a release stating that the applicant is in substantial
 6 compliance **or is in compliance with the subpoenas and warrants, as applicable**.
 7 The receipt of a release shall serve to notify the applicant and the licensing entity that,
 8 for the purposes of this section, the applicant is in substantial compliance with the
 9 support order or payment schedule, **or is in compliance with the subpoenas and**
 10 **warrants**, unless the agency, under (a) of this section, certifies subsequent to the
 11 issuance of a release that the applicant is once again not in substantial compliance with
 12 a support order or payment schedule, **or is not in compliance with a subpoena or**
 13 **warrant**.

14 * **Sec. 115.** AS 25.27.244(q)(2) is amended to read:

15 (2) "license"

16 (A) means, except as provided in (B) of this paragraph, a
 17 license, certificate, permit, registration, or other authorization that, at the time
 18 of issuance, will be valid for more than 150 days and that may be acquired
 19 from a state agency to perform an occupation, including the following:

20 (i) license relating to boxing or wrestling under

21 AS 05.10;

22 (ii) authorization to perform an occupation regulated

23 under AS 08;

24 (iii) teacher certificate under AS 14.20;

25 (iv) authorization under AS 18.08 to perform emergency
 26 medical services;

27 (v) asbestos worker certification under AS 18.31;

28 (vi) boiler operator's license under AS 18.60.395;

29 (vii) certificate of fitness under AS 18.62;

30 (viii) hazardous painting certification under AS 18.63;

31 (ix) security guard license under AS 18.65.400 -

- 1 18.65.490;
- 2 (x) license relating to insurance under AS 21.27;
- 3 (xi) employment agency permit under AS 23.15.330 -
- 4 23.15.520;
- 5 (xii) registration as a broker-dealer, agent, or investment
- 6 adviser under AS 45.55.030;
- 7 (xiii) certification as a pesticide applicator under
- 8 AS 46.03.320;
- 9 (xiv) certification as a storage tank worker or contractor
- 10 under AS 46.03.375; [AND]
- 11 (xv) certification as a water and wastewater works
- 12 operator under AS 46.30; and
- 13 (xvi) commercial crewmember fishing license under
- 14 AS 16.05.480 other than an entry permit or interim-use permit
- 15 under AS 16.43;
- 16 (B) does not include
- 17 (i) [A COMMERCIAL FISHING LICENSE UNDER
- 18 AS 16.05.480, INCLUDING A CREWMEMBER FISHING LICENSE;
- 19 (ii)] a vessel license issued under AS 16.05.490 or
- 20 16.05.530;
- 21 (ii) [(iii)] a license issued under AS 47.35;
- 22 (iii) [(iv)] a business license issued under AS 43.70;
- 23 (iv) [(v)] an entry permit or interim-use permit issued
- 24 under AS 16.43; or
- 25 (v) [(vi)] a driver's license issued under AS 28.15;

26 * Sec. 116. AS 25.27.244(q)(5) is amended to read:

27 (5) "list" means the list of obligors and other persons compiled and

28 maintained under (a) of this section;

29 * Sec. 117. AS 25.27.244(q)(6) is amended to read:

30 (6) "substantial compliance" regarding [WITH] a support order or

31 payment schedule ["] means that, with respect to a support order or a negotiated

1 payment schedule under (g) of this section, whichever is applicable, the obligor
2 [EITHER] has

3 (A) no arrearage;

4 (B) [OR HAS] an arrearage in an amount that is not more than
5 four times the monthly obligation under the support order or payment schedule;
6 or

7 (C) been determined by a court to be making the best
8 efforts possible under the obligor's circumstances to have no arrearages
9 under any support order or negotiated payment schedule relating to child
10 support.

11 * **Sec. 118.** AS 25.27.244 is amended by adding new subsections to read:

12 (r) Notwithstanding any provision of AS 16, a commercial crewmember fishing
13 license described in (q)(2)(A)(xvi) of this section issued to an individual whose name
14 is on the list is void and invalid, and the individual is subject to criminal sanctions for
15 conducting the activities for which such a license is required. The licensing entity for
16 commercial crewmember fishing licenses shall print a notice on commercial
17 crewmember fishing license forms stating the provisions of this subsection.

18 (s) After receiving information, including information from a licensing agent
19 appointed under AS 16.05.380, that a commercial crewmember fishing license has been
20 issued to an applicant, the licensing entity for the license shall promptly determine
21 whether the applicant was, at the time the applicant obtained the license, on the most
22 recent list provided by the agency under (b) of this section. If the applicant was on
23 that list, the licensing entity shall immediately serve notice under (e) of this section
24 that the license is void and invalid and that, notwithstanding the limitation of (d) of
25 this section, the applicant can request the licensing entity to issue a temporary license
26 under this section. A notice under this subsection is considered given when delivered
27 personally to the applicant or deposited in the United States mail addressed to the
28 applicant's last known mailing address on file with the licensing entity.

29 * **Sec. 119.** AS 25.27.246(a) is amended to read:

30 (a) The agency shall compile and maintain a list of obligors who have a
31 driver's license and are not in substantial compliance with a support order or payment

1 schedule negotiated under (f)(1) of this section and of other persons who, after
2 receiving appropriate notice, have failed to comply with a subpoena or warrant
3 relating to paternity or a child support proceeding. The agency may not include
4 an obligor on the list unless the agency has sent to the obligor, at the obligor's most
5 recent address on file with the agency, written notice of the arrearages at least 60 days
6 before placement on the list. The list must include the names, social security numbers,
7 dates of birth, and last known addresses of the persons [OBLIGORS]. The list shall
8 be updated by the agency on a monthly basis.

9 * **Sec. 120.** AS 25.27.246(b) is amended to read:

10 (b) The agency shall serve notice under (d) of this section to each person on
11 the list that the person's driver's license will be suspended in 150 days, and will not
12 be reissued or renewed the next time it is applied for if the person's name is on the
13 list at the time of the subsequent application, unless the licensee receives a release
14 from the agency. The notice shall be considered given when delivered personally to
15 the person [OBLIGOR] or deposited in the United States mail addressed to the
16 person's [OBLIGOR'S] last known mailing address on file with the agency.

17 * **Sec. 121.** AS 25.27.246(f) is amended to read:

18 (f) If a licensee wishes to challenge being included on the list, the licensee
19 shall submit to the agency a written request for review within 30 days after the notice
20 under (b) of this section was personally delivered or postmarked by using the form
21 developed under (d) of this section. Within 30 days after receiving a written request
22 for review, the agency shall inform the licensee in writing of the agency's findings.
23 The agency shall immediately send a release to the department and the licensee if any
24 of the following conditions is met:

25 (1) the licensee is found by the agency to have complied with all
26 subpoenas and warrants described in (a) of this section and is found to be in
27 substantial compliance with each support order applicable to the licensee or has
28 negotiated an agreement with the agency for a payment schedule on arrearages and is
29 in substantial compliance with the negotiated agreement; if the licensee fails to be in
30 substantial compliance with an agreement negotiated under this paragraph, the agency
31 shall send to the department a revocation of any release previously sent to the entity

1 for that licensee;

2 (2) the licensee has submitted a timely request for review to the
3 agency, but the agency will be unable to complete the review and send notice of
4 findings to the licensee in sufficient time for the licensee to file a timely request for
5 judicial relief within the 150-day period before the licensee's license will be suspended
6 under (c) of this section; this paragraph applies only if the delay in completing the
7 review process is not the result of the licensee's failure to act in a reasonable, timely,
8 and diligent manner upon receiving notice from the agency that the licensee's driver's
9 license will be suspended in 150 days;

10 (3) the licensee has, within 30 days after receiving the agency's
11 findings following a request for review under (2) of this subsection, filed and served
12 a request for judicial relief under this section, but a resolution of that relief will not
13 be made within the 150-day period before license suspension under (c) of this section;
14 this paragraph applies only if the delay in completing the judicial relief process is not
15 the result of the licensee's failure to act in a reasonable, timely, and diligent manner
16 upon receiving the agency's notice of findings; or

17 (4) the licensee has obtained a judicial finding of substantial
18 compliance.

19 * Sec. 122. AS 25.27.246(h) is amended to read:

20 (h) Except as otherwise provided in this section, the agency may not issue a
21 release if the licensee [APPLICANT] is not in substantial compliance with the order
22 for support or [IS NOT IN SUBSTANTIAL COMPLIANCE] with an agreement
23 negotiated under (f)(1) of this section, or is not in compliance with a subpoena or
24 warrant described in (a) of this section. The agency shall notify the licensee in
25 writing that the licensee may request any or all of the following: (1) judicial relief
26 from the agency's decision not to issue a release or the agency's decision to revoke
27 a release under (f)(1) of this section; (2) a judicial determination of substantial
28 compliance; (3) a modification of the support order. The notice must also contain the
29 name and address of the court in which the licensee may file the request for relief and
30 inform the licensee that the licensee's name shall remain on the list if the licensee does
31 not request judicial relief within 30 days after receiving the notice. The licensee shall

1 comply with all statutes and rules of court implementing this section. This section
 2 does not limit a licensee's authority under other law to request an order to show cause
 3 or notice of motion to modify a support order or to fix a payment schedule on
 4 arrearages accruing under a support order or to obtain a court finding of substantial
 5 compliance with a support order or a court finding of compliance with subpoenas
 6 and warrants described in (a) of this section.

7 * Sec. 123. AS 25.27.246(i) is amended to read:

8 (i) A request for judicial relief from the agency's decision must state the
 9 grounds on which relief is requested, and the judicial action shall be limited to those
 10 stated grounds. Judicial relief under this subsection is not an appeal and shall be
 11 governed by court rules adopted to implement this section. Unless otherwise provided
 12 by court rule, the court shall hold an evidentiary hearing within 20 calendar days after
 13 the filing of service on the opposing party. The court's decision shall be limited to a
 14 determination of each of the following issues, as applicable:

15 (1) whether there is a support order or a payment schedule on
 16 arrearages;

17 (2) whether the petitioner is the obligor covered by the support order;

18 [AND]

19 (3) whether the obligor is in substantial compliance with the support
 20 order or payment schedule; and

21 (4) whether the person requesting relief complied with all
 22 subpoenas and warrants relating to paternity or a child support proceeding.

23 * Sec. 124. AS 25.27.246(j) is amended to read:

24 (j) If the court finds that the person requesting relief [OBLIGOR] is in
 25 substantial compliance with the support order or payment schedule, or is in
 26 compliance with subpoenas and warrants described in (a) of this section, the
 27 agency shall immediately send a release under (f) of this section to the department and
 28 the licensee.

29 * Sec. 125. AS 25.27.246(k) is amended to read:

30 (k) If a licensee [WHEN THE OBLIGOR] is in substantial compliance with
 31 a support order or payment schedule, and is in compliance with all subpoenas and

1 warrants described in (a) of this section, the agency shall mail to the licensee
 2 [APPLICANT] and the department a release stating that the licensee is in substantial
 3 compliance or is in compliance with the subpoenas and warrants, as applicable.

4 The receipt of a release shall serve to notify the licensee and the department that, for
 5 the purposes of this section, the licensee [APPLICANT] is in substantial compliance
 6 with the support order or payment schedule, or is in compliance with the subpoenas
 7 and warrants, unless the agency, under (a) of this section, certifies subsequent to the
 8 issuance of a release that the licensee is once again not in substantial compliance with
 9 a support order or payment schedule, or is not in compliance with a subpoena or
 10 warrant.

11 * **Sec. 126.** AS 25.27.246(n)(4) is amended to read:

12 (4) "list" means the list of obligors and other persons compiled and
 13 maintained under (a) of this section;

14 * **Sec. 127.** AS 25.27.246(n)(5) is amended to read:

15 (5) "substantial compliance" regarding [WITH] a support order or
 16 payment schedule ["] means that, with respect to a support order or a negotiated
 17 payment schedule under (f) of this section, whichever is applicable, the obligor either
 18 has no arrearage or has an arrearage in an amount that is not more than four times the
 19 monthly obligation under the support order or payment schedule.

20 * **Sec. 128.** AS 25.27.250(a) is amended to read:

21 (a) At the expiration of (1) [15 DAYS AFTER THE DATE OF SERVICE OF
 22 AN INCOME WITHHOLDING ORDER UNDER AS 25.27.062 OR NOTICE UNDER
 23 AS 25.27.150, OR (2)] 30 days after the date of service of a notice and finding of
 24 financial responsibility under AS 25.27.160; [,] or (2) [(3)] 30 days after service of a
 25 decision establishing paternity under AS 25.27.165 [AS 25.27.165(c) OR (d)], the
 26 agency may issue to any person, political subdivision, or department of the state an
 27 order to withhold and deliver property without prior notice to the obligor.

28 * **Sec. 129.** AS 25.27.250(d) is amended to read:

29 (d) The order to withhold and deliver shall be served upon the person, political
 30 subdivision, or department of the state possessing the property electronically or in the
 31 manner provided for service of liens under AS 25.27.240. The order must state the

1 amount of the obligor's liability and must state in summary the terms of AS 25.27.260
2 and 25.27.270.

3 * **Sec. 130.** AS 25.27.250(f) is amended to read:

4 (f) If a person, political subdivision, or department of the state upon whom
5 service of an order to withhold and deliver has been made possesses property due,
6 owing, or belonging to the obligor, that person, subdivision, or department shall
7 withhold the property immediately upon receipt of the order and shall deliver the
8 property to the agency (1) if the property is earnings of an employee who is subject
9 to a child support order being enforced by the agency, within seven business days
10 after the amount would, but for this section, have been paid or credited to the
11 employee; or (2) in the case of all other property, within 14 business days after
12 [THE EXPIRATION OF THE 14-DAY PERIOD FROM] the date of service of the
13 order [OR EXPIRATION OF THE PERIOD SPECIFIED IN AS 25.27.062(e),
14 WHICHEVER IS EARLIER]. The agency shall hold property delivered under this
15 subsection in trust for application against the liability of the obligor under
16 AS 25.27.062, 25.27.120, or 25.27.160 or for return, without interest, depending on
17 final determination of liability or nonliability under this chapter. The agency may
18 accept a good and sufficient bond to secure payment of past, present, and future
19 support conditioned upon final determination of liability in lieu of requiring delivery
20 of property under this subsection.

21 * **Sec. 131.** AS 25.27.265(b) is repealed and reenacted to read:

22 (b) Each party to a paternity or child support proceeding shall file with the
23 tribunal and inform the agency of the party's name, location, social security number,
24 residential and mailing addresses, telephone number, and driver's license number, as
25 well as the name, address, and telephone number of any employer of the party. If a
26 change in this information occurs, the party shall immediately notify the tribunal and
27 the agency and provide updated information.

28 * **Sec. 132.** AS 25.27.265 is amended by adding a new subsection to read:

29 (c) Notwithstanding (a) of this section, if a tribunal finds that the agency has
30 made diligent efforts to give or serve a notice, paper, or other document required by
31 this chapter, the tribunal may order that service in any subsequent child support

1 enforcement effort by the agency may be given upon the party by sending the
2 document by first class mail to the party's most recent mailing address on file with the
3 agency.

4 * **Sec. 133.** AS 25.27.273(a) is amended to read:

5 (a) The agency may provide to credit bureaus or lending institutions of any
6 kind information about delinquent support owed by obligors. The information
7 provided must consist solely of the payment history of the obligor [FOR A PERIOD
8 NOT TO EXCEED 10 YEARS BEFORE THE DATE THE INFORMATION IS
9 PROVIDED].

10 * **Sec. 134.** AS 25.27.275 is repealed and reenacted to read:

11 **Sec. 25.27.275. Nondisclosure of information in exceptional circumstances.**

12 Upon a finding, which may be made ex parte, that the health, safety, or liberty of a
13 party or child would be unreasonably put at risk by the disclosure of identifying
14 information, or if an existing order so provides, a tribunal shall order that the address
15 of the party or child or other identifying information not be disclosed in a pleading or
16 other document filed in a proceeding under this chapter. A person aggrieved by an
17 order of nondisclosure issued under this section that is based on an ex parte finding
18 is entitled on request to a formal hearing, within 30 days of when the order was issued,
19 at which the person may contest the order.

20 * **Sec. 135.** AS 25.27 is amended by adding a new section to read:

21 **Sec. 25.27.279. Voiding of fraudulent transfers made to avoid payment of**
22 **child support.** In addition to the rights provided in AS 09.25.060, if a transfer of
23 personal or real property is made by an obligor without immediate delivery and the
24 actual continuing change of possession of the property transferred, the transfer of the
25 property is presumed prima facie to be fraud against creditors for child support of the
26 obligor who transferred the property and subsequent purchasers in good faith and for
27 valuable consideration during the time the property remains in the possession of the
28 obligor who made the transfer, except that retention of possession in good faith and
29 current course of trade by a merchant seller for a commercially reasonable time after
30 the sale or identification is not fraudulent. Nothing contained in this section
31 supersedes the provisions of AS 45.01 - AS 45.09, AS 45.12, and AS 45.14 (Uniform

1 Commercial Code).

2 * Sec. 136. AS 25.27.900(3) is amended to read:

3 (3) "duty of support" includes a duty of support imposed or imposable
4 by law, by a court order, decree, or judgment, or by a finding or decision rendered
5 under this chapter whether interlocutory or final, whether incidental to a proceeding
6 for divorce, legal separation, separate maintenance, or otherwise, and includes the duty
7 to pay arrearages of support past due and unpaid together with penalties and interest
8 on arrearages imposed under AS 25.27.020(a)(2)(B) [AS 25.27.020(a)(2)(C)];

9 * Sec. 137. AS 25.27.900(4) is repealed and reenacted to read:

10 (4) "earnings" includes income from any form of periodic payment due
11 to an individual, regardless of source; the gain derived from the investment of capital,
12 from labor, or from a combination of investment and labor; and the interest on any of
13 this income; in this paragraph, "periodic payment" includes wages, salaries,
14 commissions, bonuses, workers' compensation, disability benefits, and payments under
15 a pension or retirement program;

16 * Sec. 138. AS 25.27.900(7) is repealed and reenacted to read:

17 (7) "support order" means any judgment, decree, or order that is issued
18 by a tribunal for the support and maintenance of a child or of a child and a parent with
19 whom the child is living; "support order" includes a judgment, decree, or order

20 (A) on behalf of a child who has reached the age of majority
21 if the judgment, decree, or order was lawfully issued; and

22 (B) for

23 (i) monetary support, including arrearages;

24 (ii) payment of health care costs or maintenance of
25 health insurance;

26 (iii) reimbursement of related costs;

27 (iv) payment of attorney fees and legal costs and other
28 fees; and

29 (v) penalty, interest, and other relief as required by a
30 tribunal.

