

# **State of Alaska FY2013 Governor's Operating Budget**

## **Department of Law Natural Resources Component Budget Summary**

**Component: Natural Resources****Contribution to Department's Mission**

The Natural Resources Section provides legal advice and representation to state departments, boards and commissions that regulate Alaska's lands, waters, fish, game, and other renewable natural resources. The Statehood Defense unit of the Department of Law provides advice and representation to state agencies on issues raised by conflicts between state and federal jurisdiction.

**Core Services**

- The Natural Resources Section advises the Department of Natural Resources and the Department of Fish and Game to ensure that land, water, fish, game, and other renewable natural resources are managed and allocated by state agencies in accordance with state law. The section also advises the Mental Health Trust Land Office and the Big Game Commercial Services Board. The section pursues legal actions for forfeiture of vessels and other property used in violating state natural resource laws.
- Statehood Defense attorneys handle complex cases arising out of state/federal jurisdictional conflicts which profoundly affect management of Alaska's natural resources. Issues include title navigability, RS 2477 rights-of-way, access across and within federal lands, Alaska National Interest Lands Conservation Act (ANILCA) questions, Alaska Native Claims Settlement Act (ANCSA) conveyances and 17(b) easements, subsistence, Endangered Species Act (ESA), and management issues.
- Statehood Defense attorneys also provide legal advice and assistance to the Governor's Office and state agencies on matters of federal Indian law.

**Key Component Challenges**

1. Natural Resources. During the upcoming fiscal year, the Natural Resources Section will provide advice at the meetings of the Board of Fisheries and the Board of Game, assist in drafting and reviewing regulations, and defend the actions of the boards in state courts. Issues related to aquaculture, Commercial Fisheries Entry Commission (CFEC) permits, and vessel forfeitures will require additional attorney time. The section also continues to work on subsistence issues. The section will continue to be involved in litigation concerning Alaska's right to charge nonresidents higher annual fees to participate in the state's commercial fisheries. The section will provide representation for the CFEC in a number of appeals related to permit denials.

The section continues to advise the Department of Natural Resources (DNR) on permitting and access issues for large mines, including the Red Dog, Pogo, Fort Knox, Pebble, and Kensington projects. There are an increasing number of cases in Southeast Alaska dealing with ownership of accreted lands. The section will continue advising DNR on recovery of fire suppression costs and damages from wildfires, as well as issues related to management of state owned timber. Section attorneys assist in clearing clouds on title to state lands as DNR tries to increase the amount of state land it offers for sale. Additional issues related to land sale contracts and transfer instruments also require legal advice. The section provides advice relating to water allocation and use, and rights-of-way and easements on public and private land. Mental Health Trust Land issues continue to require assistance from an attorney in the section. The Natural Resources Section also will provide significant advice and representation to the Division of Parks and Outdoor Recreation on a broad range of issues related to management of parkland. The section also advises the Habitat Division in DF&G and the Office of Project Management and Permitting within DNR.

2. During FY 2012, the Statehood Defense unit will work to protect and ensure access to state and private lands and on public waters across Alaska through assertions of RS 2477 rights-of-way, ANILCA access rights, and ownership of navigable waters. Statehood Defense attorneys will work with the DNR and DF&G to file with the Bureau of Land Management (BLM) additional applications for recordable disclaimers of interest for navigable waters, and provide information to BLM to convince it to declare waterways navigable within the survey windows it is completing. The unit will continue to insure the state's land entitlement from the federal government is

fulfilled. The section advises the Alaska Department of Fish and Game (DF&G) regarding Endangered Species Act issues and the North Pacific Fisheries Management Council.

The Statehood Defense unit will pursue the lawsuit against the federal government relating to application to Alaska's Tongass and Chugach National Forests of a national Roadless Rule, and participate and monitor ongoing federal actions related to timber sales, and implementation of forest management plans. Legal work related to the Endangered Species Act (ESA) continues to increase. The unit will participate in the ESA process as it relates to decisions or proposals to list polar bears, Cook Inlet beluga whale, ringed seals, bearded seals and other species, and designate critical habitat. The unit is also participating in issues relating to management of Pacific Salmon and to ensure adherence to the Pacific Salmon Treaty. The unit will also advise DF&G regarding the North Pacific Fisheries Management Council. The section challenged new groundfish, fishery regulations closing large areas in Western Alaska to fishing based on a biological opinion by NMFS concluding that Western Steller sea lions needed additional protections to recover even though the population is generally recovering. The unit will continue to closely monitor the federal subsistence program, assist DF&G in preparation of state comments, and challenge actions by the Federal Subsistence Board (FSB) when necessary. The unit will continue litigation challenging the use of claimed Federal Reserved Water Rights to expand federal subsistence jurisdiction. Attorneys will monitor actions taken under federal legislation to complete conveyances under ANCSA and ANILCA and the Alaska Native Allotment Act and review proposed federal public use management plans for federal lands. Attorneys will provide comments on federal legislative proposals that affect Alaska land and natural resources. The unit will also continue to work on issues relating to assertions of tribal sovereignty that impact state interests, including an attempt by several tribes to invalidate a regulatory ban on taking land into trust in Alaska.

