

Managing our Resources for Future Generations

“The House Special Committee on Oil and Gas worked this session to promote the sustainable development of our natural resources, respond to issues related to non-conventional gas development, and to provide continuing assurances to those who want to do business in Alaska that we are ready and willing to do our part.”

– Representative Vic Kohring, Chair of the House Special Committee on Oil & Gas

“We have a trust responsibility that is very carefully laid out in the State Constitution. We are to manage the lands and their natural resources for the common benefit of all the people. Good management, good conservation, implies wise use—we can’t just lock it up. Good stewardship implies good use, and the key word there is use. Those resources that we can wisely harvest, we should harvest for the benefit of the people. Those renewable resources that are out there should not be squandered. We should be looking at how we can use those resources and still keep a renewable side of the equation. That implies management, not just monitoring.

So much of what people outside our state want us to do is lock up our resources in a park and just look at it, rather than manage it. We believe as a Legislature we have a trust responsibility to manage it for the beneficiaries. If the Legislature does not step up to the plate, then it is abdicating its trustee responsibilities.

The Twenty-Third Legislature also took significant steps to begin resolving the State’s navigable waters disputes. When Alaska became a state, we came into the nation under the equal footing doctrine that said we had all the same rights as every state that entered the nation before us. President Dwight Eisenhower declared that when we entered, we entered as an equal. Ever since then we have been fighting to try to get equality. The federal government still owns a huge chunk of land. The last 14 states to come into the nation were required as a condition of statehood to give up huge tracks of land to the federal government. It was blackmail. So now this tension exists. What lands were actually transferred to the state at statehood? What waters were actually transferred to the state at statehood?

Until we had become a state, the law has always said the federal government holds those lands and waters in trust for the people of the future state. When we became a state, that trust went away. It was disbursed to the new beneficiaries of the trust, the new citizens of the state. As part of that, and also in the statehood act through the equal footing doctrine and confirmed through the submerged lands act, the state was to have title to the submerged lands underneath all the navigable streams and lakes and three miles out to sea. The federal government has not transferred us that title. We are asking why not? It’s been 45 years. Where is our title? It’s very difficult to manage when you don’t know who owns the land, who owns the water.”

– Senator Ralph Seekins, Chair of the Senate Judiciary Committee and sponsor of resource management legislation

Article VIII of the Alaska Constitution gives the legislature authority over its resources to “provide for the utilization, development, and conservation of all natural resources belonging to the state, including land and waters, for the maximum benefit of its people.”

That mandate provides the cornerstone for legislation passed by the Twenty-third Legislature regarding management of Alaska's resources.

As part of a "Standing up for Alaska's land rights" package, the Legislature took important steps to move the state closer to resolving ownership and management of the state's navigable waters and public access rights. The ownership of more than 60 million acres is at stake.

The Legislature passed three bills to move the process forward by outlining the state's legal position on ownership of submerged lands, renewing the Joint Federal and State Navigable Waters Commission, encouraging the Interior Secretary and the Alaska congressional delegation to support the continuation of the process for securing title to submerged land, and asking congress to amend the Quiet Title Act to ensure federal cooperation in resolving submerged land title disputes.

The Joint Salmon Industry Task Force also recommended changes to the management of Alaska's fishing resources that were adopted by the Legislature. Salmon harvesters will be able to vote on changing the tax structure of the Alaska Seafood Marketing Institute for marketing.

2004 Second Session

HB 452: Guided Sport Fishing

Provides for licensing and regulation of sport fishing operators and sport fishing guides. Authorizes the Department of Fish and Game and the Alaska Commercial Fisheries Entry Commission to release records and reports to the Department of Natural Resources and the Department of Public Safety.

Sponsor: Rep. Cheryll Heinze

HB 486: Mining Reclamation Assurances/Fund

Makes three changes to existing law. First, removes "lode mines," sometimes referred to as "hard-rock mines," from the current bonding "cap" of \$750 per acre for mine reclamation responsibilities; the cap would remain in effect for placer mines. Second, replaces the term "performance bond" with the term "financial assurance," and lists various ways to provide that assurance, in order to give mining companies and the state the flexibility to employ a variety of financial assurance vehicles. Third, creates a mine reclamation trust fund, which allows the build-up of an adequate reclamation fund through payments made over time and through the earnings on that fund.

Sponsor: House Rules Committee by Request Gov. Frank Murkowski

HJR 34: Federal Training & Assistance For Fishermen

Requests the United States Department of Agriculture and the United States Department of Labor to extend Trade Adjustment Assistance benefits to Alaska fishermen; requests the United States Congress and the United States Department of Agriculture to extend additional disaster and price support benefits to Alaska salmon fishermen; and requests the United States Department of Agriculture to establish terminal markets in Alaska for all covered commodities including salmon.