31 * Sec. 139. AS 25.27.900 is amended by adding new paragraphs to read:

1 (8) "business day" means a day on which state government offices are
2 open for regular business;

3 (9) "employer" means an individual or entity within the meaning given
4 that term in 26 U.S.C. 3401(d); "employer" includes a governmental entity or a labor
5 organization;

6 (10) "tribunal" means a court, administrative agency, or quasi-judicial
7 entity authorized to establish, enforce, or modify support orders or to determine
8 parentage.

9 * **Sec. 140.** AS 28.05.061 is amended by adding a new subsection to read:

10 (d) If a copy of a motor vehicle record prepared or maintained by the
11 Department of Administration is requested by the child support enforcement agency
12 created in AS 25.27.010, or the child support enforcement agency of another state, the
13 department shall provide the requesting agency with a certified copy of the record. If
14 information is prepared or maintained by the department in an electronic data base, the
15 department may give the requesting agency a copy of the electronic record and a
16 statement certifying its contents. The agency receiving information under this
17 subsection may use the information only for child support purposes authorized under
18 law.

19 * **Sec. 141.** AS 29.45.103 is amended by adding a new subsection to read:

20 (c) Upon request, a record described in (a) or (b) of this section shall promptly
21 be made available to the child support enforcement agency created in AS 25.27.010
22 or the child support enforcement agency of another state. If the record is prepared or
23 maintained in an electronic data base, it may be supplied by providing the requesting
24 agency with a copy of the electronic records and a statement certifying its contents.
25 The agency receiving information under this subsection may use the information only
26 for child support purposes authorized under law.

27 * **Sec. 142.** AS 33.30 is amended by adding a new section to read:

28 **Sec. 33.30.216. Copies of records for child support purposes.** If a copy of
29 a record prepared or maintained by or on behalf of the commissioner for a person in
30 the custody of the commissioner is requested by the child support enforcement agency
31 created in AS 25.27.010, or the child support enforcement agency of another state, the

1 official custodian of the record shall provide the requesting agency with a certified
2 copy of the record. If the record is prepared or maintained in an electronic data base,
3 the official custodian of the record may provide the requesting agency with a copy of
4 the electronic record and a statement certifying its contents. The agency receiving
5 information under this section may use the information only for child support purposes
6 authorized under law.

7 * **Sec. 143.** AS 39.25.080 is amended by adding a new subsection to read:

8 (e) In addition to any access to state personnel records authorized under (b)
9 of this section, state personnel records shall promptly be made available to the child
10 support enforcement agency created in AS 25.27.010 or the child support enforcement
11 agency of another state. If the record is prepared or maintained in an electronic data
12 base, it may be supplied by providing the requesting agency with access to the data
13 base or a copy of the information in the data base and a statement certifying its
14 contents. The agency receiving information under this subsection may use the
15 information only for child support purposes authorized under law.

16 * **Sec. 144.** AS 43.23.055 is amended by adding a new paragraph to read:

17 (9) provide any information, upon request, contained in permanent fund
18 dividend records to the child support enforcement agency created in AS 25.27.010, or
19 the child support enforcement agency of another state, for child support purposes
20 authorized under law; if the information is contained in an electronic data base, the
21 department shall provide the requesting agency with either

22 (A) access to the data base; or

23 (B) a copy of the information in the data base and a statement
24 certifying its contents.

25 * **Sec. 145.** AS 47.05.020, as amended by sec. 33, ch. 107, SLA 1996, is amended by
26 adding a new subsection to read:

27 (b) In addition to any access to public assistance records authorized under (a)
28 of this section, the department shall provide a copy of a public assistance record
29 prepared or maintained by or on behalf of the department to the child support
30 enforcement agency created in AS 25.27.010, or the child support enforcement agency
31 of another state, upon the request of the respective agency. If the record is in an

1 electronic data base, the department shall provide the requesting agency with either
 2 access to the data base, or a copy of the information in the data base and a statement
 3 certifying its contents. The agency receiving the information under this subsection
 4 may use the information only for child support purposes authorized under law.

5 * **Sec. 146.** AS 47.05.030, as amended by secs. 34 and 35, ch. 107, SLA 1996, is amended
 6 by adding a new subsection to read:

7 (c) It is not a violation of (a) of this section for the department or an employee
 8 of the department to disclose information to the child support enforcement agency
 9 created in AS 25.27.010, or the child support enforcement agency of another state, if
 10 the receiving agency requests the information only for purposes authorized under
 11 AS 47.05.020.

12 * **Sec. 147.** AS 47.27.040(b), as enacted by sec. 7, ch. 107, SLA 1996, is amended to read:

13 (b) An Alaska temporary assistance program participant shall cooperate with
 14 the child support enforcement agency of the Department of Revenue in establishing
 15 paternity or establishing, modifying, or enforcing a child support order requiring the
 16 payment of support by the noncustodial parent for a dependent child for whom Alaska
 17 temporary assistance program assistance is received. **The child support enforcement**
 18 **agency shall determine whether the participant is in good faith compliance with**
 19 **the requirements of this subsection and shall inform the Department of Health**
 20 **and Social Services of its determination. The Department of Health and Social**
 21 **Services shall establish whether** [UNLESS] the participant **has** [ESTABLISHES]
 22 good cause for refusing to cooperate.

23 * **Sec. 148.** (a) AS 18.50.165(c); AS 25.25.611(e); AS 25.27.100(b), and 25.27.250(h) are
 24 repealed.

25 (b) Section 45, ch. 107, SLA 1996, and sec. 62, ch. 107, SLA 1996, are repealed.

26 (c) The amendments made by other sections of this Act are repealed July 1, 1999.
 27 Each statute amended by this Act is repealed and reenacted on July 1, 1999, to read as it
 28 existed on the day before the amendment to the law under this Act took effect.
 29 Notwithstanding AS 01.10.100(c), a statute repealed under (a) of this section is revived and
 30 reenacted on July 1, 1999, to read as it existed on the day before the effective date of (a) of
 31 this section. A court rule that was amended by a statute repealed or reenacted by this Act is

1 further amended on July 1, 1999, to delete the change that had been made by other sections
2 of this Act.

3 * **Sec. 149.** The provisions of AS 25.20.050(e), as amended by sec. 38 of this Act, and
4 AS 25.20.050(i), added by sec. 41 of this Act, have the effect of amending Rule 35, Alaska
5 Rules of Civil Procedure, by requiring the court to order genetic testing in contested paternity
6 actions in certain circumstances and preventing the court from ordering such testing if good
7 cause is shown.

8 * **Sec. 150.** The provisions of AS 25.20.050(k), added by sec. 41 of this Act, have the
9 effect of amending Rule 90.3, Alaska Rules of Civil Procedure, by requiring the court in a
10 paternity action to issue a temporary child support order upon a showing by clear and
11 convincing evidence of paternity.

12 * **Sec. 151.** The provisions of AS 25.20.050(n), AS 25.24.160(d), AS 25.24.210(e)(12), and
13 AS 25.24.230(i), added by secs. 41, 43, 45, and 46, respectively, of this Act have the effect
14 of amending Rules 52, 58, 78, and 90.1, Alaska Rules of Civil Procedure, by requiring the
15 court to include social security numbers, if ascertainable, of parties and children in certain
16 petitions, pleadings, or judgments.

17 * **Sec. 152.** The provisions of AS 25.24.170(b), as amended by sec. 44 of this Act, have
18 the effect of amending Rule 90.3(h)(1), Alaska Rules of Civil Procedure, by changing the
19 standard for certain modifications of a support order.

20 * **Sec. 153.** The provisions of AS 25.27.265(c), added by sec. 132 of this Act, have the
21 effect of amending Rules 4 and 5, Alaska Rules of Civil Procedure, by allowing service at the
22 opposing party's last known address on file with the child support enforcement agency in
23 certain circumstances.

24 * **Sec. 154.** The provisions of AS 25.20.050(j), added by sec. 41 of this Act, have the
25 effect of amending Rule 901 Alaska Rules of Evidence, by limiting the discretion of the court
26 to exclude documentary evidence of specified costs in a paternity action.

27 * **Sec. 155.** The provisions of AS 08.08.137, as amended by sec. 9 of this Act, have the
28 effect of amending Rules 3 and 5, Alaska Bar Association Rules, by requiring applicants for
29 admission to the practice of law in the state to submit social security numbers for child
30 support purposes.

31 * **Sec. 156.** TRANSITION: REGULATIONS. Notwithstanding secs. 158 - 161 of this

1 Act, the child support enforcement agency and any state department or agency that is affected
2 by this Act and that has regulation adoption authority may proceed to adopt regulations
3 necessary to implement the changes made by this Act. The regulations take effect under
4 AS 44.62 (Administrative Procedure Act), but not before the effective date of the respective
5 section of this Act that the regulations are implementing.

6 * **Sec. 157.** Section 156 of this Act takes effect immediately under AS 01.10.070(c).

7 * **Sec. 158.** Except as provided in secs. 157 and 159 - 161 of this Act, this Act takes effect
8 July 1, 1997.

9 * **Sec. 159.** Section 147 of this Act takes effect July 1, 1997, or on the effective date of
10 AS 47.27.040, whichever is later.

11 * **Sec. 160.** Sections 107 - 109, 115, and 118 of this Act take effect January 1, 1998.

12 * **Sec. 161.** The amendment to AS 25.27.244(g) that adds a reference to the notice under
13 "(s) of this section," enacted by sec. 110 of this Act, takes effect January 1, 1998.

HB

333

Sponsor Statement by Alaska Department of Fish and Game
on House Bill 333
March 27, 2000

During the 1997 legislative session, HB 198, sponsored by Representative Bill Williams, was enacted into law by the legislature. House Bill 198 allows dive fishermen to form regional dive fishery associations. Once an association is formed and certified by the Department of Fish and Game, HB 198 allows it to conduct an election to determine whether divers harvesting in the region represented by the association wish to pay an assessment on the product they harvest. This assessment, which would be in addition to the other taxes divers pay, was to be used to fund additional research and stock assessment for the purpose of expanding the dive fisheries in the region. A portion of the assessment may also be used to offset administrative costs for the regional dive fishery association.

Since passage of HB 198, one dive association has formed, the Southeast Alaska Regional Dive Fishery Association (SARDFA). An election was conducted by SARDFA in 1999 and the divers approved assessments on geoducks, sea urchins, and sea cucumbers. These assessments are now being deposited in the state treasury. SARDFA and the department are discussing projects that would be funded by the assessments and SARDFA has approached the department about the funding for their administrative costs. Funds for all these are included in the department's FY 2001 budget requested by Governor Knowles.

It is anticipated that the legislature will appropriate the dive fishery assessments being collected in the FY 2001 budget. However, the assessments are currently classified as general funds. Since the legislature is indicating it plans to reduce general funds rather than increase them, it is likely any appropriation of dive fishery assessments will come at the cost of an equivalent reduction in other general funds available to the department.

This was not the intent of the proponents of HB 198, nor is it necessary. House Bill 333 appropriately reclassifies these funds as non-general fund program receipts, since they are recurring revenues generated by the fishing industry. Industry has clearly indicated they desire to have a higher level of government services in the form of enhanced fishery management and research and have shown they are willing to pay for it. House Bill 333 is necessary to fulfill the purpose of HB 198.

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

P.O. BOX 25526
JUNEAU, ALASKA 99802-5526
PHONE: (907) 465-4100
FACSIMILE: (907) 465-2332

February 8, 2000

Honorable John Harris
Co-Chair
House Special Committee on Fisheries
Capitol Building, Room 110
Juneau, AK 99801

Honorable Carl Morgan
Co-Chair
House Special Committee on Fisheries
Capitol Building, Room 409
Juneau, AK 99801

Dear Representatives Harris and Morgan:

House Bill 333, relating to the accounting for and appropriations of the dive fishery management assessment, was recently introduced and referred to the House Special Committee on Fisheries. I am requesting you schedule a hearing on this bill as soon as possible.

During the 1997 legislative session, the Legislature passed House Bill 198, sponsored by Representative Bill Williams. This bill provided a means for participants in dive fisheries to form associations and approve special assessments on their catches to fund management and research in the dive fisheries. By 1999 one such association had organized, conducted an election, and approved an assessment.

It is anticipated that the legislature will appropriate the assessments being collected during FY 2000 in the FY 2001 budget. However, the assessments are currently classified as general funds. Since the legislature is indicating it plans to reduce general funds rather than increase them, it is likely that any appropriation of the dive fishery assessments will come at the cost of an equivalent reduction in other general funds available to the department.

This was not the intent of the proponents of HB 198, nor is it necessary. House Bill 333 appropriately reclassifies these funds as non-general fund program receipts, since they are recurring revenues generated by the fishing industry. Industry has clearly indicated they desire to have a higher level of government services in the form of enhanced fishery management and research and have shown they are willing to pay for it.


These questions are fundamentally financial ones, and really have little to do with resource or fisheries management issues. This bill has a finance committee referral, and one course of action available to the Fisheries Committee is to waive the bill from its

February 8, 2000

jurisdiction. Whichever course of the action you decide, we request you give this bill your immediate attention.

Thank you very much for your consideration. If you have any questions, please give me a call.

Sincerely,


Frank Rue
Commissioner

cc: Pat Pourchot
Representative Bill Williams
Geron Bruce

Subject: Request hearing of HB 333

Date: Wed, 16 Feb 2000 16:29:59 -0900

From: Gig & Julie Decker <gigjulie@seapac.net>

**To: "Morgan, Carl" <Representative_Carl_Morgan@legis.state.ak.us>,
"Harris, John" <Representative_John_Harris@legis.state.ak.us>**

**CC: "Dyson, Fred" <Representative_Fred_Dyson@legis.state.ak.us>,
"Hudson, Bill" <Representative_Bill_Hudson@legis.state.ak.us>,
"Kapsner, Mary" <Representative_Mary_Kapsner@legis.state.ak.us>,
"Smalley, Harold" <Representative_Harold_Smalley@legis.state.ak.us>,
"Whitaker, Jim" <Representative_Jim_Whitaker@legis.state.ak.us>**

Dear Representatives Morgan and Harris,

I would like to request a hearing of HB 333 as soon as possible.

HB 333 is a non-controversial, technical amendment to the original law signed in 1997 allowing the establishment of regional dive associations with the ability to assess themselves to support the development of their fisheries. HB 333 merely allows the dive assessment to be accounted for separately and appropriated back for the development of the fisheries.

HB 333 is the finishing touch on a progressive law which combines financial and informational resources of industry users and state managers.

SARDFFA, the Southeast Alaska Regional Dive Fisheries Association, is the first regional dive association to be created and begin assessing its members under this law. SARDFFA has been met with great encouragement and success around the State and country by putting forward its contribution towards the development of its industry in the form of time, expertise and money. Below are some of SARDFFA's successes:

- 1) SARDFFA has developed an efficient and well respected working relationship with ADF&G and other state officials.
- 2) SARDFFA has received a \$60,000 grant from the USDA for its administration of the association and the development of the dive industry.
- 3) SARDFFA's Board was instrumental in negotiating and securing \$850,000 of federal funding for research and development of the urchin fishery.
- 4) SARDFFA's Board is currently developing \$1,000,000 of federal funding for the geoduck fishery.

It is SARDFFA's mission to develop and enhance the Southeast Alaska dive fisheries to a sustainable and economically feasible level, resulting in the best utilization of a State resource for the health of the economy and ecology. In order to continue developing the necessary funding in order to fulfill this mission, SARDFFA needs to have assurance that its funding through the dive assessments will be returned by the Legislature in a simple and straight-forward manner.

Please help us secure our funding in order for us to help increase State funding through industry development.