## **Significant Changes in Results to be Delivered in FY2013**

The Statehood Defense component has been combined with Natural Resources to align with management of the component.

## **Major Component Accomplishments in 2011**

### Natural Resources:

- The section successfully defended a challenge in the Ninth Circuit to regulations for salmon fishing in Upper Cook Inlet based on alleged violations of the Takings Clause of the U.S. Constitution.
- The section assisted the boards in five regular Board of Fisheries meetings, four regular Board of Game meetings, and Big Game Commercial Services Board meetings, additional special and emergency meetings, and reviewed and edited hundreds of pages of regulatory changes made at the meetings.
- The section drafted, reviewed and commented on legislation related to natural resources.
- The section assisted with briefing before the Alaska Supreme Court for review of the extremely high rate of interest imposed on the judgment in the *Carlson* class action nonresident commercial fishing fees case.
- The section settled two cases relating to aquatic farming statutes, regulations and permits and seeking damages.
- The section advised DF&G on issues relating to potential filming of a major motion picture in the Rabbit Creek Shooting Park in the Anchorage Coastal Wildlife Refuge. The section briefed an appeal to the Alaska Supreme Court on the validity of the Board of Fisheries' classification of the Chitina Subdistrict salmon fishery as a personal use rather than a subsistence fishery. The section briefed an appeal to the Alaska Court of Appeals on the validity of subsistence fishing bag limits found in fishing permits rather than in regulation. The section defended before the Alaska Supreme Court a challenge to the legality of the Bristol Bay Area Plan.
- The section advised and represented DNR in appeals regarding Pebble Mine water and land use permit issues.

- The section is advising and defending DNR on several municipal entitlement applications.
- The section assisted the Mental Health Trust Land Office with numerous land transactions.
- The section participated in coal lease litigation and settlement, and provided advice on coal lease bonding issues.
- The section successfully defended appeals of denials of Commercial Fishery Entry Commission permits. The section continued to represent DNR in quiet title actions regarding ownership of accreted land and land formed by isostatic rebound.
- The section advised DNR on state law preemption of borough ordinances that potentially affect state resources.
- The section successfully negotiated a lease and agreement for acquisition of additional land by CINGSA to allow the Cook Inlet natural gas storage project to go forward. The section negotiated a beneficial settlement of a quiet title action claiming state submerged land.
- The section continued to provide advice to ADF&G on predator control and intensive management issues.
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- The section assisted ADF&G in revising its regulations related to the Catalogue of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes and the associated Atlas.
- The section advised ADF&G. Habitat Division on issues related to development, amendment and interpretation of special area management plans, regulations and statutes, and on issuance of Fish Habitat and Special Area permits.
- The section defended challenges to the hunting regulations for the Nelchina caribou herd. The section advised DNR on multiple trespass cases.
- The section advised DNR regarding storm water permitting requirements at material sites.

Statehood Defense:

- The section completed supplemental briefing on challenges to the listing of the polar bear as a threatened species.
- The section completed briefing on challenges to the beluga whale listing. With DF&G, the section developed comments on the proposed designations of critical habitat under the ESA for the polar bear and on the status of ringed and bearded seals.
- The section filed litigation challenging the designation of critical habitat for the polar bear.
- The section filed litigation to challenge a biological opinion by NMFS leading to the closure of large areas to commercial fishing for groundfish in the Aleutians and near Adak purportedly required to prevent jeopardy and adverse modification of critical habitat for the distinct population of Western Steller sea lions.
- The section filed amicus briefs and received a favorable decision in a suit challenging NMFS' failure to list ribbon seals as threatened.
- The section continued to work with DF&G to prepare special conditions for the reintroduction of endangered wood bison to Alaska under section 10(j) of the ESA that, if adopted, will permit land use and development in any manner otherwise allowed by law.
- The section represented the state in litigation regarding the Secretary of the Interior's authority to take land into trust in Alaska for the benefit of Alaska tribes. The section also assisted with preparation of state comments on several bills in Congress to address land into trust issues.
- Section staff prepared comments and attended numerous Federal Subsistence Board meetings and meetings

of the North Pacific Fishery Management Council to assist DF&G with issues impacting state fish and wildlife management.