Sponsor: Rep. Dan Ogg by Request Jnt. Salmon Industry Task Force Committee

HJR 36: Mitigating Glacier Bay Fishing Closures

Asks the National Park Service to take simple steps to mitigate the adverse consequences that fishing closures in Glacier Bay have had on those who once participated.

Sponsor: Rep. Bruce Weyhrauch

SB 56: Sport Fishing Fees For Yukon Residents

Allows Yukon residents to obtain sport fishing licenses and king salmon tags at the same rate as Alaskan residents; the Yukon government extends the same resident rate to Alaskans.

Sponsor: Senator Fred Dyson

SB 190: Kenai River Special Management Area

Furtheres the implementation of the Kenai River Comprehensive Management Plan by adding state-owned land to the Kenai River Special Management Area. Gives the commissioner of the Department of Natural Resources the ability to appoint a state or federal employee to one of the private citizen's seats while a state or federal agency representative can only hold a non-voting seat.

Sponsor: Senator Tom Wagoner

SB 241: Appropriation: North Slope Natural Gas

Appropriates \$1.65 million to the Department of Revenue for work related to bringing natural gas from the North Slope to market during Fiscal Year 2004. The language of the appropriation is broad enough to cover work for the Alaska Natural Gas Development Authority as well as technical expertise critical to on-going negotiations under the Stranded Gas Development Act. An accompanying letter of intent stipulates that at least \$650,000 be allocated directly to the Alaska Natural Gas Development Authority, created by a voter-approved citizens' initiative in the 2002 general election. The appropriation lapses June 30, 2005.

Sponsor: Senator Gene Therriault

SB 273: ASMI Board/Seafood Taxes & Assessments

Changes the tax structure of the Alaska Seafood Marketing Institute and reduces the size of its board from 25 to either seven or nine members, depending on the outcome of an election. The current tax structure levies 1 percent on salmon harvesters and a voluntary .3 percent on processors for marketing. SB 273 requires an election in the Fall for processors to vote on whether to A) eliminate the ASMI assessment, B) retain the current .3 percent, or C) increase the assessment to .5 percent. If processors approve the .5 percent assessment, the 1 percent salmon marketing tax would be eliminated. If processors retain the .3 percent or eliminate the assessment, the 1 percent salmon harvester tax would be retained, and two more fishermen would be added to the ASMI board.

Sponsor: Senator Gary Stevens

SB 295: Extend Navigable Waters Commission

Part of the “Standing up for Alaska’s Land Rights” package, extends the life of the Joint Federal and State Navigable Waters Commission for Alaska until 2006. The commission’s purpose is to expedite the title process to the state’s submerged lands, to determine which bodies of water are navigable or non-navigable, and to recommend ways to improve the water navigability determination process and quickly clear title to the state’s submerged lands.

Sponsor: Senator Gene Therriault

SB 305: Asserting State Title to Submerged Land

Part of the “Standing up for Alaska’s Land Rights” package, outlines the state’s position on the ownership of submerged lands. Requires the commissioner of the Department of Natural Resources to compile a list of navigable waters. Makes available to the public a map of all water in the state that is determined to be navigable.

SB 315: Entry Permit Buy-Back Program

Modifies existing law governing commercial fishing entry permit buy-back programs by allowing the Commercial Fisheries Entry Commission to “front fund” a buy-back program if an appropriation were received. These funds would be repaid by fishermen who are engaged in a buy-back program.

Sponsor: Senator Ben Stevens

SB 322: Salmon Enhancement Tax

Offers flexibility for Regional Aquaculture Associations by adding tax rates of 30, 20, 15, 10, 9, 8, 7, 6, 5 and 4 percent to the salmon enhancement tax that the fishermen may impose on themselves. Under current law fishermen may self-assess 1, 2 or 3 percent of the value of their harvest for the purpose of funding the operation of their regional aquaculture associations.

Sponsor: Senator Ben Stevens

SB 329: Nuisance Moose

Instructs the Commissioner of the Department of Fish & Game to avoid destruction of nuisance moose if a practicable alternative exists for the relocation of the moose to suitable habitat. Allows the commissioner to authorize one or more private individuals or groups to relocate nuisance moose to suitable habitat under certain circumstances. Requires the re-locator to cover the cost of relocation. Ensures that darts containing narcotics used to tranquilize moose shall be recovered and properly disposed.

Sponsor: Senator Con Bunde

SCR 19: Supporting Fisheries Education

Supports a recommendation from the Joint Legislative Salmon Industry Task Force to promote fisheries education and collaboration between the University of Alaska and other institutions to provide seafood education and training programs.

Sponsor: Senator Gary Stevens by Request Joint Salmon Industry Task Force

SJR 26: Appeal Wilderness Society Vs U.S.F. & W.