Julie Decker

Southeast Alaska Regional Dive Fisheries Association, SARDFFA
Julie Decker, Executive Director, SARDFFA
Gig Decker, Executive Director's Assistant, SARDFFA
P. O. Box 2138, Wrangell, AK 99929
Ph: 907-874-3110
FAX: 907-874-4270
e-mail: gigjulie@seapac.net

)

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 333

Revision Date/Time (Note if correction)		Dept. Affected	<u>Fish and Game</u>
Title	<u>Classification of Dive Fishery Assessments</u>	BRU	<u>Commercial Fisheries</u>
		Component	<u>Special Projects</u>
Sponsor	<u>House Rules Committee</u>		
Requester	<u>House Fisheries Committee</u>	Component No.	<u>1943</u>

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	60.0	60.0	60.0	60.0	60.0	60.0
Travel	20.0	20.0	20.0	20.0	20.0	20.0
Contractual	140.0	140.0	140.0	140.0	140.0	140.0
Supplies	48.0	48.0	48.0	48.0	48.0	48.0
Equipment						
Land & Structures						
Grants & Claims	60.0	60.0	60.0	60.0	60.0	60.0
Miscellaneous						
TOTAL OPERATING	328.0	328.0	328.0	328.0	328.0	328.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1108 Sta/Des Program Receipts						
1037 GF/Mental Health						
Other (Non-GF Program Receipts)	328.0	328.0	328.0	328.0	328.0	328.0
TOTAL	328.0	328.0	328.0	328.0	328.0	328.0

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

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

This bill does not appropriate any funds. It specifies that dive fishery assessments, as authorized by Chapter 90, SLA 1997, are to be accounted for separately and specifies that the appropriation of the dive fishery assessments is not from the unrestricted general fund. Dive fishery assessments are a self-imposed tax in addition to the fisheries business tax. This tax was approved by the affected divers in 1999 and collections began that year. The department estimates that \$328.0 will be collected in FY 2000 for expenditures in the following year. The expenditure of the expected revenue generated by the dive fishery assessments is included in the governor's FY 2001 budget. The funding source for dive fishery assessments in the Governor's proposed FY 2001 budget is statutory designated program receipts. This bill will change that source designation to non-general fund program receipts since this is a self-assessed tax rather than a contractual agreement.

Prepared by:	<u>Robert D. Mecum</u>	
Division	<u>Division of Commercial Fisheries</u>	Phone <u>465-4210</u>
Approved by	<u>Commissioner Frank Rue</u>	Date/Time <u>3/24/00 9:29 AM</u>
Agency	<u>Department of Fish and Game</u>	Date <u>03/24/2000</u>

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HB

344

HB 344

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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 3, 2000

The Honorable Brian Porter
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Porter:

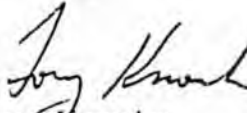
This bill I transmit today would provide legislative approval of a land exchange agreement between the state Department of Natural Resources, and Alaska Hard Rock, Inc. The purpose of the land exchange is for the state to acquire private land located within and adjacent to Independence Mine State Historical Park, near Hatcher Pass. The land to be acquired would be developed to enhance the interpretive and recreational uses of the park. The land the state is exchanging is also located in the Hatcher Pass area and is presently under permit to Alaska Hard Rock, Inc., which is interested in receiving title.

State law requires legislative approval of land exchanges involving lands of unequal appraised value. In this proposed exchange, the state will receive land appraised at \$87,000 while conveying land appraised at \$65,500. Alaska Hard Rock, Inc. is agreeable to this unequal exchange and will be receiving a federal tax credit for the difference.





Adding this land to the Independence Mine State Historical Park, particularly the underground mine tunnels, will greatly add to the tourism potential of the park. The DNR expects to contract with a private concession to run tours and maintain the historic buildings in the park, saving a part of Alaska's history while increasing economic activity in the area.

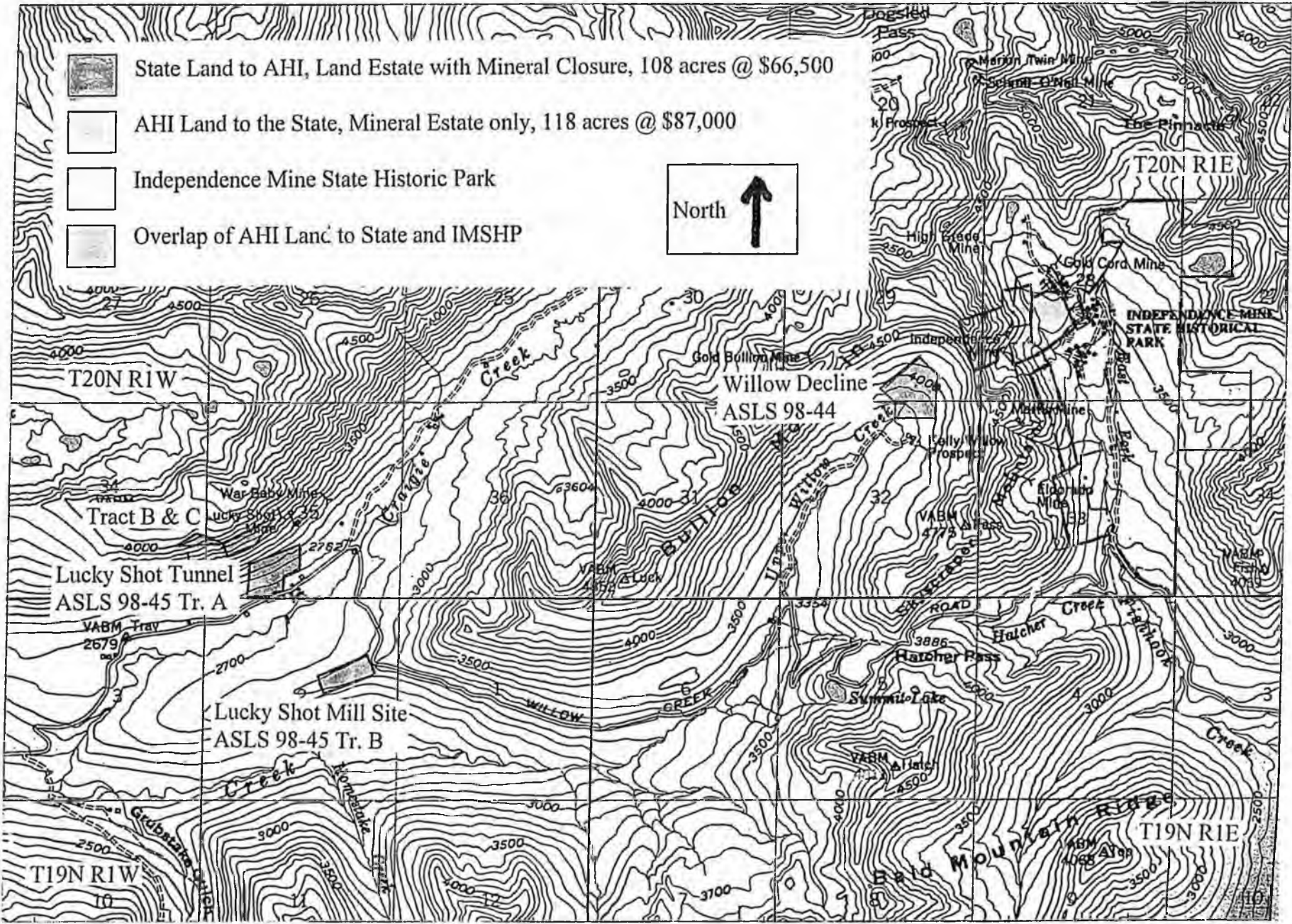
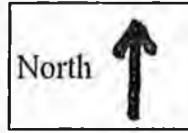
A copy of the land exchange agreement between the DNR and Hard Rock, Inc., is being provided to the legislature. The DNR has available a report that explains the proposed exchange in more detail.

Sincerely,


Tony Knowles
Governor

Alaska Hardrock, Inc./State of Alaska Land Exchange

-  State Land to AHI, Land Estate with Mineral Closure, 108 acres @ \$66,500
-  AHI Land to the State, Mineral Estate only, 118 acres @ \$87,000
-  Independence Mine State Historic Park
-  Overlap of AHI Land to State and IMSHP



FISCAL NOTE

Bill Version: HB 344

BIL (H) Publish Date: 2/7/00

STATE OF ALASKA 2000 LEGISLATIVE SESSION

Revision Date/Time: _____ Dept Affected: Natural Resources
 Title: Independence Mine Land Exchange between BRU: Parks & Recreation Management
DNR and Alaska Hard Rock, Inc. Component: Parks Management
 Sponsor: Rules
 Requestor: Governor Component No #452

Expenditures/Revenues (Thousands of Dollars)
 Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES (fund code)	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2000) cost: \$ n/a

POSITIONS

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

ANALYSIS:

(Attach a separate page if necessary)

This land exchange will have no immediate fiscal impact on the Division's budget. It will provide an opportunity to seek a viable concession contract for a private operator to manage and maintain all of the historic buildings at Independence Mine State Historical Park. This exchange would allow for the concessionaire to operate underground mine tours.

A concession contract would eventually generate some revenue to the state. A revenue stream is at a minimum four years away. The land exchange is just the first step in the process.

Prepared by: Jim Stratton Phone: 269-8701
 Division: Parks & Outdoor Recreation Date: 19-Jan-00
 Approved by Commissioner: John Shively Date: 1-19-2000
 Agency: Natural Resources

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

COMMITTEE COPY or further distribution information call the Governor's Legislative Office

**Final Exchange Agreement
Independence Mine SHP Exchange
with Alaska Hardrock, Inc.**

This Final Exchange Agreement for the unequal value exchange of land ("Agreement") is made and entered into this 26th day of January, 2000, by and between the State of Alaska, Department of Natural Resources, Division of Land and Division of Parks and Outdoor Recreation ("State"), 550 W 7th Ave, Suite 1380, Anchorage, AK 99501-3561, and Alaska Hardrock, Inc., ("AHI"), PO Box 2407, Palmer, AK 99645, pursuant to AS 38.50 and 11 AAC 67.200-.280.

WITNESS:

WHEREAS, AHI owns the mineral/subsurface estate to eight patented federal mining claims listed below and consisting of approximately 118 acres in T20N R1E SM, Sec 28, 29 and 33, shown in Exhibit A. These lands are adjacent to, or within, Independence Mine State Historic Park. AHI purchased this estate from Enserch Processing Partners, Ltd. as stated in a statutory warranty deed recorded in the Palmer Recording District on Book 0505 page 772. Chain of title has been shown in the Commitment to Insure Report AF99-8419 by Alaska First Title Insurance Agency, Inc.

Independence Lode, Granite Mountain and Granite Mountain #1, within USMS 958-A
Granite Mountain #2 and Granite Mountain #3, within USMS 961/2046
Lois Fraction and Snowbird, within USMS 2041
Homestake 4, within USMS 980

WHEREAS, the State owns land in Willow Creek Valley, consisting of approximately 107 acres, in five different parcels described below and shown in Exhibit B. Transfer to AHI will be for land estate and the land will be closed to new mineral entry. The State received tentative approval to these lands as general grant lands under the Statehood Entitlement Act on September 26, 1984, and July 15, 1994. The applicable case file is GS 1224.

Parcel One named Lucky Shot Mill Site: Tract B of ASLS 98-45, within the NE1/4, Sec. 2, T19N R1W SM, excluding R/W for Willow Creek Road, also known as Hatcher Pass Road. Approximate acreage: 29

Parcel Two named Willow Creek Decline: ASLS 98-44 and federal mining claim Brightness 2, USMS 2047, within the SE1/4, Sec 29 and NE1/4, Sec 32; T20N R1E SM. Approximate acreage for entire parcel: 41

Parcel Three named Lucky Shot Tunnel: Tract A of ASLS 98-45, within the SW1/4, Sec 35, T20N R1W SM, excluding R/W for Willow Creek Road, also known as Hatcher Pass Road. Approximate acreage: 27

Parcel Four: Tract B of US Rectangular Survey dated September 28, 1978, in section 35, T20N R1W, SM. Approximate acreage: 8

Parcel Five: Tract C of US Rectangular Survey dated September 28, 1978, in sections 34 and 35, T20N R1W, SM. Approximate acreage: 2

WHEREAS, the parties intend that the State will acquire the mineral estate described in Exhibit A in exchange for the state owned land estate described in Exhibit B, and that AHI will acquire the state owned land estate described in Exhibit B in exchange for mineral estate described in Exhibit A. Both parties understand that the value of the exchanged lands is unequal.

WHEREAS, the benefits to be achieved by this exchange are:

- a. Land to be acquired by the State includes a major portion of the old water tunnel and an important part of the old Independence Mine tunnels. The Division of Parks and Outdoor Recreation intends to open the water tunnel for public tours. This supports the division's goal of preserving and interpreting Alaska's cultural heritage. Should the park be offered for private concession, the option of including underground tours will make a concession contract more viable. This supports the division's goal of providing support to the state's tourism industry.
- b. AHI has existing leases, mining claims, and facilities on the parcels to be acquired by them. This will solidify ownership for the company and facilitate the business goals in gold mining and tourism.

WHEREAS, the State has followed the specific procedures that are required to protect the public interest.

WHEREAS, the legislature has approved the exchange.

NOW THEREFORE, in consideration of their mutual covenants and promises and other good and valuable consideration, the receipt and sufficiency of which are acknowledged and confessed, the parties covenant and agree as follows:

1. Ownership. AHI has sole ownership to the mineral estate described in Exhibit A, and the State owns the lands described in Exhibit B. It is the parties' understanding that AHI holds mineral interest in the lands to be conveyed to the State and that conveyance of this interest is sufficient to achieve the State's goals of public recreation, presentation and interpretation within the old Independence Mine tunnels.

2. Legal Descriptions: The parties agree that the legal descriptions of the lands and interests in lands which are the subject of this Agreement, as set forth in Exhibits A and B hereto, are subject to further review and changes, as necessary after formal title review, and subsequent negotiations have been done.

3. Taxes and Third Party Interests: There are no outstanding taxes or third party interests in the lands to be exchanged.

4. Authority. Each signatory to this Agreement has the authority to negotiate this exchange on behalf of its principals, subject to any necessary Board of Directors or legislative approval.

5. Conveyance. The State and AHI will exchange their respective rights, titles and interests in the lands identified in Exhibits A and B on an unequal value basis, subject to valid existing rights and other reservations as mutually agreed upon. The State will receive a warranty deed from AHI, and AHI will receive a quit claim deed for the land estate from the State. Land estate is the fee simple estate less the mineral rights reserved under AS 38,05.125(a). The right-of-way for Willow Creek Road, also known as Hatcher Pass Road is excluded as well. The mineral estate under the land estate going to AHI will be closed to mineral entry and the creation of third party interests. The warranty deed to the State, from AHI, will include language specifying that lands conveyed by AHI are to be owned and managed by the Division of Parks and Outdoor Recreation as part of Independence Mine State Historical Park.

6. Value of Land. The land to be exchanged by the parties is of unequal appraised fair market value. According to the *Appraisal of Hatcher Pass Properties for a Land Exchange, Palmer, Alaska, Valuation Date of September 21, 1999, Appraiser: Eric G Follett, MAI*, the value of the 107 acres of state land going to AHI is \$66,500 and the value of the 118 acres of AHI land going to the State is \$87,000. AHI agrees to receive land of less value, is donating to the State, and does not expect compensation from the State for the \$20,500 difference in value.

7. Mineral Closing Order. The State will, as necessary, classify or reclassify the land identified in Exhibit A and B, and concurrently complete a mineral closing order on the same lands pursuant to AS 38.05.185(a) and 11 AAC 67.230(b).

8. ACMP. The property involved in this land exchange is outside the boundaries of the Alaska Coastal Management Program.

9. Third Party Interests. There are no known third party interests in the parcels belonging to each party.

10. Binding Effect. This Agreement shall be binding on and inure to the benefit of the respective parties hereto, their successors and assigns. This agreement shall be executed by an exchange of deeds thirty days after signature, or thirty days after any appeals are resolved.


11. Construction: This Agreement shall be construed and enforced in accordance with the laws of the State of Alaska.

12. Appeals: This is a final administrative order and decision of the department for purposes of an appeal to Superior Court. A person adversely affected by this final order and decision may (1) appeal to Superior Court within 30 days in accordance with the rules of the court, and to the extent permitted by applicable law, or (2) first request reconsideration of this decision, in accordance with AS 44.62.540 and 11 AAC 02.020, to John Shively, Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501-3561. Please include the appeal code number provided below. Any such request for reconsideration must be received at that address, or received by being faxed to 1-907-269-8918, within 15 calendar days after the date of "delivery" of this decision, as defined by 11 AAC 02.040(c) and (d). Failure of the commissioner to act on a request for reconsideration within 30 days after delivery of this decision is a denial of reconsideration and is also a final administrative order and decision for purposes of an appeal to Superior Court. It may then be appealed to Superior Court within a further 30 days in accordance with the rules of the court, and to the extent permitted by applicable law. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources. If no request for reconsideration is filed before the end of the period specified, this decision then goes into effect.

13. Legislative Approval: This final land exchange agreement is subject to approval by the Alaska Legislature under AS 38.50.140. Without legislative approval by the end of the legislative session in the year 2001, this agreement is null and void.

IN WITNESS WHEREOF, the parties have set their hands and seals as of the date first above written.

ALASKA HARDROCK, INC.

By: 
Scott Eubanks, President

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES


By: 
John Shively, Commissioner

Exhibit A
Page 1 of 5

Final Exchange Agreement
with Alaska Hardrock, Inc.