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- The section worked with state and federal fisheries staff to initiate changes to the Federal Management Plan for salmon to insure continued state control over management of state salmon fisheries.
- The section completed briefing in the 9<sup>th</sup> Circuit appeal of the federal district court case challenging the United States' claims of Federal Reserved Water Rights in federal subsistence regulations. The section also continues to represent the State in litigation in which the plaintiffs claim federal subsistence fishing rights in marine waters in Southeast Alaska.
- The section assisted with preparation of the State's comments on the draft National Forest Planning Rule.
- The section intervened and successfully defended the Logjam timber sale in the Tongass National Forest.
- The section filed an appeal of the U.S. district court decision invalidating the exemption of the Tongass National Forest from the Roadless Rule which prohibits all logging in Roadless areas.
- The section filed a declaratory judgment action against the U.S. challenging the Roadless Rule.
- The section filed an administrative appeal of the Central Kupreanof timber sale in an attempt to increase the timber supply.
- The section advises DNR Forestry and the Governor's office on matters related to the Tongass National Forest, participates on the State Tongass Team, and submitted numerous FOIA requests to the Forest Service and USDA regarding national forest matters.
- The section received a favorable decision from the Interior Board of Land Appeals requiring the Bureau of Land Management to reconsider the State's application for a recordable disclaimer of interest for the Stikine River and establishing a favorable standard of review.
- The section represents the State in a case to quiet title to the Kotsina River.
- The section successfully requested that the State be allowed to participate as amicus curiae in federal litigation in Utah challenging BLM's Wild Lands policy.
- The section assisted DNR and DF&G with applications to the BLM for recordable disclaimers of interest (RDI) for lands underlying navigable waters. The State has received a number of RDI's from BLM. The State continues to educate landowners about the public's right to use state navigable waters.
- The section settled an appeal to the Interior Board of Land Appeals, securing public access across Doyon land to the Tozitna River.
- The section advised DNR and DF&G on RS 2477 issues.
- The section continued to monitor litigation related to pacific salmon in Washington and Oregon.
- The section provided legal advice to DF&G regarding the Pacific Salmon Treaty and coast wide salmon management issues.
- The section continued to monitor and comment on proposed federal legislation.
- The section provided extensive advice to DNR and DF&G ANILCA team on many federal land and water management issues and plan reviews.
- The section filed a petition requesting the Secretary of Interior to repeal or amend National Park Service regulations affecting state owned waters in national parks.

- The section provided legal review and advice to DNR planning team members regarding BLM's revisions to the NPR-A land use plan.

### Statutory and Regulatory Authority

AS 44.23.020

Contact Information
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Natural Resources Component Financial Summary			
		<i>All dollars shown in thousands</i>	
	FY2011 Actuals	FY2012 Management Plan	FY2013 Governor
<b>Non-Formula Program:</b>			
<b>Component Expenditures:</b>			
71000 Personal Services	3,159.5	2,180.6	2,398.8
72000 Travel	68.1	26.3	26.3
73000 Services	1,435.8	1,096.0	1,546.0
74000 Commodities	66.5	58.8	58.8
75000 Capital Outlay	34.6	7.2	7.2
77000 Grants, Benefits	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
<b>Expenditure Totals</b>	<b>4,764.5</b>	<b>3,368.9</b>	<b>4,037.1</b>
<b>Funding Sources:</b>			
1004 General Fund Receipts	4,228.6	3,111.6	3,611.9
1007 Inter-Agency Receipts	535.9	257.3	425.2
<b>Funding Totals</b>	<b>4,764.5</b>	<b>3,368.9</b>	<b>4,037.1</b>

Estimated Revenue Collections				
Description	Master Revenue Account	FY2011 Actuals	FY2012 Management Plan	FY2013 Governor
<b>Unrestricted Revenues</b>				
Unrestricted Fund	68515	16.6	0.0	0.0
<b>Unrestricted Total</b>		<b>16.6</b>	<b>0.0</b>	<b>0.0</b>
<b>Restricted Revenues</b>				
Interagency Receipts	51015	535.9	257.3	425.2
<b>Restricted Total</b>		<b>535.9</b>	<b>257.3</b>	<b>425.2</b>
<b>Total Estimated Revenues</b>		<b>552.5</b>	<b>257.3</b>	<b>425.2</b>

**Summary of Component Budget Changes  
From FY2012 Management Plan to FY2013 Governor**

*All dollars shown in thousands*

	<u>Unrestricted Gen (UGF)</u>	<u>Designated Gen (DGF)</u>	<u>Other Funds</u>	<u>Federal Funds</u>	<u>Total Funds</u>
<b>FY2012 Management Plan</b>	<b>3,111.6</b>	<b>0.0</b>	<b>257.3</b>	<b>0.0</b>	<b>3,368.9</b>
<b>Adjustments which will continue current level of service:</b>					
-FY2013 Salary Increases	36.3	0.0	4.0	0.0	40.3
-FY2013 Health Insurance Increases	14.0	0.0	1.9	0.0	15.9
<b>Proposed budget increases:</b>					
-Statehood Defense to Natural Resource Development and Transportation Outside Counsel	450.0	0.0	0.0	0.0	450.0
-Add Inter-Agency Receipt Authority for Anticipated Reimbursable Service Agreements	0.0	0.0	162.0	0.0	162.0
<b>FY2013 Governor</b>	<b>3,611.9</b>	<b>0.0</b>	<b>425.2</b>	<b>0.0</b>	<b>4,037.1</b>

**Natural Resources  
Personal Services Information**

Authorized Positions			Personal Services Costs	
	<u>FY2012</u> <u>Management</u> <u>Plan</u>	<u>FY2013</u> <u>Governor</u>		
Full-time	19	17	Annual Salaries	1,630,768
Part-time	0	0	COLA	39,579
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	828,369
			<i>Less 4.00% Vacancy Factor</i>	(99,916)
			Lump Sum Premium Pay	0
<b>Totals</b>	<b>19</b>	<b>17</b>	<b>Total Personal Services</b>	<b>2,398,800</b>