Asks the Interior Department and the U.S. Department of Justice to appeal to the U.S. Supreme Court the decision of the Ninth Circuit Court of Appeals in *The Wilderness Society v. United States Fish and Wildlife Service*. Asks for a temporary emergency stay of the decision to allow the project to continue this year while the decision is under appeal.

Sponsor: Senator Tom Wagoner

SJR 27: Submerged Land Title Disputes

Part of the "Standing up for Alaska's Land Rights" package, encourages the Interior Secretary to continue recording disclaimers of interest (statements that the federal government has no stake in the property); requests federal participation in the Joint Navigable Waters Commission for Alaska; and recommends amendment of the federal Quiet Title Act.

Sponsor: Senator Ralph Seekins

SR 4: Amend Wilderness Act

Expresses the Alaska State Senate's request to Congress to amend the Wilderness Act to exclude non-commercial activities such as the sockeye salmon enhancement program in Tustumena Lake from consideration as a commercial enterprise under provisions of the Act.

Sponsor: Senate Resources Committee

2003 First Session**HB 24: Agreements On Management Of Fish And Game**

Requires intergovernmental agreements with the federal government for fish and wildlife management to not cede state management authority. Requires that any such agreement be void on July 1, 2004.

Sponsor: Rep. Bruce Weyhrauch, Rep. Jim Whitaker

HB 69: Regulation Of Shallow Natural Gas

Ensures that the Alaska Oil and Gas Conservation Commission has the authority and discretion necessary to regulate shallow gas drilling while also providing for human safety and environmental protection.

Sponsor: Rep. Vic Kohring

HB 118: Transportation Of Commercial Fish

Allows commercial fishermen to hire their own tender or pool their resources on one boat to transport fish to market. Requires the person transporting the fish to have a transporter permit in addition to the currently required fish ticket.

Sponsor: Rep. Paul Seaton by Request Jnt. Salmon Task Force Committee

HB 191: Coastal Management Programs

Streamlines the Alaska Coastal Management Program by relying on existing state statutes and regulations as the enforceable policies of the ACMP. Allows municipalities to retain their existing land use authorities to regulate private activity within their jurisdiction. Authorizes the Department of Natural Resources (DNR), as the implementing agency, to adopt local ordinances as enforceable policies to be applied in consistency reviews of federal projects and Outer Continental Shelf (OCS) development. The DNR would consult with the local government when interpreting and applying the local ordinance as part of a consistency review. Adopts certain existing coastal district policies for federal OCS development as state enforceable policies.

Sponsor: Hou. Rules Committee by Request Gov. Frank Murkowski

HB 210: Chitina Dip Net Fishery

Eliminates the \$25 fee for a Chitina Dipnetting Permit.

Sponsor: Rep. John Coghill

HCR 6: Extend Joint Legislative Salmon Industry Task Force

Extends the Joint Legislative Salmon Industry Task Force until the end of next year's Regular Session.

Sponsor: Rep. Gary Stevens

HCR 11: Alaska Salmon Day

Proclaims July 2, 2003 as "Alaska Wild Salmon Week" to recognize the salmon industry's significance to the state.

Sponsor: Rep. Kelly Wolf

SB 88: Forest Resources & Practices Standards

Revises the riparian management standards of the Forest Resources Practices Act (FRPA) for Region III by strengthening protection for fish habitat and water quality in a manner that continues to support both the timber and fishing industries.

Sponsor: Senator Ralph Seekins

SB 147: Control of Nuisance Wild Animals

Provides authority to the Alaska Board of Game to adopt regulations to allow issuance of permits and licenses to sanctioned designees to control nuisance wild birds and nuisance wild small mammals.

Sponsor: Senator Lyda Green

SB 149: Timber/Timber Sales/State Forests

Repeals certain timber sale requirements.

Sponsor: Senator Robin Taylor

SB 155: Predator Control/Airborne Shooting

Makes changes that will allow the Fish and Game Board as well as the Commissioner to better manage wildlife by balancing predator and game populations based on the best science available.

Sponsor: Senator Ralph Seekins

SB 185: Royalty Reduction On Certain Oil/Tax Credits

Amends statutes to provide for reduction of royalty on oil produced in certain Cook Inlet fields and platforms as they near the end of their production capability. Offers an oil and gas production tax credit to companies that perform exploration work from July 1, 2003 through July 1, 2007. Brings the cost of exploration in Alaska in line with the costs of other places around the world.

Sponsor: Senator Tom Wagoner

SB 216: International Airports Revenue Bonds

Increases the cumulative authorization for international airports revenue bonds, allowing the sale of up to \$76,600,000 in new revenue bonds to support capital improvement programs for FY 04 through FY 06 at the Ted Stevens Anchorage International Airport and Fairbanks International Airport, referred to collectively as the Alaska International Airports System (AIAS), and certain passenger terminal renovation work at the Ted Stevens Anchorage International Airport.

Sponsor: Senate Rules Committee by Request Gov. Frank Murkowski