Legal Description of AHI lands going to the State:

Mineral/Subsurface Estate of the Following Eight Patented Federal Mining Claims:

T20N R1E SM

Section 28:

Independence Lode, USMS 958-A
Granite Mountain, USMS 958-A
Granite Mountain #1, USMS 958-A
Granite Mountain #2, USMS 961/2046
Granite Mountain #3, USMS 961/2046
Lois Fraction, USMS 2041
Snowbird, USMS 2041
Homestake 4, USMS 980

Section 29:

Independence Lode, USMS 958-A
Granite Mountain, USMS 958-A

Section 33:

Homestake 4, USMS 980

SEC 29 TOWNSHIP 20N RANGE 1E OF THE SEWARD MERIDIAN, ALASKA

LEGEND

- GENERAL INFORMATION**
- INTERIM
 - SURVEY LINE
 - SURVEY LOT LINE
 - TOWNSHIP/SECTION GRID
 - 4 SECTION LINE
 - HIGHWAY
 - ROAD
 - TRAIL
 - RAILROAD
 - ELECTRICAL POWER LINE
 - TELEPHONE LINE
 - PIPELINE
 - AIRPORT LANDING STRIP
 - HORIZONTAL CONTROL
 - CONTROL MONUMENT

U.S. INFORMATION

- TITLE
- BOUNDARY
- CLASSIFICATION
- DISPOSAL
- MUNICIPAL
- RESTRICTION
- FEDERAL ACTION
- MENTAL HEALTH TRUST
- LIMITS OF ACTION
- NAVIGATIONAL AID
- CANN PERMIT
- TRAPPING CANN PERMIT
- TRESPASS LOCATION

SURFACE WATER RIGHTS

- APPLICATION
- PERMIT
- CERTIFICATE

STREAM SURFACE RIGHTS

- APPLICATION
- PERMIT
- CERTIFICATE

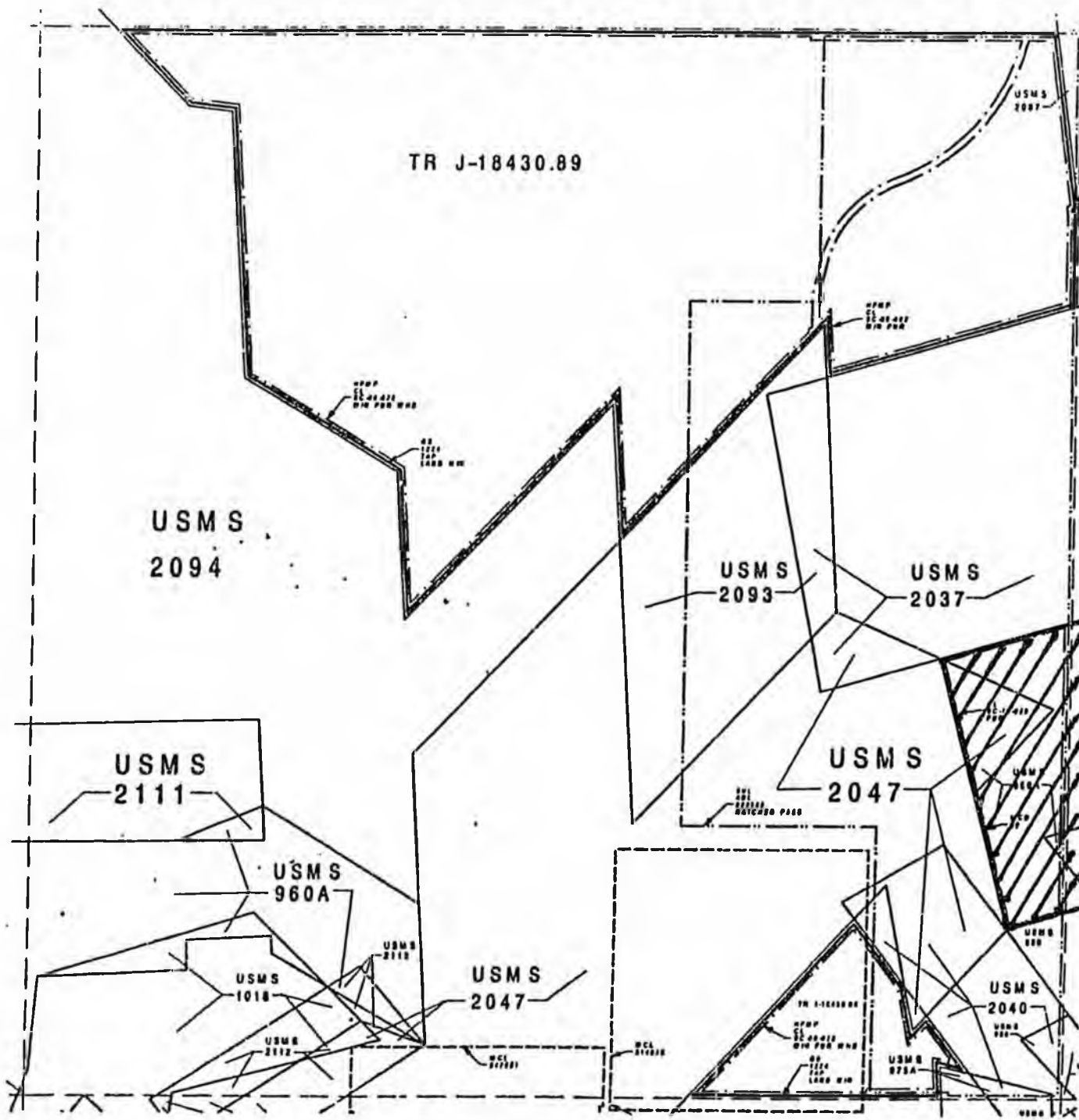
STREAM FLOW RESERVATION

- APPLICATION
- CERTIFICATE

DAM WEIR BARRIER

- APPLICATION
- PERMIT
- CERTIFICATE

6	5	4	3	2	1
7	8	9	0	11	10
12	13	14	15	16	17
18	19	20	21	22	23
24	25	26	27	28	29
30	31	32	33	34	35
36					



GRAPHIC ILLUSTRATION ONLY.
SOURCE DOCUMENTS REMAIN THE OFFICIAL RECORD
CONSULT LAND ADMINISTRATION SYSTEM (LAS)
CASEFILE FOR ADDITIONAL INFORMATION.

SCALE
1 inch = 660 feet

ATTENTION STATUS PLAT USERS: ON THIS PLAT, ALL STATUS
LINES CLOSE FOR ACTIONS THAT EXTEND INTO ADJACENT TOWNSHIPS.
THIS INCLUDES STATUS LINES SUCH AS DISPOSAL, MUNICIPAL, TITLE,
CLASSIFICATION, ETC. PLEASE REFER TO ADJACENT TOWNSHIPS OR LAS
TO DETERMINE IF ACTIONS EXTEND BEYOND THE BOUNDARIES SHOWN ON
THIS PLAT. REMEMBER TITLE, CLASSIFICATION, AND RESTRICTION LINES
ALWAYS CLOSE ON ALL PLATS.

STATUS PLAT

THE STATE SHALL BE LIABLE FOR DAMAGES THAT MAY BE INCURRED
BY ANY PARTY WHO SHALL BE INJURED OR WHO SHALL SUFFER
LOSS OF PROPERTY OR DAMAGE TO PERSONS OR TO PROPERTY

CLASSIFICATION

CLASSIFICATION
CLASSIFIED BY PLANS 2094
CLASSIFIED BY PLANS 2093
CLASSIFIED BY PLANS 2037
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Exhibit B
Page 1 of 9

Final Exchange Agreement
with Alaska Hardrock, Inc.

Legal Description of State lands going to AHI:

Five Parcels of Land Estate with Mineral Closure:

Parcel One named Lucky Shot Mill Site: Tract B of ASLS 98-45, within the NE1/4, Sec. 2, T19N R1W SM, excluding R/W for Willow Creek Road, also known as Hatcher Pass Road. Approximate acreage: 29

Parcel Two named Willow Creek Decline: ASLS 98-44 and federal mining claim Brightness 2, USMS 2047, within the SE1/4, Sec 29 and NE1/4, Sec 32; T20N R1E SM. Approximate acreage for entire parcel: 41

Parcel Three named Lucky Shot Tunnel: Tract A of ASLS 98-45, within the SW1/4, Sec 35, T20N R1W SM, excluding R/W for Willow Creek Road, also known as Hatcher Pass Road. Approximate acreage: 27

Parcel Four: Tract B of US Rectangular Survey dated September 28, 1978, in section 35, T20N R1W, SM. Approximate acreage: 8

Parcel Five: Tract C of US Rectangular Survey dated September 28, 1978, in sections 34 and 35, T20N R1W, SM. Approximate acreage: 2

TOWNSHIP 19N RANGE 14W OF THE SEWARD MERIDIAN, ALASKA

LEGEND

INFORMATION

- HYDROGRAPHY
- SURVEY LINE
- SURVEY LOT LINE
- TRANSMISSION GRID
- 1/4 SECTION LINE
- HIGHWAY
- ROAD
- TRAIL
- RAILROAD
- ELECTRICAL POWER LINE
- TELEPHONE LINE
- FENCELINE
- AIRPORT/LANDING STRIP
- HORIZONTAL CONTROL
- CONTROL MONUMENT

S INFORMATION

- TITLE
- BOUNDARY
- CLASSIFICATION
- DISPOSAL
- MUNICIPAL
- RESTRICTION
- FEDERAL ACTION
- MENTAL HEALTH TRUST
- LIMITS OF ACTION
- NAVIGATIONAL AID
- CANN PERMIT
- TRAPPING CANN PERMIT
- TREMPASS LOCATION

UPPER WATER RIGHTS

- APPLICATION
- PERMIT
- CERTIFICATE

LOWER WATER RIGHTS

- APPLICATION
- PERMIT
- CERTIFICATE

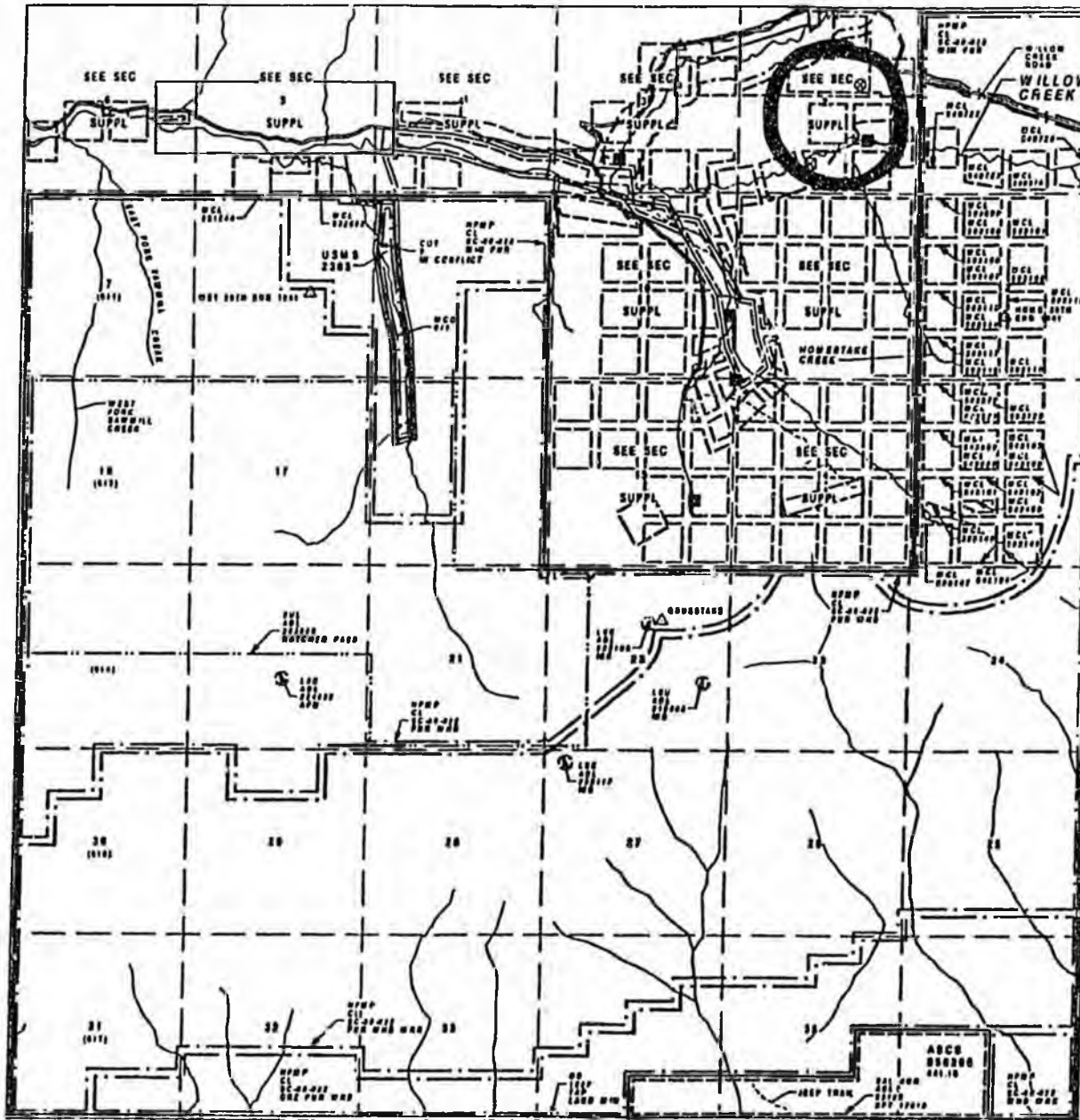
STREAM FLOW RESERVATION

- APPLICATION
- CERTIFICATE

1/4 SECTION BARRER

- APPLICATION
- PERMIT
- CERTIFICATE

6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36



STATUS PLAT

THE STATE HOLDS ALL LAND WITHIN BARRERS THAT ARE WITHIN THIS TOWNSHIP AND RANGE UNLESS THEY ARE SEPARATELY DEEDED TO ANOTHER PARTY BY THE STATE.

BASED ON

CORRECTIONS
ALASKA 1977 PLANS DIME 4
SE CORNER IN TOWNSHIP:
E 81142111
F 80821118
LAY 41 41 12 12 W
LINE 10 11 12 12 W

HYDROGRAPHY
USGS (7) AND (11) DIVISION BY AIR FROM AERIAL
MAGNITUDE PHOTOGRAPHY 1971-1972

LAND NET

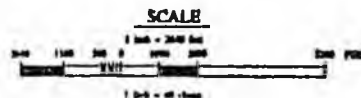
A. N. PRITCHARD INACRAN 11-11 APPROVED 01/11/1971
USGS TRACT A, 12,449 ACRES, ACCEPTED 02/11/1971
USGS 154R ACCEPTED 1/21/1971
USGS 154R ACCEPTED 02/11/1971
USGS 154R ACCEPTED 02/11/1971
USGS 110R A & B APPROVED 12/11/1971
USGS 1111 A & B APPROVED 12/11/1971
USGS 1111 APPROVED 04/11/1971
USGS 1111A APPROVED 04/11/1971
USGS 1111B APPROVED 04/11/1971
ARCS 1000A, 1000B, 1000C, 1000D, 1000E, 1000F, 1000G, 1000H, 1000I, 1000J, 1000K, 1000L, 1000M, 1000N, 1000O, 1000P, 1000Q, 1000R, 1000S, 1000T, 1000U, 1000V, 1000W, 1000X, 1000Y, 1000Z, 1000AA, 1000AB, 1000AC, 1000AD, 1000AE, 1000AF, 1000AG, 1000AH, 1000AI, 1000AJ, 1000AK, 1000AL, 1000AM, 1000AN, 1000AO, 1000AP, 1000AQ, 1000AR, 1000AS, 1000AT, 1000AU, 1000AV, 1000AW, 1000AX, 1000AY, 1000AZ, 1000BA, 1000BB, 1000BC, 1000BD, 1000BE, 1000BF, 1000BG, 1000BH, 1000BI, 1000BJ, 1000BK, 1000BL, 1000BM, 1000BN, 1000BO, 1000BP, 1000BQ, 1000BR, 1000BS, 1000BT, 1000BU, 1000BV, 1000BW, 1000BX, 1000BY, 1000BZ, 1000CA, 1000CB, 1000CC, 1000CD, 1000CE, 1000CF, 1000CG, 1000CH, 1000CI, 1000CJ, 1000CK, 1000CL, 1000CM, 1000CN, 1000CO, 1000CP, 1000CQ, 1000CR, 1000CS, 1000CT, 1000CU, 1000CV, 1000CW, 1000CX, 1000CY, 1000CZ, 1000DA, 1000DB, 1000DC, 1000DD, 1000DE, 1000DF, 1000DG, 1000DH, 1000DI, 1000DJ, 1000DK, 1000DL, 1000DM, 1000DN, 1000DO, 1000DP, 1000DQ, 1000DR, 1000DS, 1000DT, 1000DU, 1000DV, 1000DW, 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1000XD, 1000XE, 1000XF, 1000XG, 1000XH, 1000XI, 1000XJ, 1000XK, 1000XL, 1000XM, 1000XN, 1000XO, 1000XP, 1000XQ, 1000XR, 1000XS, 1000XT, 1000XU, 1000XV, 1000XW, 1000XX, 1000XY, 1000XZ, 1000YA, 1000YB, 1000YC, 1000YD, 1000YE, 1000YF, 1000YG, 1000YH, 1000YI, 1000YJ, 1000YK, 1000YL, 1000YM, 1000YN, 1000YO, 1000YP, 1000YQ, 1000YR, 1000YS, 1000YT, 1000YU, 1000YV, 1000YW, 1000YX, 1000YY, 1000YZ, 1000ZA, 1000ZB, 1000ZC, 1000ZD, 1000ZE, 1000ZF, 1000ZG, 1000ZH, 1000ZI, 1000ZJ, 1000ZK, 1000ZL, 1000ZM, 1000ZN, 1000ZO, 1000ZP, 1000ZQ, 1000ZR, 1000ZS, 1000ZT, 1000ZU, 1000ZV, 1000ZW, 1000ZX, 1000ZY, 1000ZZ

OTHER ACTIONS AFFECTING NORMAL OR USE OF STATE LANDS
SEE THE 1/4 SECTION FOR ORIGINAL SOURCE DOCUMENTS FOR
ADDITIONAL INFORMATION

ENTRUSTED WITH PALMER RECORDING DISTRICT
ENTRUSTED WITH MATANUSKA-SUTTER BOROUGH
SUBJECT TO MATANUSKA-PALMER PLAN

Exhibit B
page 2 of 9

GRAPHIC ILLUSTRATION ONLY.
SOURCE DOCUMENTS REMAIN THE OFFICIAL RECORD.
CONSULT LAND ADMINISTRATION SYSTEM (LAS)
CASEFILES FOR ADDITIONAL INFORMATION.