**Position Classification Summary**

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Assoc Attorney I	1	0	0	0	1
Attorney III	1	0	0	0	1
Attorney IV	3	0	2	0	5
Attorney V	5	0	1	0	6
Attorney VI	1	0	0	0	1
Law Office Assistant I	2	0	0	0	2
Law Office Assistant II	1	0	0	0	1
<b>Totals</b>	<b>14</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>17</b>

**Component Detail All Funds**  
**Department of Law**

**Component:** Natural Resources (2212)  
**RDU:** Civil Division (35)

	<b>FY2011 Actuals</b>	<b>FY2012 Conference Committee</b>	<b>FY2012 Authorized</b>	<b>FY2012 Management Plan</b>	<b>FY2013 Governor</b>	<b>FY2012 Management Plan vs FY2013 Governor</b>	
71000 Personal Services	3,159.5	2,180.6	2,180.6	2,180.6	2,398.8	218.2	10.0%
72000 Travel	68.1	26.3	26.3	26.3	26.3	0.0	0.0%
73000 Services	1,435.8	1,096.0	1,096.0	1,096.0	1,546.0	450.0	41.1%
74000 Commodities	66.5	58.8	58.8	58.8	58.8	0.0	0.0%
75000 Capital Outlay	34.6	7.2	7.2	7.2	7.2	0.0	0.0%
77000 Grants, Benefits	0.0	0.0	0.0	0.0	0.0	0.0	0.0%
78000 Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0%
<b>Totals</b>	<b>4,764.5</b>	<b>3,368.9</b>	<b>3,368.9</b>	<b>3,368.9</b>	<b>4,037.1</b>	<b>668.2</b>	<b>19.8%</b>
<b>Fund Sources:</b>							
1004 Gen Fund (UGF)	4,228.6	3,111.6	3,111.6	3,111.6	3,611.9	500.3	16.1%
1007 I/A Rcpts (Other)	535.9	257.3	257.3	257.3	425.2	167.9	65.3%
<b>Unrestricted General (UGF)</b>	<b>4,228.6</b>	<b>3,111.6</b>	<b>3,111.6</b>	<b>3,111.6</b>	<b>3,611.9</b>	<b>500.3</b>	<b>16.1%</b>
<b>Designated General (DGF)</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0%</b>
<b>Other Funds</b>	<b>535.9</b>	<b>257.3</b>	<b>257.3</b>	<b>257.3</b>	<b>425.2</b>	<b>167.9</b>	<b>65.3%</b>
<b>Federal Funds</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0%</b>
<b>Positions:</b>							
Permanent Full Time	17	18	18	19	17	-2	-10.5%
Permanent Part Time	0	0	0	0	0	0	0.0%
Non Permanent	0	0	0	0	0	0	0.0%

**Change Record Detail - Multiple Scenarios With Descriptions**  
**Department of Law**

**Component:** Natural Resources (2212)

**RDU:** Civil Division (35)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		NP
										PFT	PPT	
***** Changes From FY2012 Conference Committee To FY2012 Authorized *****												
<b>FY2012 Conference Committee</b>												
	ConfCom	3,368.9	2,180.6	26.3	1,096.0	58.8	7.2	0.0	0.0	18	0	0
1004 Gen Fund		3,111.6										
1007 I/A Rcpts		257.3										
<b>Subtotal</b>		<b>3,368.9</b>	<b>2,180.6</b>	<b>26.3</b>	<b>1,096.0</b>	<b>58.8</b>	<b>7.2</b>	<b>0.0</b>	<b>0.0</b>	<b>18</b>	<b>0</b>	<b>0</b>

***** Changes From FY2012 Authorized To FY2012 Management Plan *****												
<b>ADN 03-1-0304 New Natural Resource Attorney V for RS 2477</b>												
	PosAdj	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1	0	0

Requested via memo 5/27/2011 - Held for FY12 Mgmt Plan.

The overarching goal of the RS 2477 work done by the Department of Law is to establish and preserve the validity of access routes in the state. This position will work toward this end with other state agencies in a number of ways, including litigation, guiding historical and physical research, legal research, advice to agencies on reservations in conveyance documents, reviewing and submitting comments on language in federal management plans with impacts on RS 2477s, and reviewing ANCSA conveyance documents. Additional staffing is needed to take on this new initiative. The initial focus will be on key RS 2477 routes in the Fortymile/East Alaska region. Access in this region is critical for miners, hunters and guides, among others. If this request is denied, the State's ability to file an action against the United States to establish the validity of an RS 2477 would be severely curtailed. The law requires an action to be filed in federal district court under the Quiet Title Act, 28 U.S.C.A. 2409a, after giving notice of intent to sue 180 days before filing, and must name all claimants of an interest in the land to effectively establish the route.

<b>Transfer PCN 03-0010, Attorney III, from Torts &amp; Workers' Compensation</b>												
	Trin	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1	0	0

Transfer PCN 03-0010, Attorney III, from Torts & Workers' Compensation to Natural Resources for the required level of legal expertise needed within this component.

Department of Law's Attorney positions are Partially Exempt (PX) and flexibly-ranged positions. Attorneys' I - VI are moved in accordance with attorney salary placement, allowing positions to be sub-filled at lower levels. Positions are also moved to accommodate promotions.

<b>Transfer PCN 03-0411, Attorney V, to Torts &amp; Workers' Compensation</b>												
	Trout	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-1	0	0

Transfer PCN 03-0411, Attorney V, from Natural Resources to Torts & Workers' Compensation for the required level of legal expertise needed within this component.

Department of Law's Attorney positions are Partially Exempt (PX) and flexibly-ranged positions. Attorneys' I - VI are moved in accordance with attorney salary placement, allowing positions to be sub-filled at lower levels. Positions are also moved to accommodate promotions.

**Change Record Detail - Multiple Scenarios With Descriptions**  
**Department of Law**

**Component:** Natural Resources (2212)

**RDU:** Civil Division (35)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		NP
										PFT	PPT	
<b>Subtotal</b>		<b>3,368.9</b>	<b>2,180.6</b>	<b>26.3</b>	<b>1,096.0</b>	<b>58.8</b>	<b>7.2</b>	<b>0.0</b>	<b>0.0</b>	<b>19</b>	<b>0</b>	<b>0</b>
***** <b>Changes From FY2012 Management Plan To FY2013 Governor</b> *****												
<b>Statehood Defense to Natural Resource Development and Transportation Outside Counsel</b>												
	Inc	450.0	0.0	0.0	450.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		450.0										

The Department of Law requests additional funding in the Natural Resources Section to pursue the Governor's statehood defense and natural resource development initiatives. These funds will be used to advocate for the state's right to access public lands and the right to develop state and private natural resources.

The success of the Governor's statehood defense and resource development initiatives requires a knowledgeable legal team. The positions will work with the Governor's Office and the state's resource agencies to challenge federal initiatives that unreasonably limit or delay responsible resource development, and will continue the state's aggressive advocacy of its rights through litigation.

An example of federal actions requiring state intervention are the currently ongoing revisions of federal land management plans. Active state involvement is important because these plan revisions will guide activities in and access through national parks, wildlife refuges (including ANWR), forests, NPR-A and BLM land in Alaska. Other examples include BLM proposals to vacate existing easements through ANCSA conveyances to public lands. And to preserve access on RS 2477 rights-of-way, the state will initiate quiet title actions against the federal government (for the purpose of planning requirements, Utah, another state aggressively seeking title to its RS 2477 rights-of-way, has tasked seven attorneys to gather evidence and prepare its RS 2477 cases for filing). For instance, section attorneys are engaged in multiple lawsuits and administrative proceedings involving federal Endangered Species Act decisions. As an example of a position the state takes in these actions, the state opposes listing healthy populations of animals based on speculative models of climate 100 years in the future; the state urges the use of shorter, more accurate time frames. In the timber arena, section attorneys are pursuing an appeal in the 9th Circuit to reinstate an Alaska-specific exemption to the federal Roadless Rule. Simultaneously, the section is seeking to overturn the Roadless Rule through a declaratory judgment action in Washington, D.C. With regard to mineral development, the section is providing critical advice to assure that the permits the state issues are well supported. The section is also defending against administrative appeals and lawsuits opposing mineral development, particularly in southwest Alaska. Other work already engaging section attorneys includes navigability, submerged land and public water issues (such as the Peratorovich case concerning whether pockets of federal fisheries management exist within larger state management areas), and all fish and game management issues.

**Transfer Law Office Assistant I, PCN 03-0268 to Environmental Law**

Trout	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-1	0	0
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Transfer vacant PCN 03-0268, Law Office Assistant I, without funding from Natural Resources to Environmental Law to accommodate the workload and section demands.

**Transfer Law Office Assistant I, PCN 03-0217 to Torts and Workers' Compensation**

Trout	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-1	0	0
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Transfer vacant PCN 03-0268, Law Office Assistant I, without funding from Natural Resources to Torts and Workers' Compensation to accommodate the workload and section demands.