ATTENTION STATUS PLAT USERS: ON THIS PLAT, ALL STATUS
LINES CLOSE FOR ACTIONS THAT EXTEND INTO ADJACENT TOWNSHIPS;
THIS INCLUDES STATUS LINES SUCH AS DISPOSAL, MUNICIPAL, TITLE,
CLASSIFICATION, ETC. PLEASE REFER TO ADJACENT TOWNSHIPS OR LAS
TO DETERMINE IF ACTIONS EXTEND BEYOND THE BOUNDARIES SHOWN ON
THIS PLAT. REMEMBER TITLE CLASSIFICATION AND RESTRICTIONS IN
THE PLAT APPLY TO THE ENTIRE SECTION.

A PRODUCT OF THE
STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
LAND RECORDS INFORMATION SECTION

PLAT (SUBJECT TO ORIGINAL) 02218 TO THE 1971

ST
TWP

SEC 2 TOWNSHIP 19N RANGE 1W OF THE SEWARD MERIDIAN, ALASKA

EGEND

INFORMATION

- HYDROGRAPHY
- 5 M VAYE LINE
- 50 VAYE LOT LINE
- TOWNSHIP SECTION GRID
- 1/4 SECTION LINE
- HIGHWAY
- ROAD
- TRAIL
- RAILROAD
- ELECTRICAL POWER LINE
- TELEPHONE LINE
- PIPELINE
- AIRPORT LANDING STRIP
- HORIZONTAL CONTROL
- CONTROL POINT

§ INFORMATION

- TITLE
- BOUNDARY
- CLASSIFICATION
- DISPOSAL
- MUNICIPAL
- RESTRICTION
- FEDERAL ACTION
- MENTAL HEALTH TRUST
- RIGHTS OF ACTION
- NAVIGATIONAL AID
- CATCH PERMIT
- TRAPPING CATCH PERMIT
- TREMPASS LOCATION

1- SURFACE WATER RIGHTS

- APPLICATION
- PERMIT
- CERTIFICATE

2- SURFACE WATER RIGHTS

- APPLICATION
- PERMIT
- CERTIFICATE

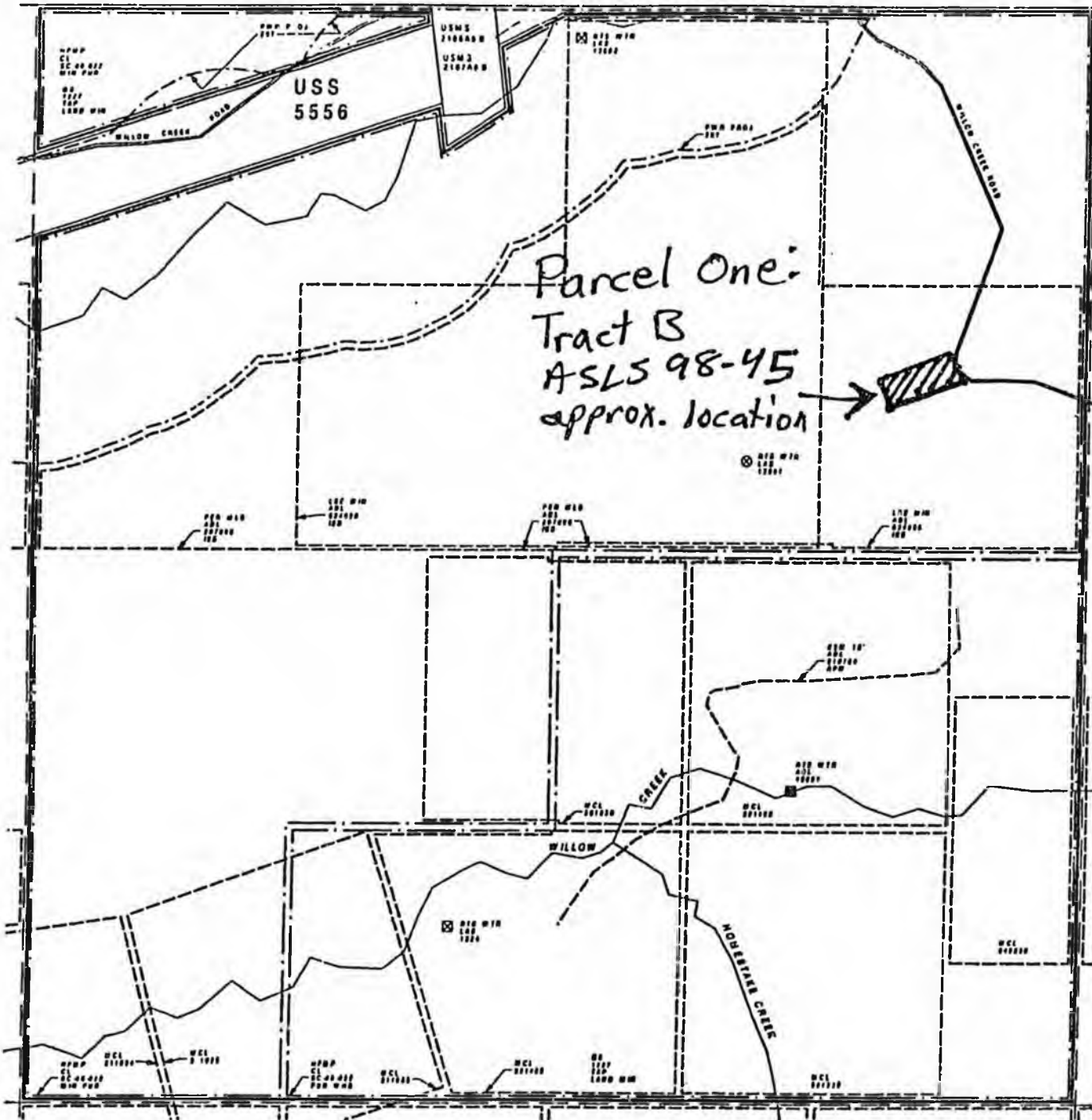
3- STREAM FLOW RESERVATION

- APPLICATION
- CERTIFICATE

4- WIDE BARREN

- APPLICATION
- PERMIT
- CERTIFICATE

6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36



GRAPHIC ILLUSTRATION ONLY.
SOURCE DOCUMENTS REMAIN THE OFFICIAL RECORD
CONDUCT LAND ADMINISTRATION SYSTEM (LAS)
CASEFILE FOR ADDITIONAL INFORMATION

SCALE

1 inch = 400 feet

ATTENTION STATUS PLAT USER: ON THIS PLAT, ALL STATUS
LINES CLOSE FOR ACTIONS THAT EXTEND INTO ADJACENT TOWNSHIPS.
THIS INCLUDES STATUS LINES SUCH AS DISPOSAL, MUNICIPAL, TITLE
CLASSIFICATION, ETC. PLEASE REFER TO ADJACENT TOWNSHIPS OR LAS
TO DETERMINE IF ACTIONS EXTEND BEYOND THE BOUNDARIES SHOWN ON
THIS PLAT. REMEMBER TITLE IS ASSOCIATED WITH ACQUISITION.

STATUS PLAT

THIS STATUS PLAT IS A LAND OWNER'S GUIDE AND NOT A GUARANTEE.
IN FACT, THE STATUS OF THE LAND IS SUBJECT TO THE TERMS AND
CONDITIONS OF THE ORIGINAL DEEDS AND RECORDS OF THE STATE.

NAME: 19N
COORDINATES
ALASKA STATE PLANE ZONE 4
SE CORNER IN 11/19/1978
E 01042111
N 50001111
LAT 41 11 20.3 N
LONG 149 31 34.000 W

HYDROGRAPHY
USGS (67) AND (67) REVISED BY BLM FROM 1978
HIGH ALTITUDE PHOTOGRAPHY 1978-1981

LAND USE
ATL PHOTOGRAPHY (MAGRAM 12-17) APPROVED 02/11/1981
USGS TRACT A 21 0001 ACPLS ACCEPTED 02/11/1978
US 1546 ACCEPTED 12/21/1971
US 1546 ACCEPTED 02/11/1973
US 1514 ACCEPTED 02/11/1973
USM 2107 4 & 5 APPROVED 02/11/1971
USM 2107 4 & 5 APPROVED 12/21/1971
USM 2110 APPROVED 02/11/1971
USM 2110/10 APPROVED 02/11/1971
USM 2105 APPROVED 02/11/1971
ASL 2105/10 RECORDED 02/11/1971
ASL 2105/10 FILED 11/29/1971

OTHER ACTIONS AFFECTING DISPOSAL OR USE OF STATE LANDS
SEE THE LAS CASEFILE OR ORIGINAL SOURCE DOCUMENTS FOR
ADDITIONAL INFORMATION.

ENTIRELY WITH PALMER RECORDING DISTRICT
ENTIRELY WITH NATALICIA-SUTINA BUREAU
SUBJECT TO NATALICIA PASS MANAGEMENT PLAN

Exhibit B
page 3 of 9

A MEMBER OF THE
STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
LAND RECORDS INFORMATION SYSTEM

SEC
SP

PLAT CURRENT TO ORIGINAL, SEE 10 11R 19N

TOWNSHIP 20N RANGE 1E OF THE SEWARD MERIDIAN, ALASKA

LEGEND

GENERAL INFORMATION

- BOUNDARY
- SURVEY LINE
- SURVEY LOT LINE
- TOWNSHIP SECTION GRID
- 1/4 SECTION LINE
- HIGHWAY
- ROAD
- TRAIL
- RAILROAD
- ELECTRICAL POWER LINE
- TELEPHONE LINE
- PIPELINE
- AIRFIELD LANDING STRIP
- HORIZONTAL CONTROL
- CONTROL MONUMENT

US INFORMATION

- TITLE
- BOUNDARY
- CLASSIFICATION
- CRIMINAL
- MUNICIPAL
- RESTRICTION
- FEDERAL ACTION
- MENTAL HEALTH TRUST
- LIMITS OF ACTION
- NAVIGATIONAL AID
- CABIN PERMIT
- TRAPPING CABIN PERMIT
- TRESPASS LOCATION

SURFACE WATER RIGHTS

- APPLICATION
- PERMIT
- CERTIFICATE

SUB-SURFACE WATER RIGHTS

- APPLICATION
- PERMIT
- CERTIFICATE

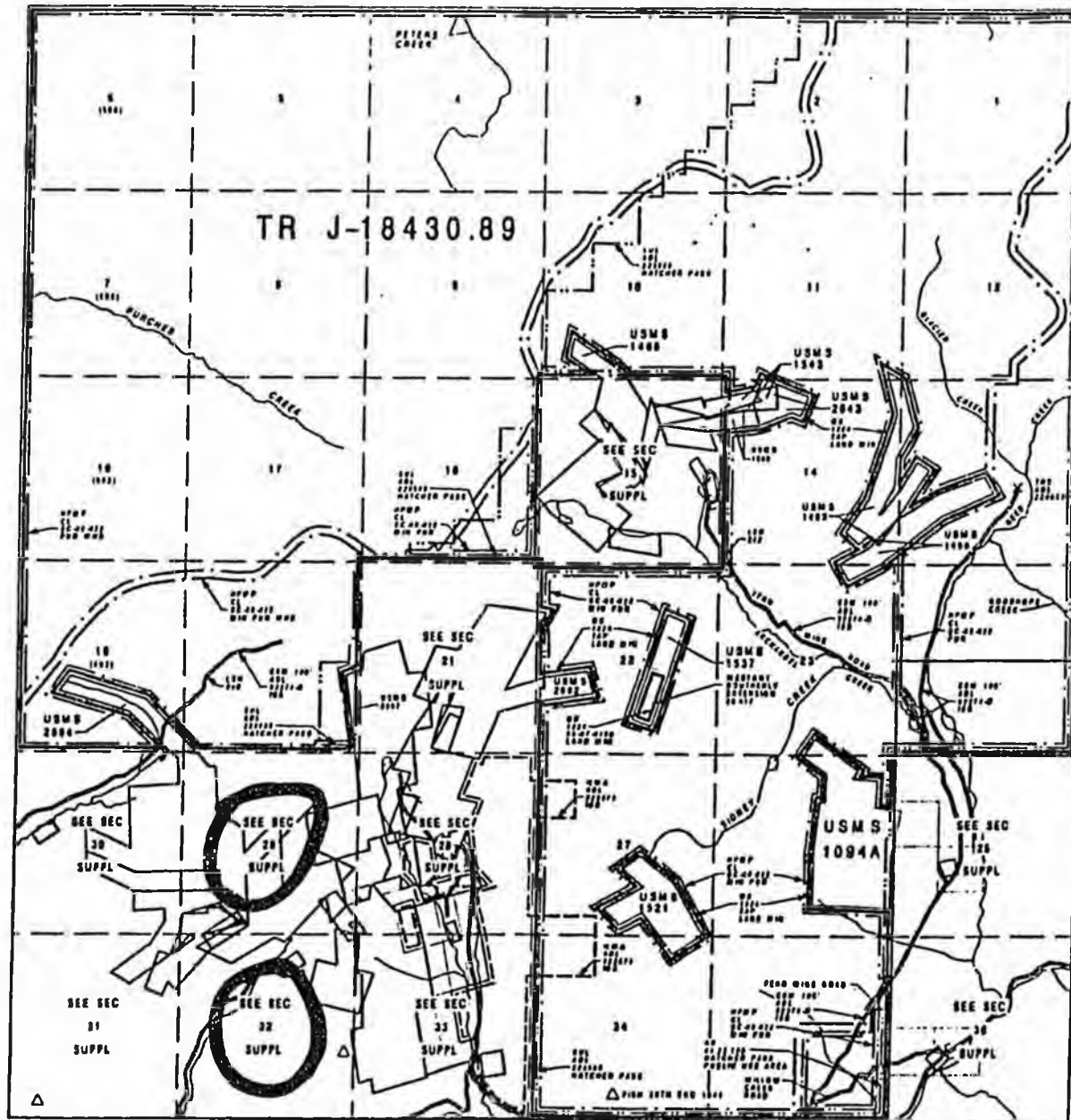
IN-STREAM FLOW RESERVATION

- APPLICATION
- CERTIFICATE

DAM WITH BARRIERS

- APPLICATION
- PERMIT
- CERTIFICATE

6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36



LAND ESTATE

THIS STATE SHOWS THE LANDS AND WATER RIGHTS OF THE STATE UNDER THE PUBLIC LAND ACTS OF THE UNITED STATES AND THE ALASKA PUBLIC LAND ACTS OF 1906 AND 1925.

BASE DATA

CRIMINALS
CLASSIFIED PLANS ZONE B
AS CLASSIFIED UNDER MAP
S. 42722-10
S. 42722-11
LAT. 61 00 20.00 N
LONG. 150 16 11.00 W

HYDROGRAPHY

THIS MAP SHOWS THE LANDS AND WATER RIGHTS OF THE STATE UNDER THE PUBLIC LAND ACTS OF 1906 AND 1925.

LAND USE

THIS MAP SHOWS THE LANDS AND WATER RIGHTS OF THE STATE UNDER THE PUBLIC LAND ACTS OF 1906 AND 1925.