**Change Record Detail - Multiple Scenarios With Descriptions**  
**Department of Law**

**Component:** Natural Resources (2212)

**RDU:** Civil Division (35)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		NP
										PFT	PPT	
<b>Transfer New RS 2477 Attorney, PCN 03-2002 from Anchorage to Juneau</b>												
	PosLoc	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
Recruitment for the new RS2477 Attorney V position resulted in the best qualified applicant being located in Juneau, therefore the department is requesting to change the duty station from Anchorage to Juneau.												
<b>Add Inter-Agency Receipt Authority for Anticipated Reimbursable Service Agreements</b>												
	IncM	162.0	162.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1007 I/A Rcpts		162.0										
Increase Inter-Agency Receipt Authority to fund baseline increases in services and for anticipated reimbursable services agreements.												
<b>FY2013 Salary Increases</b>												
	SalAdj	40.3	40.3	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		36.3										
1007 I/A Rcpts		4.0										
FY2013 Salary Increases: \$40.3												
<b>FY2013 Health Insurance Increases</b>												
	SalAdj	15.9	15.9	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		14.0										
1007 I/A Rcpts		1.9										
FY2013 Health Insurance Increases: \$15.9												
<b>Totals</b>		<b>4,037.1</b>	<b>2,398.8</b>	<b>26.3</b>	<b>1,546.0</b>	<b>58.8</b>	<b>7.2</b>	<b>0.0</b>	<b>0.0</b>	<b>17</b>	<b>0</b>	<b>0</b>

**Department of Law**

**Scenario:** FY2013 Governor (9494)  
**Component:** Natural Resources (2212)  
**RDU:** Civil Division (35)

PCN	Job Class Title	Time Status	Retire Code	Barg Unit	Location	Salary Sched	Range / Step	Comp Months	Split / Count	Annual Salaries	COLA	Premium Pay	Annual Benefits	Total Costs	GF Amount
03-?002	Attorney V	FT	A	XE	Juneau	NAA	25A / B	12.0		93,163	2,509	0	48,222	143,894	143,894
03-0009	Attorney V	FT	A	XE	Anchorage	NAA	25M	12.0		124,296	3,194	0	57,931	185,421	185,421
03-0010	Attorney III	FT	A	XE	Anchorage	NAA	18F	12.0		66,828	1,799	0	39,103	107,730	107,730
03-0030	Attorney IV	FT	A	XE	Juneau	NAA	24L	12.0		111,480	2,865	0	54,279	168,624	84,312
03-0036	Law Office Assistant II	FT	A	SS	Anchorage	600	13B / C	12.0		41,779	0	0	30,572	72,351	72,351
03-0037	Attorney VI	FT	A	XE	Anchorage	NAA	26P	12.0		143,796	3,696	0	63,489	210,981	210,981
03-0080	Attorney V	FT	A	XE	Anchorage	NAA	25O	12.0		133,788	3,438	0	60,636	197,862	197,862
03-0147	Assoc Attorney I	FT	A	XE	Anchorage	NAA	17F	12.0		62,448	1,681	0	37,586	101,715	101,715
03-0215	Attorney IV	FT	A	XE	Anchorage	NAA	24J	12.0		103,560	2,788	0	51,823	158,171	158,171
03-0270	Law Office Assistant I	FT	A	GP	Anchorage	200	11A	12.0		34,440	0	0	28,537	62,977	62,977
03-0306	Attorney V	FT	A	XE	Anchorage	NAA	25O	12.0		133,788	3,438	0	60,636	197,862	148,397
03-0311	Law Office Assistant I	FT	A	GP	Anchorage	200	11E / F	12.0		38,882	0	0	30,075	68,957	68,957
03-0336	Attorney IV	FT	A	XE	Juneau	NAA	24F / J	12.0		102,156	2,751	0	51,337	156,244	117,183
03-0337	Attorney IV	FT	A	XE	Anchorage	NAA	24K	12.0		107,448	2,761	0	53,130	163,339	163,339
03-0385	Attorney IV	FT	A	XE	Anchorage	NAA	24A	12.0		84,156	2,266	0	45,103	131,525	131,525
03-0403	Attorney V	FT	A	XE	Anchorage	NAA	25N	12.0		128,952	3,314	0	59,258	191,524	191,524
03-0409	Attorney V	FT	A	XE	Anchorage	NAA	25L	12.0		119,808	3,079	0	56,652	179,539	179,539

	Total Positions	New	Deleted	Total Salary Costs:	Total COLA:	Total Premium Pay::	Total Benefits:
Full Time Positions:	17	0	0	1,630,768	39,579	0	828,369
Part Time Positions:	0	0	0				
Non Permanent Positions:	0	0	0				
Positions in Component:	17	0	0				
<b>Total Component Months:</b>	204.0						
				<b>Total Pre-Vacancy:</b>	2,498,716		
				<b>Minus Vacancy Adjustment of 4.00%:</b>	(99,916)		
				<b>Total Post-Vacancy:</b>	2,398,800		
				<b>Plus Lump Sum Premium Pay:</b>	0		
				<b>Personal Services Line 100:</b>	2,398,800		

PCN Funding Sources:	Pre-Vacancy	Post-Vacancy	Percent
1004 General Fund Receipts	2,325,878	2,232,873	93.08%
1007 Inter-Agency Receipts	172,839	165,927	6.92%
<b>Total PCN Funding:</b>	<b>2,498,716</b>	<b>2,398,800</b>	<b>100.00%</b>

**Line Item Detail**  
**Department of Law**  
**Travel**

**Component:** Natural Resources (2212)  
**RDU:** Civil Division (35)

Line Number	Line Name		FY2011 Actuals	FY2012 Management Plan	FY2013 Governor
72000	Travel		68.1	26.3	26.3
Expenditure Account	Servicing Agency	Explanation	FY2011 Actuals	FY2012 Management Plan	FY2013 Governor
<b>72000 Travel Detail Totals</b>			<b>68.1</b>	<b>26.3</b>	<b>26.3</b>
72110	Employee Travel (Instate)	Attorney travel to provide counsel for departments and agencies of state government, including hearings, board meetings and legal counsel in court cases. Investigations and taking depositions for court actions.	45.8	18.8	18.8
72120	Nonemployee Travel (Instate Travel)	Witness travel costs.	5.0	5.0	5.0
72410	Employee Travel (Out of state)	Out-of-State travel for professional staff for conferences, meetings and training.	17.3	2.5	2.5

**Line Item Detail**  
**Department of Law**  
**Services**

**Component:** Natural Resources (2212)  
**RDU:** Civil Division (35)

<b>Line Number</b>	<b>Line Name</b>		<b>FY2011 Actuals</b>	<b>FY2012 Management Plan</b>	<b>FY2013 Governor</b>
73000	Services		1,435.8	1,096.0	1,546.0
<b>Expenditure Account</b>			<b>FY2011 Actuals</b>	<b>FY2012 Management Plan</b>	<b>FY2013 Governor</b>
<b>73000 Services Detail Totals</b>			<b>1,435.8</b>	<b>1,096.0</b>	<b>1,546.0</b>
73025	Education Services		3.0	3.5	3.5
73050	Financial Services	Administrative Services	13.5	8.4	13.5
73075	Legal & Judicial Svc		1,156.7	832.8	1,282.8
73156	Telecommunication		10.0	10.0	10.0
73225	Delivery Services		0.7	2.5	2.5
73450	Advertising & Promos		0.8	0.0	0.8
73650	Struc/Infstruct/Land		4.0	4.0	4.0
73675	Equipment/Machinery		3.5	3.5	3.5
73750	Other Services (Non IA Svcs)		7.2	3.5	7.7
73805	IT-Non-Telecommunication	Law	42.6	34.0	39.8
73805	IT-Non-Telecommunication	Admin	11.8	11.8	10.9
73806	IT-Telecommunication	Admin	25.6	25.6	26.6
73809	Mail	Admin - Central Mail	1.1	1.1	1.3
73811	Building Leases	Admin - Leases	153.8	153.8	133.0
73814	Insurance	Admin - Risk Management	0.4	0.4	5.0
73815	Financial	Admin - Finance	0.9	0.9	0.9

**Line Item Detail**  
**Department of Law**  
**Services**

**Component:** Natural Resources (2212)

**RDU:** Civil Division (35)

Expenditure Account	Servicing Agency	Explanation	FY2011 Actuals	FY2012 Management Plan	FY2013 Governor
<b>73000 Services Detail Totals</b>			<b>1,435.8</b>	<b>1,096.0</b>	<b>1,546.0</b>
73816	ADA Compliance	Labor - Americans With Disabilities AKPAY) RSA LABOR, Americans With Disabilities Act.	0.2	0.2	0.2

**Line Item Detail**  
**Department of Law**  
**Commodities**

**Component:** Natural Resources (2212)  
**RDU:** Civil Division (35)

Line Number	Line Name		FY2011 Actuals	FY2012 Management Plan	FY2013 Governor
74000	Commodities		66.5	58.8	58.8
Expenditure Account	Servicing Agency	Explanation	FY2011 Actuals	FY2012 Management Plan	FY2013 Governor
<b>74000 Commodities Detail Totals</b>			<b>66.5</b>	<b>58.8</b>	<b>58.8</b>
74200	Business	Library materials including Alaska Statutes, Alaska Code, Advanced Legislative Service and Court Rules; subscriptions, office supplies; software applications, printer cartridges, paper and misc. data processing supplies; computer supplies - desktop refresh, non-capital.	66.5	58.8	58.8

**Line Item Detail**  
**Department of Law**  
**Capital Outlay**

**Component:** Natural Resources (2212)  
**RDU:** Civil Division (35)

Line Number	Line Name		FY2011 Actuals	FY2012 Management Plan	FY2013 Governor
75000	Capital Outlay		34.6	7.2	7.2
Expenditure Account	Servicing Agency	Explanation	FY2011 Actuals	FY2012 Management Plan	FY2013 Governor
<b>75000 Capital Outlay Detail Totals</b>			<b>34.6</b>	<b>7.2</b>	<b>7.2</b>
75830	Info Technology	Computer equipment, printers and modems.	34.6	7.2	7.2

**Unrestricted Revenue Detail**  
**Department of Law**

**Component:** Natural Resources (2212)  
**RDU:** Civil Division (35)

<b>Master Account</b>	<b>Revenue Description</b>				<b>FY2011 Actuals</b>	<b>FY2012 Management Plan</b>	<b>FY2013 Governor</b>
68515	Unrestricted Fund				16.6	0.0	0.0
<b>Detail Information</b>							
<b>Revenue Amount</b>	<b>Revenue Description</b>	<b>Component</b>	<b>Collocation Code</b>	<b>AKSAS Fund</b>	<b>FY2011 Actuals</b>	<b>FY2012 Management Plan</b>	<b>FY2013 Governor</b>
64090	Legal Sevices Judgement & Settlement awards for attorney fees and legal costs.		03208001	11100	13.6	0.0	0.0
65040	Judgement Settlement Judgement & Settlement awards for attorney fees and legal costs.		03212001	11100	3.0	0.0	0.0