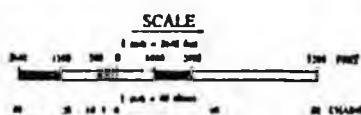
- USMS 1084A
- USMS 1084B
- USMS 1084C
- USMS 1084D
- USMS 1084E
- USMS 1084F
- USMS 1084G
- USMS 1084H
- USMS 1084I
- USMS 1084J
- USMS 1084K
- USMS 1084L
- USMS 1084M
- USMS 1084N
- USMS 1084O
- USMS 1084P
- USMS 1084Q
- USMS 1084R
- USMS 1084S
- USMS 1084T
- USMS 1084U
- USMS 1084V
- USMS 1084W
- USMS 1084X
- USMS 1084Y
- USMS 1084Z
- USMS 1084AA
- USMS 1084AB
- USMS 1084AC
- USMS 1084AD
- USMS 1084AE
- USMS 1084AF
- USMS 1084AG
- USMS 1084AH
- USMS 1084AI
- USMS 1084AJ
- USMS 1084AK
- USMS 1084AL
- USMS 1084AM
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- USMS 1084AO
- USMS 1084AP
- USMS 1084AQ
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- USMS 1084BI
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- USMS 1084BK
- USMS 1084BL
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- USMS 1084BP
- USMS 1084BQ
- USMS 1084BR
- USMS 1084BS
- USMS 1084BT
- USMS 1084BU
- USMS 1084BV
- USMS 1084BW
- USMS 1084BX
- USMS 1084BY
- USMS 1084BZ
- USMS 1084CA
- USMS 1084CB
- USMS 1084CC
- USMS 1084CD
- USMS 1084CE
- USMS 1084CF
- USMS 1084CG
- USMS 1084CH
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- USMS 1084CL
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- USMS 1084EP
- USMS 1084EQ
- USMS 1084ER
- USMS 1084ES
- USMS 1084ET
- USMS 1084EU
- USMS 1084EV
- USMS 1084EW
- USMS 1084EX
- USMS 1084EY
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- USMS 1084FC
- USMS 1084FD
- USMS 1084FE
- USMS 1084FF
- USMS 1084FG
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- USMS 1084FI
- USMS 1084FJ
- USMS 1084FK
- USMS 1084FL
- USMS 1084FM
- USMS 1084FN
- USMS 1084FO
- USMS 1084FP
- USMS 1084FQ
- USMS 1084FR
- USMS 1084FS
- USMS 1084FT
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- USMS 1084GG
- USMS 1084GH
- USMS 1084GI
- USMS 1084GJ
- USMS 1084GK
- USMS 1084GL
- USMS 1084GM
- USMS 1084GN
- USMS 1084GO
- USMS 1084GP
- USMS 1084GQ
- USMS 1084GR
- USMS 1084GS
- USMS 1084GT
- USMS 1084GU
- USMS 1084GV
- USMS 1084GW
- USMS 1084GX
- USMS 1084GY
- USMS 1084GZ
- USMS 1084HA
- USMS 1084HB
- USMS 1084HC
- USMS 1084HD
- USMS 1084HE
- USMS 1084HF
- USMS 1084HG
- USMS 1084HH
- USMS 1084HI
- USMS 1084HJ
- USMS 1084HK
- USMS 1084HL
- USMS 1084HM
- USMS 1084HN
- USMS 1084HO
- USMS 1084HP
- USMS 1084HQ
- USMS 1084HR
- USMS 1084HS
- USMS 1084HT
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- USMS 1084HW
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- USMS 1084IF
- USMS 1084IG
- USMS 1084IH
- USMS 1084II
- USMS 1084IJ
- USMS 1084IK
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- USMS 1084IY
- USMS 1084IZ
- USMS 1084JA
- USMS 1084JB
- USMS 1084JC
- USMS 1084JD
- USMS 1084JE
- USMS 1084JF
- USMS 1084JG
- USMS 1084JH
- USMS 1084JI
- USMS 1084JJ
- USMS 1084JK
- USMS 1084JL
- USMS 1084JM
- USMS 1084JN
- USMS 1084JO
- USMS 1084JP
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- USMS 1084JS
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- USMS 1084JV
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- USMS 1084JX
- USMS 1084JY
- USMS 1084JZ
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- USMS 1084KF
- USMS 1084KG
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- USMS 1084KW
- USMS 1084KX
- USMS 1084KY
- USMS 1084KZ
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- USMS 1084LB
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- USMS 1084LK
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- USMS 1084LQ
- USMS 1084LR
- USMS 1084LS
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- USMS 1084LU
- USMS 1084LV
- USMS 1084LW
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- USMS 1084NE
- USMS 1084NF
- USMS 1084NG
- USMS 1084NH
- USMS 1084NI
- USMS 1084NJ
- USMS 1084NK
- USMS 1084NL
- USMS 1084NM
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- USMS 1084NP
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- USMS 1084ZU
- USMS 1084ZV
- USMS 1084ZW
- USMS 1084ZX
- USMS 1084ZY
- USMS 1084ZZ

OTHER ACTIONS AFFECTING DISPOSAL OR USE OF STATE LANDS
SEE THE CAS FILES OR ORIGINAL SOURCE DOCUMENTS FOR
ADDITIONAL INFORMATION.

ENTIRELY WITH PALMIRA RECORDING DISTRICT
SUBJECT TO HATCHER PASS MANAGEMENT PLAN
CS 111A TENTATIVE APPROVAL EXCLUDES MINERAL APPLICATIONS
AA-1191, AA-1201, AA-1211 AND MINING CLAIM
REGISTRATIONS AA-1211 THROUGH AA-1213, AA-1220 THRU
AA-1225, AA-1231 THRU AA-1235, AA-1241, AA-1247,
AA-1251 THRU AA-1255 WHICH APPEAR TO FALL IN
SECTIONS 19, 20, 26 AND 27

Exhibit B
page 4 of 9

GRAPHIC ILLUSTRATION ONLY.
SOURCE DOCUMENTS REMAIN THE OFFICIAL RECORD.
CONSULT LAND ADMINISTRATION SYSTEM (LAS)
FILE FOR ADDITIONAL INFORMATION.



TOWNSHIP 20N RANGE 1W OF THE SEWARD MERIDIAN, ALASKA

LEGEND

GENERAL INFORMATION

- HYDROGRAPHY
- SURVEY LINE
- SURVEY LOT LINE
- TOWNSHIP SECTION GRID
- 1/4 SECTION LINE
- HIGHWAY
- ROAD
- TRAIL
- RAILROAD
- ELECTRICAL POWER LINE
- TELEPHONE LINE
- PIPELINE
- AIRPORT/LANDING STRIP
- HORIZONTAL CONTROL
- CONTROL MONUMENTS

LAND INFORMATION

- TITLE
- BOUNDARY
- CLASSIFICATION
- DISPOSAL
- MUNICIPAL
- RESTRICTION
- FEDERAL ACTION
- MENTAL HEALTH TRUST
- LIMITS OF ACTION
- NAVIGATIONAL AID
- CABIN PERMIT
- TRAPPING CATCH PERMIT
- TRESPASS LOCATION

FACE WATER RIGHTS

- APPLICATION
- PERMIT
- CERTIFICATE

SURFACE WATER RIGHTS

- APPLICATION
- PERMIT
- CERTIFICATE

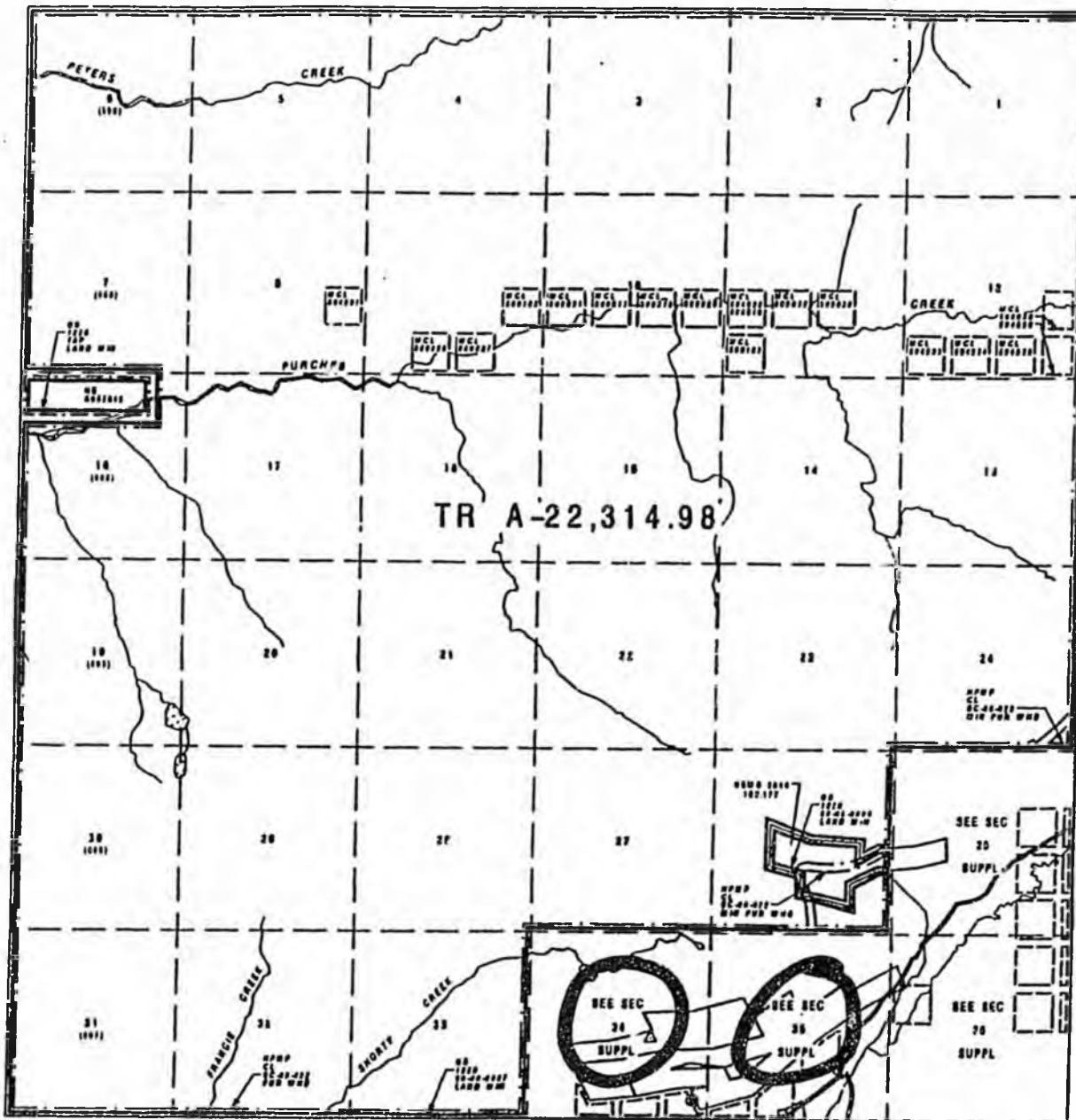
STREAM FLOW RESERVATION

- APPLICATION
- CERTIFICATE

WATER BARRELS

- APPLICATION
- PERMIT
- CERTIFICATE

6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36



STATUS PLAT

THIS STATUS PLAT IS A PRELIMINARY STATUS PLAT FOR TOWNSHIP 20N RANGE 1W OF THE SEWARD MERIDIAN IN THE STATE OF ALASKA. IT IS SUBJECT TO THE FEDERAL AND STATE LAWS AND REGULATIONS AND TO THE DECISIONS OF THE FEDERAL AND STATE COURTS.

BASED ON:
 CENSUS DATA
 ALASKA STATE PLAT, 1974
 SE CORNER IN TOWNSHIP
 T 20N R 1W
 T 20N R 1W
 LAT 41 24 100 N
 LONG 151 21 200 W

HYDROGRAPHY
 USGS ANCHORAGE (1971) BY BLM FROM AERIAL PHOTOGRAPHY 1974-1975

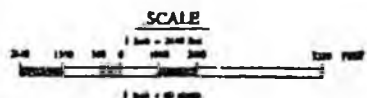
LAND USE
 ALC DISTRICT PLAN 82-12, APPROVED 03/11/81
 USFS CREATING TRACTS A, B & C, 12/13/81 ACRES
 ACCEPTED 03/11/81
 USFS 1987, APPROVED 03/11/81
 USFS 1984, APPROVED 03/11/81
 USFS 1978A, APPROVED 03/11/81
 USFS 1978B, APPROVED 03/11/81

OTHER ACTIONS AFFECTING USUAL OR USE OF STATUS PLAT ARE THE LAS CASES OR UNUSUAL SITUATIONS FOR ADDITIONAL INFORMATION.

ENTIRELY WITH PALMER RECORDING SYSTEM
 ENTIRELY WITH MATANUSKA-SUSTINA BUREAU
 SUBJECT TO HATCHER PASS MANAGEMENT PLAN

Exhibit B
 page 7 of 9

GRAPHIC ILLUSTRATION ONLY.
 SURFACE DOCUMENTS REMAIN THE OFFICIAL RECORD.
 CONSULT LAND ADMINISTRATION SYSTEM (LAS)
 CASEFILE FOR ADDITIONAL INFORMATION.



ATTENTION STATUS PLAT USERS: ON THIS PLAT, ALL STATUS LINES CLOSE FOR ACTIONS THAT EXTEND INTO ADJACENT TOWNSHIPS, THIS INCLUDES STATUS LINES SUCH AS DISPOSAL, MUNICIPAL, TITLE CLASSIFICATION, ETC. PLEASE REFER TO ADJACENT TOWNSHIPS OR LAS TO DETERMINE IF ACTIONS EXTEND BEYOND THE BOUNDARIES SHOWN ON THIS PLAT. REMEMBER TITLE CLASSIFICATION AND RESTRICTIONS APPLY.

A PRODUCT OF THE
 STATE OF ALASKA
 DEPARTMENT OF NATURAL RESOURCES
 LAND ADMINISTRATION SYSTEM

PLAT CURRENT TO HISTORY REFER TO THE LAS

**Final Report and Best Interest Findings
on Proposed Land Exchange
between Alaska Hardrock, Inc. and
the State of Alaska for the
Division of Parks and Outdoor Recreation**

January 14, 2000

Introduction

The proposed land exchange between the State of Alaska for the Division of Parks and Outdoor Recreation and Alaska Hardrock, Inc. proposes to trade five parcels of state land, totaling 107 acres, in the Upper Willow Creek Valley for 118 acres of mineral/subsurface estate in Independence Valley. All parcels are in the Hatcher Pass area of the Talkeetna Mountains, approximately 20 miles north of Palmer and within the Matanuska-Susitna Borough. Refer to the map enclosed with this report, and the detail description below, for specific parcel locations.

The purpose of the exchange is for the Division of Parks and Outdoor Recreation to acquire the "water tunnel", the main tunnel of the old Independence Mine tunnel workings for addition to Independence Mine State Historical Park. Gold mining is an integral part of Alaska's history and the Division of Parks and Outdoor Recreation would like to preserve and interpret this particular piece of Alaska's gold mining history.

The Division of Parks and Outdoor Recreation and Alaska Hardrock, Inc. started serious negotiations in 1998. On June 29, 1999, both parties signed a Preliminary Exchange Agreement. According to that agreement, survey and appraisal work were done in late summer and early fall of 1999. Surveys will receive final borough approval in January, 2000. The final appraisal was received in late November. December 7, 1999 through January 10, 2000 was the 30-day public notice period on the exchange, related mineral closures, area and management plans' exceptions and land classification changes. The exchange will go before the Alaska Legislature for approval. If approval is received, deeds will be exchanged within 60 days of legislative approval.

This report is the land exchange report required by Alaska Statute 38.50.130.

Public Notice and Comment Period

Public Notice for the land exchange started Tuesday, December 7, 1999. Public comment was accepted by the two Division of Parks and Outdoor Recreation offices listed below from Tuesday, December 7, 1999 through to 4:30 pm, Monday, January 10, 2000.

Alaska Hardrock, Inc./Division of Parks Proposed Land Exchange Final Report

Parks Contact Person in Anchorage:

Kathryn Reid
ph: (907) 269-8708
fax: (907) 269-8907
email: Kathryn_Reid@dnr.state.ak.us

Alaska State Parks
550 W 7th Av. Suite 1380
Anchorage, AK 99501-3561
(7th and F Streets)

Wasilla/Palmer Parks Office:

Mat-Su Area Office
Alaska State Parks
HC 32, Box 6706
Wasilla, AK 99654

ph: (907) 745-3975
fax: (907) 745-0938
location: Mile 0.4 Bogard Rd, Finger Lake SRS
Area Superintendent - Dale Bingham

The Appraisal

The appraisal contract was awarded to Follett & Associates of Anchorage, Alaska. The appraiser is Eric G. Follett, MAI. The appraisal is titled *Appraisal of Hatcher Pass Properties for a Land Exchange, Palmer, Alaska*, herein referred to as the land exchange appraisal. The valuation date of the appraisal is September 21, 1999.

State land going to Alaska Hardrock, Inc. was appraised as land estate only. Mineral estate was not included since the State can not deed the mineral estate in this circumstance.

Mineral/subsurface estate going to the Division of Parks and Outdoor Recreation from Alaska Hardrock, Inc. was appraised at two levels. One was the remaining gold/mineral value left in these patented federal mining claims. The other is the "tourism value" of the tunnel. The Division of Parks and Outdoor Recreation plans to renovate the tunnel and conduct tours in it. This is a recreational value, not a mineral value. The basis of this portion of the appraisal was a comparison of underground mining tunnel tours conducted in the lower 48, since there is no comparable operation in Alaska. Park staff assisted in the gathering of data on these underground mining tunnel tours. Existing tours researched ranged from historic mines to active commercial mines for gold, silver and coal.

Law in Alaska is unclear as to whether the subsurface or surface estate owner has non-mining rights to underground tunnels. The Division of Parks and Outdoor Recreation has received verbal information that both surface and subsurface estate owners agree that the subsurface estate owner, Alaska Hardrock, Inc., has the non-mining rights to the underground tunnels. The Division of Parks and Outdoor Recreation has requested that Alaska Hardrock, Inc. receive this statement in writing from Starkey Wilson, surface estate owner.

There was one copy of the land exchange appraisal available for public review at each of the Division of Parks and Outdoor Recreation offices listed below.

Alaska Hardrock, Inc./Division of Parks Proposed Land Exchange Final Report

Parks Contact Person in Anchorage:

Kathryn Reid	Alaska State Parks
ph: (907) 269-8708	550 W 7 th Av. Suite 1380
fax: (907) 269-8907	Anchorage, AK 99501-3561
email: Kathryn_Reid@dnr.state.ak.us	(7 th and F Streets)

Wasilla/Palmer Office:

Mat-Su Area Office	ph: (907) 745-3975
Alaska State Parks	fax: (907) 745-0938
HC 32, Box 6706	location: Mile 0.4 Bogard Rd, Finger Lake SRS
Wasilla, AK 99654	Area Superintendent - Dale Bingham

Legal and Physical Descriptions of Land Involved plus Appraised Value

Parcels to be Acquired by the State Division of Parks and Outdoor Recreation

The Division of Parks and Outdoor Recreation will receive mineral/subsurface estate for eight federal mining claims from Alaska Hardrock, Inc. The surface estate is owned by a different party, Starkey Wilson, and therefore not part of this trade. These mining claims are in Sections 28, 29 and 33, Township 20 North, Range 1 East, Seward Meridian (T20N, R1E, SM). The eight federal mining claims are as follows:

Independence Lode	USMS 958-A	17.75 acres
Granite Mountain	USMS 958-A	13.14 acres
Granite Mountain #1	USMS 958-A	12.90 acres
Granite Mountain #2	USMS 961/2046	13.45 acres
Granite Mountain #3	USMS 961/2046	16.53 acres
Lois Fraction	USMS 2041	7.79 acres
Snowbird	USMS 2041	18.11 acres
Homestake #4	USMS 980	19.72 acres
<u>overlap of Lois Fraction and Granite Mt. #3</u>		<u>-1.21 acres</u>
Total acreage to the State		118.18 acres

This property has the main mining tunnel, called the water tunnel, and numerous side tunnels of the old Independence Mine tunnel workings. The first six mining claims listed are crossed by the water tunnel. Of these six, one - Granite Mountain #3 - is currently within Independence Mine State Historic Park boundary. The other five are adjacent to the park on the northwest corner of the park. The last two mining claims are also within the current Independence Mine State Historic Park boundary, but are not crossed by the water tunnel. Homestake #4 mining claim is not contiguous with the other seven claims. This property will be managed as part of Independence Mine State Historic Park. See the map enclosed with this report.

Alaska Hardrock, Inc./Division of Parks Proposed Land Exchange Final Report

The water tunnel is in relatively good condition except for the tunnel floor, which has a layer of mud and water. The tunnel is an average 10 feet in diameter, level, and runs in a general east-west direction. It can be cleaned and repaired, and the railroad track restored, for use in an underground tunnel tour. All other tunnels, of which there is approximately 15 miles, are small, narrow and unsafe.

The appraisal tourism value of the main tunnel is \$63,000. The remaining gold/mineral value is \$24,000. Total appraised value for these eight mining claims is \$87,000.

Parcels to be Acquired by Alaska Hardrock, Inc.

AHI will receive 5 parcels of state land in Upper Willow Creek Valley, on the other side of Hatcher Pass from Independence Mine State Historic Park. By law, the State can not give fee simple estate in this circumstance. AHI will receive land estate, defined here as fee simple estate less mineral rights reserved under Alaska Statute 38.05.125(a). The land estate includes the right to soil, gravel, etc. A state mineral closure will be placed on these parcels.

Parcel One, called the Lucky Shot Mill Site, is found in the NE1/4 of Section 2, Township 19 North, Range 1 West, Seward Meridian. This rectangular parcel sits on a mostly level, low ridge top on Hatcher Pass Road at mile 23. Some maps have this road labeled as Willow Creek Road. There are several buildings on the property related to gold mining, such as a mill building, shop, office, bunkhouse, and water treatment facility. These were built by previous leasees of the property, not the State. Therefore, the buildings are not state owned, and were not included in the land exchange appraisal. The State currently leases this parcel to Alaska Hardrock, Inc. There are two leases, one is a land lease, ADL#207065, issued to Alaska Hardrock, Inc., which Alaska Hardrock, Inc. has requested cancellation of as a duplicate, and an upland mining lease, ADL#534898, under the name of Thor Gold Alaska, Inc. Due to a joint venture and termination agreement between Alaska Hardrock, Inc. and Thor Gold Alaska, Inc. to acquire the Lucky Shot mill site, Thor Gold Alaska, Inc.'s name remains on the lease, but Alaska Hardrock, Inc. is the owner and user of all buildings and equipment. As part of the termination agreement, Thor Gold Alaska, Inc. will turn over the lease to AHI no later than the year 2009. The upland mining lease would be canceled if the land exchange is approved. If not, this lease will remain active. There are no utilities available in the area. The Lucky Shot Mill Site is 29.24 acres and its boundary defined as Tract B of state survey ASLS 98-45. ASLS 98-45 will receive final approval by the end of December, 1999. The appraised value for the Lucky Shot Mill Site is \$25,000, approximately \$850/acre.

Parcel Two, called the Willow Creek Decline, is found in the SE1/4 of Section 29, and the NE1/4 of Section 32 of Township 20 North, Range 1 East, Seward Meridian. This irregular shaped parcel sits in the bowl at the end of Upper Willow Creek. Access is by Upper Willow Creek Road, a one-lane dirt road with a junction at mile 20.5 of Hatcher Pass Road. This parcel has the western entrance to the water tunnel and two buildings. The buildings are from the 1980s when the parcel was used as a mill site. Both buildings are in very poor condition and were not built by the State. Therefore they are not included in the appraisal, although the tunnel entrance is. The upper two-thirds of the parcel is steep enough to be avalanche prone. Therefore, only the

Alaska Hardrock, Inc./Division of Parks Proposed Land Exchange Final Report

lower one-third could be developed. One of the buildings has received major damage due to avalanche. Alaska Hardrock, Inc. has state mining claims on this parcel. If the land exchange is approved, Alaska Hardrock, Inc. will either close the claims, or alter the boundaries to exclude this parcel, since a mineral closure will be placed on it. There are no utilities available in the area. The Willow Creek Decline is 40.95 acres and its boundary defined as state survey ASLS 98-44 (21.57 acres), plus federal mining claim Brightness #2, USMS 2047 (19.38 acres). ASLS 98-44 will receive final approval by the end of January, 2000. The appraised value for the Willow Creek Decline parcel is \$26,000, approximately \$623/acre.

Parcel Three, called the Lucky Shot Tunnel, is found in the SW1/4 of Section 35, Township 20 North, Range 1 West, Seward Meridian. This "L" shaped parcel sits on the northward side of Hatcher Pass Road at mile 24. The entire parcel is prone to avalanches due to the steep mountainside north of the property. The only development is the Lucky Shot Mine tunnel entrance and a private, one-lane road for tunnel access. There are no utilities available in the area. The Lucky Shot Tunnel is 26.87 acres and its boundary defined as Tract A of state survey ASLS 98-45. ASLS 98-45 will receive final approval by the end of December, 1999. The appraised value for the Lucky Shot Tunnel parcel is \$13,000, approximately \$475/acre.

Parcel Four, called Tract B, is Tract B in Section 35, Township 20 North, Range 1 West, Seward Meridian. There are no utilities available in the area and no road access to the parcel. This irregular shaped parcel is on a steep mountainside and adjacent to Tract C. Tract B is 7.96 acres and its boundary defined by the surrounding federal mining claims. The appraised value for Tract B is \$2000, approximately \$250/acre.

Parcel Five, called Tract C, is Tract C in Sections 34 and 35, Township 20 North, Range 1 West, Seward Meridian. There are no utilities available in the area and no road access to the parcel. This irregular shaped parcel is on a steep mountainside and adjacent to Tract B. Tract C is 2.09 acres and its boundary defined by the surrounding federal mining claims. The appraised value for Tract C is \$500, approximately \$250/acre.

Total acreage for all five parcels is 107.11. The total appraised value for all five parcels is \$66,500.

Summary of Appraised Values and Land Involved

The charts below, summarize with rounded figures the land acquired on both sides of the trade.

Summary of Mining Claims going to Division of Parks and Outdoor Recreation

Mineral/subsurface Value	Acreage	Value per Acre	Total Value
Mineral Value	118	\$200/acre	\$24,000
Tourism Value	n/a	n/a	\$63,000
Total	118	n/a	\$87,000

Alaska Hardrock, Inc./Division of Parks Proposed Land Exchange Final Report

Summary of Parcels going to Alaska Hardrock, Inc.

Parcel Name	Acreage	Value per Acre	Total Value
1) Lucky Shot Mill Site	29	\$850/acre	\$25,000
2) Willow Decline	41	\$625/acre	\$26,000
3) Lucky Shot Tunnel	27	\$475/acre	\$13,000
Tract B&C	10	\$250/acre	\$2,500
Totals	107	\$620/acre	\$66,500

Both state and Alaska Hardrock, Inc. lands are not in the coastal zone. Neither are they wetlands or in a floodplain. The parcels are within the Matanuska-Susitna Borough, but there is no zoning in the area.

Although the value difference between the state land and Alaska Hardrock, Inc. land is approximately \$20,000, both parties still agree to the exchange. The acreage is involved in the exchange is close and Alaska Hardrock, Inc. will receive a tax credit for the value difference.

Legislative Approval

Since this is an unequal value exchange, it must receive Legislative approval.

Land Planning and Classification

The Willow Sub-Basin Area Plan, October 1992, sets out general management intent and land classification for the Hatcher Pass area. The plan specifies that the area will be managed primarily for mining, recreation, grazing, and fish and wildlife related uses such as hunting and providing habitat. The plan classified the land as minerals and public recreation land.

The Hatcher Pass Management Plan spells out more specific management intent for the area. The management intent for the Independence Valley subunit is to protect habitat, the scenic vistas and the historic character, to encourage tourism and the continued mining on existing claims. The management intent for the Willow/Craigie Creek subunit, which includes the Upper Willow Creek Valley, is to encourage mineral development, the continuance of a variety of recreation activities, and protection of habitat and scenic vistas. The plan recognizes that a balance is needed between the protection of historic mining sites and the nourishing of current commercial mining within the area.

Both plans support the expansion of Independence Mine State Historical Park and the mineral closure for land going to the park. Both plans list the Upper Willow Valley as mineral or public recreation lands. State lands to be traded should be either unclassified, or classified as settlement, agriculture, or reserved use. Therefore, by classification, land in the Upper Willow Valley is not open for a land exchange. The intent of the plans is to support mining in the area,

Alaska Hardrock, Inc./Division of Parks Proposed Land Exchange Final Report

and the state land to be received by Alaska Hardrock, Inc. is for the support of their mining operation. In order to reclassify the land, a special exception allowing a change of classification for the five parcels of state land going to Alaska Hardrock, Inc. is proposed. Please see the proposed special exception to the Willow Sub-Basin Area Plan and Hatcher Pass Management Plan and the proposed land classification order #99-003 enclosed with this report.

This reclassification is only for the 107 acres of state land going to Alaska Hardrock, Inc. No other land in the Hatcher Pass area will be reclassified because of this land exchange.

A mineral closure will be placed on the lands involved in this land exchange. The mineral closure is only for the land described in this report and part of this land exchange. No other land in the Hatcher Pass area will be closed to new mineral entry through the mineral closure related to this land exchange.

The mineral closure for the land going to the Division of Parks and Outdoor Recreation is supported by the Willow Sub-Basin Area Plan and the Hatcher Pass Management Plan. Both plans support Independence Mine State Historical Park and the need to preserve historical land marks. The park already has a mineral closure on it. Independence Valley is listed for both active mining and mineral closures for public recreation purposes.

Neither plan supports a mineral closure in the Upper Willow Valley. Both plans support public recreation or mining in this area. Yet, the state lands to be transferred to Alaska Hardrock, Inc. is for the support of their mining operation. A mineral closure on the state land going to Alaska Hardrock, Inc. prevents the disruption of the facilities Alaska Hardrock, Inc. has on these lands, and any improvements they may make, from anyone who might stake a mining claim under these parcels. Since the intent of the plan is to support mining in Upper Willow Valley, and the mineral closure on these parcels also supports mining in the same area, this mineral closure is consistent with the plan intent. Please see the proposed mineral order #753 enclosed with this report.

Benefits of the Exchange

Benefit to the State

Acquiring the old Independence Mine tunnels supports the Division of Parks and Outdoor Recreation's goal of preserving and interpreting Alaska's cultural heritage. Independence Mine State Historic Park currently has the surface buildings of Independence Mine camp within the park. The camp's purpose was to mine gold. Including the tunnels in the park completes the historic picture of Independence Mine. Through a proposed concession contract with a private operator, the Division of Parks and Outdoor Recreation plans to renovate the water tunnel so public tours can be conducted underground. This will give the park visitor a better understanding of how the miners worked, as well as where they lived.

Alaska Hardrock, Inc./Division of Parks Proposed Land Exchange Final Report

Acquiring the tunnels also supports the Division of Parks and Outdoor Recreation's goal of providing support to the state's tourism industry. Long term management plans for Independence Mine State Historic Park include the possibility of a private concession contract. The option of underground tours, either as part of a package or by itself, make a concession contract much more viable.

Note: The goals for the Division of Parks and Outdoor Recreation are listed in the *Alaska State Park System: Statewide Framework*, June 1982

Benefits to Alaska Hardrock, Inc.:

Alaska Hardrock, Inc. has a lease for the Lucky Shot Mill Site. If they own the property, they no longer have to pay the rent to the State. They also can make improvements or create new development without needing to changing their agreement with the State.

The Lucky Shot Tunnel and Willow Decline parcels have tunnel entrances which give access to state mining claims and patented federal mining claims owned by Alaska Hardrock, Inc. By possessing these parcels, Alaska Hardrock, Inc. secures permanent tunnel access and has the ability to make improvements to tunnel access areas without needing to pay fees to, or getting permission from, the State Department of Natural Resources or other state agencies, such as the Department of Environmental Conservation.

Tracts B and C sit in the middle of the patented federal mining claims owned by Alaska Hardrock, Inc. By receiving title to these parcels, Alaska Hardrock, Inc. no longer has an inholding of state land. If they expand their mining operation, they do not need to be concerned with encroaching or trespassing on state land.

Securing all five parcels allows Alaska Hardrock, Inc. to consolidate their property and secure permanent ownership to lands that are key to their mining operation. Due to the low price of gold, Alaska Hardrock, Inc. is considering running gold mine tunnel and mill site tours. Securing ownership for these lands is key to this business as well. Alaska Hardrock, Inc. is also considering a bed and breakfast or small lodge on the Lucky Shot Mill Site to help facilitate a tourist type business.

Alternatives

Independence Mine camp and tunnels is a unique resource for Alaskans. This is why the camp was made into a historical park. There is no alternative land for purchase with the cultural resource of the water tunnel. The only alternative to a land exchange would be to purchase the land from Alaska Hardrock, Inc. Alaska Hardrock, Inc. indicated that they would not want to sell, but would accept a land trade. Another benefit of this exchange is the cost to the State for the land trade is less than the appraised value of the water tunnel property. The State also does not have the funds to purchase the property. The last alternative would be to forego purchase the

tunnel altogether. As stated above, this is a unique resource. To lose this opportunity to obtain this property at a cost less than the appraised value would not be in the best interest of the State

Without the mine tunnel and tour, the opportunity for a concession contract to operate and maintain the historical buildings at Independence Mine State Historical Park would be significantly diminished. The State is not in a position to continue funding the maintenance on these historical buildings. Preliminary contacts with potential private operators indicate that a tour opportunity is needed for the entire project to be economically viable. Without a public/private partnership, the mine buildings will continue to deteriorate.

The parcels going to Alaska Hardrock, Inc. are also a unique resource for Alaska Hardrock, Inc. There are no alternatives to the mill site, or access for their mining claims and tunnels. Their only alternative would be to build other tunnel entrances or mill sites, provided they could find nearby private property to purchase. While there may be nearby private property to purchase for tunnel entrance sites, finding nearby private property to purchase for a mill site that is not prone to avalanches is very unlikely. Even if there was property to purchase that meets their requirements, to rebuild would be prohibitively expensive.

The State could sell these parcels, but the sale would have to be a competitive sale open to the public. The State could not sell the property directly to Alaska Hardrock, Inc. and Alaska Hardrock, Inc. has no guarantee of a winning bid. Since Alaska Hardrock, Inc. is unable to directly purchase the property with the existing facilities from the State, they are willing to trade for it.

This land exchange allows each party to attain what they want. No other alternative achieves this kind of win/win situation for either party.

Public Comment Received

The public notice and comment period ran from December 7, 1999, through January 10, 2000. Newspaper display ads appeared in the Anchorage Daily News on Friday, December 10 and Sunday, December 19. Display ads also appeared in the Frontiersman on Friday, December 10 and Friday, December 17. Legal classified ads appeared in the Juneau Empire and the Fairbanks news Miner on Friday, December 10 and Sunday, December 19.

Documentation on the proposed land exchange was mailed in the first full week of December to the following: 1) all native corporations and villages within the Mat-Su Borough; 2) all community councils within the Mat-Su Borough; 3) all property owners within a six mile radius, including state and federal mining claim holders - this encompassed four townships; 4) all members of the legislature; 5) all state department commissioners, the governor's office, and the Mat-Su Borough; 6) user groups of the area and other interested organizations.

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In addition, a public notice sign with map was mailed to every post office for public posting in the Mat-Su Borough and the Municipality of Anchorage. The public notice was also placed on the State of Alaska and Department of Natural Resources public notice web pages. This public notice was also faxed to the media by the Anchorage Public Information Center. Further, the documentation on the land exchange was posted on the Division of Parks web site. These also happened in the first full week of December.

Only a few comments were received. The land exchange appears to be non-controversial. Negative comments are addressed below.

The Division of Parks and Outdoor Recreation received two faxes. Both were from neighboring property owners. One fax lists concerns, such as the appraisal value affecting their land value and the unknown impact, positive or negative, of the exchange on neighboring property, but did not take a positive or negative position on the land exchange itself.

The other was a list of negative comments that a person had heard from numerous people who contacted him in concern of the proposed land exchange. He encouraged these folks to make their comments directly to the State, but none did. In a phone conversion, I was able to get the term "numerous people", quantified to an "estimate of a dozen people". The person sending the fax wished to remain anonymous, since his own stance on the land exchange is neutral. The negative comments condensed to eight concerns, which are listed below. A ninth concern was the listed on the possibility of cyanide still in the reclamation pits at the Lucky Shot Mill Site. These pits are not part of the land exchange and will remain state land. Therefore, this issue does not involve the land exchange.

Comment 1: A complaint that the public notice period was during the winter. The property involved in the land exchanged can not be driven to in the winter. There was a request to delay the end of the comment period, or have another public comment period during the summer.

Response: Circumstances make this prohibitively expensive. The Preliminary Exchange Agreement was signed at the end of June, allowing just enough time to complete field work on the surveys and appraisal before winter. By law, an appraisal for a land exchange is only valid for one year. Also, this exchange is unequal, therefore, by law, must be approved by the Legislature. If we were to delay public comment for summer and wait for next year's legislative session, the appraisal would be invalid and would have to be redone to accommodate the new timeline. The contract for the current appraisal was \$9,800.

Comment 2: Do not want to see commercialization on both sides, east and west, of the pass.

Response: There already is commercialization on both sides of the pass. Commercial mining has existed on the west side of Hatcher Pass for decades. Should Alaska Hardrock, Inc. create a lodge or B&B at the Lucky Shot Mill Site, this would be a new kind of commercialization on the west side.

Comment 3: This is a poor bargain since the State is only getting subsurface from Alaska Hardrock, Inc.

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Response: As stated earlier in this report, the surface estate is owned by a different party and can not be include in this exchange. Both the subsurface and surface estate owners agree that the right to use the tunnel lies with the subsurface owner, Alaska Hardrock, Inc., which is what the Division of Parks and Outdoor Recreation is interested in. The appraisal only valued the mineral/subsurface estate, so the appraised value accurately reflects what the state is acquiring.

Comment 4: The State would be taking on a liability with the tunnel in terms of visitor safety - risk of cave in.

Response: The appraisal listed the main water tunnel as in good condition. The Division of Parks and Outdoor Recreation has no intention of opening any underground tunnel to the public without insuring public safety through tunnel reconstruction and guided tours. Also, the portion of the water tunnel involved in the exchange is through solid bedrock. The portion of the tunnel that needs shoring up and securing is the entrance, which is already owned by the Division of Parks and Outdoor Recreation.

Comment 5: There would be an increase in non-resident visitation, decreasing the enjoyment of the park by residents.

Response: It is likely that there would be an increase in non-resident visitation to the park when the tunnel is opened for public tours. One of the purposes of the exchange is to encourage increased economic activity. Some residents will also enjoy the upgrades to the park. Also, the park can be used as a jump off point to other areas in Hatcher Pass for those residents who want to get to less populated areas to recreate.

Comment 6: Residents would be charged to see the park. (Unhappy with current fee as it is.)

Response: The Division of Parks and Outdoor Recreation or its commercial operator does plan on charging for the underground tour. The Division of Parks and Outdoor Recreation already has a guided tour of the buildings in the park for a fee, and a parking fee. Without a fee for the underground tour that will be utilized by the commercial operator maintenance of these historic buildings, they will continue to deteriorate. There is no other funding option for the maintenance and preservation of the buildings.

Comment 7: This land exchange violates the intent for public use in the Hatcher Pass Management Plan.

Response: The Department of Natural Resources has determined the exchange is consistent with the plan. See the section "Land Planning and Classification" on page 7.

Comment 8: Wildlife in the area would suffer further from another lodge on the western side.

Response: There is no information to substantiate this. The Department of Fish and Game did not object to, or comment on, the land exchange.

Additional comments received include a letter supporting the land exchange from the Matanuska-Susitna Borough. They believe that the addition of the land to the historic park will make a fine complement to their planned development of a ski area and four-season resort in the area.

Alaska Hardrock, Inc./Division of Parks Proposed Land Exchange Final Report

Scott Eubanks, president of Alaska Hardrock, Inc., received three phone calls from neighboring property owners stating their support as well. These were from Argel Pettit, Mike Nauman, and Allen Ervin. Conversations with all three were very supportive of the exchange. They all thought the exchange would benefit both the State and Alaska Hardrock, Inc. along with helping bring some more revenue into the Mat-Su Borough.

Although there is a long list of negative concerns, they were received from one individual. It is hard to quantify these since the "estimated dozen" persons who made them did not come forth themselves. Support for the exchange came from four definite sources. It is noted that any development has a cost to the surrounding wilderness. The development proposed by the State is limited to that necessary to provide enough funding to support the historic preservation of Independence Mine. There is no other funding source for this preservation effort. Known development proposed by Alaska Hardrock Inc. is limited to supporting their existing mining operation, plus a potential small B&B or lodge similar to Hatcher Pass Lodge.

Given the positive and negative public comments received, the Department of Natural Resources plans to continue the land exchange process.

HB

347

Alaska State Legislature



REPRESENTATIVE
GENE THERRIAULT

Mailing Address:
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Fax: (907) 488-4271

While in session
State Capitol
Juneau, Alaska
99801-1182
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Fax: (907) 465-3884

House District 33

House Of Representatives

House Bill 347

"An Act relating to the Disposition
of Surplus Moose, Caribou, Deer, Dall
Sheep, Elk, and Musk Oxen."

SPONSOR: Representative Gene Therriault by request

SPONSOR STATEMENT:

House Bill 347 directs the Department of Fish and Game to dispose of surplus game animals by granting such surpluses to individuals, groups, or associations for commercial or scientific and educational purposes. Additional provisions of the bill define when a surplus exists in a herd and allows for the sale of moose, caribou, deer, Dall sheep and elk.

As Alaska's economy strives to diversify and expand, HB 347 permits another range of possibilities for growth. In some villages in rural parts of the state, a great need exists for such opportunities. In addition, individuals on the road system have expressed their desire to see expanded uses of Alaska's wild resources permitted by the State.

Alaska State Legislature

REPRESENTATIVE
GENE THERRIAULT

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House Of Representatives

While in session
State Capitol
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House District 33

MEMORANDUM

TO: Representative Bev Masek, Co-Chair
House Resources Committee

FROM: Representative Gene Therriault *Gene Therriault for G.T.*

DATE: April 12, 2000

SUBJECT: HB 347 Hearing Request

I respectfully request that the House Resources Committee hear House Bill 347.

House Bill 347 provides for the disposal of game for various activities/uses when the Department of Fish and Game determines that there is a surplus available for private, commercial, or scientific and educational purposes.

Please contact me if you have any additional questions.

Learn:

Schedule

for tomorrow

HB

349

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Utermohle

3/7/00

CS FOR HOUSE BILL NO. 349(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES MASEK, Dyson, Harris

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Board of Game, means of access for hunting, trapping,
2 and fishing, the definition of 'means' and 'methods,' and hunting safety education
3 and wildlife conservation education programs; relating to the purposes of game
4 refuges, fish and game critical habitat areas, and public use areas."

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

6 * Section 1. AS 16.05.221(b) is amended to read:

7 (b) For purposes of the conservation, [AND] development, and enhancement
8 of the game resources of the state, there is created a Board of Game composed of
9 seven members appointed by the governor, subject to confirmation by a majority of
10 the members of the legislature in joint session. The governor shall appoint each
11 member on the basis of interest in public affairs, good judgment, knowledge, and
12 ability in the field of action of the board, and with a view to providing diversity of
13 interest and points of view in the membership. The appointed members shall be
14 residents of the state and shall be appointed without regard to political affiliation or

1 geographical location of residence. The commissioner is not a member of the Board
2 of Game, but shall be ex officio secretary.

3 * Sec. 2. AS 16.05.255(a) is amended to read:

4 (a) The Board of Game may adopt regulations it considers advisable in
5 accordance with AS 44.62 (Administrative Procedure Act) for

6 (1) setting apart game reserve areas, refuges, and sanctuaries in the
7 water or on the land of the state over which it has jurisdiction, subject to the approval
8 of the legislature;

9 (2) establishing open and closed seasons and areas for the taking of
10 game;

11 (3) establishing the means and methods employed in the pursuit,
12 capture, taking, and transport of game, including regulations, consistent with resource
13 conservation, [AND] development, and enhancement goals, establishing means and
14 methods that may be employed by persons with physical disabilities;

15 (4) setting quotas, bag limits, harvest levels, and sex, age, and size
16 limitations on the taking of game;

17 (5) classifying game as game birds, song birds, big game animals, fur
18 bearing animals, predators, or other categories;

19 (6) methods, means, and harvest levels necessary to control predation
20 and competition among game in the state;

21 (7) watershed and habitat improvement, and management, conservation,
22 protection, use, disposal, propagation, and stocking of game;

23 (8) prohibiting the live capture, possession, transport, or release of
24 native or exotic game or their eggs;

25 (9) establishing the times and dates during which the issuance of game
26 licenses, permits, and registrations and the transfer of permits and registrations between
27 registration areas and game management units or subunits are [IS] allowed;

28 (10) regulating sport hunting and subsistence hunting as needed for the
29 conservation, development, enhancement, and utilization of game;

30 (11) taking game to ensure public safety.

31 * Sec. 3. AS 16.05 is amended by adding a new section to article 6 to read:

1 **Sec. 16.05.911. Regulation of the means of access for hunting, trapping,**
2 **and fishing.** Notwithstanding other provisions of law, traditional means of access for
3 purposes of hunting, trapping, or noncommercial fishing may not be restricted except
4 as

5 (1) specifically authorized by act of the legislature;

6 (2) specifically authorized by a regulation adopted by the Board of
7 Fisheries or the Board of Game, provided that a local fish and game advisory
8 committee with jurisdiction over the area where the regulation would apply has not
9 objected in writing to the adoption of the regulation;

10 (3) necessary to maintain sustained yield management of a fish stock
11 or game population or to protect or enhance habitat that is essential to the maintenance
12 of sustained yield management of a fish stock or game population;

13 (4) necessary to achieve the statutory purpose of an area established by
14 law to protect a fish stock or game population or the habitat of a fish stock or game
15 population, such as a refuge, sanctuary, range, or critical habitat area;

16 (5) necessary to achieve temporary protection for a fish stock or game
17 population or the habitat of a fish stock or game population for a period of less than
18 one year in a specifically identified area; or

19 (6) provided by a law or by a regulation adopted by the Board of
20 Fisheries or the Board of Game that is applicable to a refuge, sanctuary, range, critical
21 habitat area, controlled-use area, or conservation area and that is in effect on the
22 effective date of this section.

23 * Sec. 4. AS 16.05.940 is amended by adding a new paragraph to read:

24 (37) "means," "means and methods," and "methods" mean the tools,
25 implements, devices, or vehicles employed to take fish or game, unless the context
26 otherwise requires.

27 * Sec. 5. AS 16.20.020 is repealed and reenacted to read:

28 **Sec. 16.20.020. Purposes.** The purposes of AS 16.20.010 - 16.20.080 are to

29 (1) protect, enhance, and preserve fish and game habitat and the fish
30 and game that use the habitat;

31 (2) protect, enhance, and preserve traditional public uses of fish and

1 game, including fishing, hunting, trapping, viewing, and photography;

2 (3) perpetuate and enhance general public recreation in a quality
3 environment;

4 (4) provide for additional public uses of the refuges that are consistent
5 with this section.

6 * Sec. 6. AS 16.20.500 is amended to read:

7 **Sec. 16.20.500. Purpose.** The purpose of AS 16.20.500 - 16.20.690 is to
8 protect and preserve habitat areas especially crucial to the perpetuation of fish and
9 wildlife and traditional uses of fish and wildlife [,] and to restrict all other uses not
10 compatible with that primary purpose.

11 * Sec. 7. AS 16.55.010 is amended to read:

12 **Sec. 16.55.010. Duties of department.** The Department of Fish and Game
13 shall

14 (1) assist in developing and coordinating activities involving private
15 organizations relating to shooting and firearms;

16 (2) develop [A] hunting safety education and wildlife conservation
17 education programs and cooperate with private nonprofit organizations
18 established for the primary purpose of preserving hunting, fishing, and trapping
19 to expand these education programs [PROGRAM] for the people of the state;

20 (3) establish a program to assist in the planning, construction, and
21 operation of public shooting ranges.

22 * Sec. 8. AS 16.55.020 is amended to read:

23 **Sec. 16.55.020. Powers of department.** In the discharge of its duties under
24 AS 16.55.010, the Department of Fish and Game may

25 (1) provide, through a departmental coordinator, technical assistance to
26 municipalities, communities, and organizations;

27 (2) make grants to municipalities and organizations as provided in
28 AS 16.55.030 to

29 (A) [TO] develop and operate public shooting ranges and
30 facilities; [AND]

31 (B) [TO] operate programs involving education and training in

1 the safe use of firearms; and

2 **(C) assist private nonprofit organizations established for the**
3 **primary purpose of preserving hunting, fishing, and trapping in providing**
4 **hunting safety education and wildlife conservation education programs.**

5 * Sec. 9. AS 16.55.030 is amended to read:

6 **Sec. 16.55.030. Grants.** Subject to legislative appropriation for the purpose,
7 the Department of Fish and Game may make grants to municipalities and private
8 nonprofit organizations established for the primary purpose of preserving hunting,
9 fishing, and trapping to provide hunting safety education and wildlife
10 conservation education in accordance with AS 16.55.020(2). The department may
11 impose reasonable restrictions on the use of funds granted under this section.

12 * Sec. 10. AS 41.23.010 is amended to read:

13 **Sec. 41.23.010. Purpose of AS 41.23.010 - 41.23.040.** The purpose of
14 AS 41.23.010 - 41.23.040 is to establish the area described in AS 41.23.040 as the
15 Nelchina Public Use Area. The Nelchina Public Use Area is established to

16 (1) protect, develop, and preserve [MAINTAIN] fish and wildlife
17 habitat and the fish and wildlife that use the habitat [, PARTICULARLY
18 CARIBOU CALVING AREAS, TRUMPETER SWAN NESTING AREAS, AND
19 OTHER IMPORTANT HABITATS FOR MOOSE, DALL SHEEP, AND BROWN
20 BEAR SO THAT TRADITIONAL PUBLIC USES OF FISH AND WILDLIFE
21 POPULATIONS MAY CONTINUE];

22 (2) protect, [PERPETUATE AND] enhance, and preserve traditional
23 public uses of fish and wildlife, [PUBLIC ENJOYMENT OF FISH AND WILDLIFE
24 AND THEIR HABITAT] including fishing, hunting, trapping, viewing, and
25 photography;

26 (3) perpetuate and enhance general public recreation in a quality
27 environment:

28 (4) [PERPETUATE AND ENHANCE ADDITIONAL PUBLIC USES
29 DESCRIBED IN THE SUSITNA AREA PLAN;

30 (5)] allow additional public uses of the area that are [IN A MANNER]
31 compatible with the purposes specified in [(1) - (4) OF] this section.

1 * Sec. 11. AS 41.23.020(c) is amended to read:

2 (c) The Nelchina Public Use Area shall be open to mineral entry under
3 AS 38.05.185 - 38.05.275, and the commissioner may adopt regulations to achieve the
4 purposes specified in AS 41.23.010. Each valid existing right or permit shall remain
5 valid and continue in full force and effect according to its terms. Exploration,
6 development, and extraction of subsurface resources shall be allowed in a manner that
7 is compatible with the purposes specified in AS 41.23.010(1) - (3) [AS 41.23.010(1) -
8 (4)].

9 * Sec. 12. AS 41.23.030(d) is amended to read:

10 (d) The commissioner shall allow traditional access to the Nelchina Public Use
11 Area by motorized or nonmotorized means of transportation to private land, interests
12 in private land, and for lawful sport and subsistence hunting, fishing, trapping, and
13 recreational purposes in a manner that is compatible with the purposes specified in
14 AS 41.23.010(1) - (3) [AS 41.23.010(1) - (4)].

15 * Sec. 13. AS 41.23.050 is amended to read:

16 Sec. 41.23.050. Purpose of AS 41.23.050 - 41.23.080. The purpose of
17 AS 41.23.050 - 41.23.080 is to establish the area described in AS 41.23.080 as the
18 Ernie Haugen Public Use Area. The Ernie Haugen Public Use Area is established to

19 (1) protect, develop, and preserve [AND MAINTAIN] fish and
20 wildlife habitat and the fish and wildlife that use the habitat [SO THAT
21 TRADITIONAL PUBLIC USES MAY CONTINUE];

22 (2) protect, [PERPETUATE AND] enhance, and preserve traditional
23 public uses of fish and wildlife, including [PUBLIC ENJOYMENT] of fishing,
24 hunting, trapping, viewing, and photography;

25 (3) perpetuate and enhance general public recreation in a quality
26 environment; and

27 (4) allow additional public uses of the area that are [, INCLUDING
28 PERSONAL USE WOOD CUTTING, WHEN DETERMINED] compatible with the
29 purposes specified in [(1) - (3) OF] this section.

30 * Sec. 14. AS 41.23.100(b) is repealed and reenacted to read:

31 (b) The Hatcher Pass Public Use Area is established to