**Restricted Revenue Detail**  
**Department of Law**

**Component:** Natural Resources (2212)  
**RDU:** Civil Division (35)

<b>Master Account</b>	<b>Revenue Description</b>				<b>FY2011 Actuals</b>	<b>FY2012 Management Plan</b>	<b>FY2013 Governor</b>
51015	Interagency Receipts				535.9	257.3	425.2
<b>Detail Information</b>							
<b>Revenue Amount</b>	<b>Revenue Description</b>	<b>Component</b>	<b>Collocation Code</b>	<b>AKSAS Fund</b>	<b>FY2011 Actuals</b>	<b>FY2012 Management Plan</b>	<b>FY2013 Governor</b>
51015	Interagency Receipts Unprogrammed I/A Receipt Authority			11100	0.0	177.3	345.2
59100	Natural Resources Legal services provided to the Mental Health Trust Land Office for issues pertaining to the administration and management of Trust lands.	Mental Health Lands Admin	03208531	11100	51.3	50.0	50.0
59100	Natural Resources Unbudgeted RSA, Usibelli Project	Project Management & Permitting	03208601	11100	0.5	0.0	0.0
59100	Natural Resources Unbudgeted RSA, FGMI Mining Project	Project Management & Permitting	03208608	11100	0.6	0.0	0.0
59100	Natural Resources Unbudgeted RSA, Greens Creek Mine.	Project Management & Permitting	03208609	11100	1.2	0.0	0.0
59100	Natural Resources Unbudgeted RSA, Kensington Mine.	Project Management & Permitting	03208611	11100	4.7	0.0	0.0
59100	Natural Resources Unbudgeted RSA, Niblack Project.	Project Management & Permitting	03208612	11100	0.1	0.0	0.0
59100	Natural Resources Unbudgeted RSA, Pogo Mining Project	Project Management & Permitting	03208613	11100	0.4	0.0	0.0
59100	Natural Resources Unbudgeted RSA, Red Dog Mining Project	Project Management & Permitting	03208615	11100	2.9	0.0	0.0
59100	Natural Resources Unbudgeted RSA, Rock Creek Mine	Project Management & Permitting	03208616	11100	0.2	0.0	0.0
59100	Natural Resources	Project Management & Permitting	03208623	11100	5.4	0.0	0.0

**Restricted Revenue Detail**  
**Department of Law**

**Component:** Natural Resources (2212)  
**RDU:** Civil Division (35)

<b>Master Account</b>	<b>Revenue Description</b>				<b>FY2011 Actuals</b>	<b>FY2012 Management Plan</b>	<b>FY2013 Governor</b>
51015	Interagency Receipts				535.9	257.3	425.2
<b>Detail Information</b>							
<b>Revenue Amount</b>	<b>Revenue Description</b>	<b>Component</b>	<b>Collocation Code</b>	<b>AKSAS Fund</b>	<b>FY2011 Actuals</b>	<b>FY2012 Management Plan</b>	<b>FY2013 Governor</b>
	Unbudgeted RSA, Outer Continental Shelf						
59100	Natural Resources Unbudgeted RSA, Chuitna Coal Project	Project Management & Permitting	03208625	11100	0.6	0.0	0.0
59100	Natural Resources Unbudgeted RSA, A&E, SMCRA	Project Management & Permitting	03208628	11100	33.0	0.0	0.0
59100	Natural Resources Unbudgeted RSA, Pebble Gold Copper Mining Project	Project Management & Permitting	03208636	11100	5.1	0.0	0.0
59100	Natural Resources Unbudgeted RSA, Nixon Fork Project	Project Management & Permitting	03208651	11100	0.1	0.0	0.0
59100	Natural Resources Unbudgeted RSA, CINGS	Project Management & Permitting	03208655	11100	14.8	0.0	0.0
59100	Natural Resources Unbudgeted RSA, Kotsina Navigable/Survey	Project Management & Permitting	03208661	11100	49.2	0.0	0.0
59100	Natural Resources Unbudgeted RSA, Kotsina Hydro/Geo	Project Management & Permitting	03208663	11100	6.6	0.0	0.0
59100	Natural Resources Unbudgeted RSA, Skagway Litigation	Project Management & Permitting	03208675	11100	3.1	0.0	0.0
59110	Fish & Game Legal services provided on behalf of the Fish and Game Fund.	Fish and Game Fund	03208528	11100	31.1	30.0	30.0
59110	Fish & Game Unbudgeted RSA, Endangered Species Act Response.	Wildlife Conservation	03208626	11100	325.0	0.0	0.0

**Inter-Agency Services**  
**Department of Law**

**Component:** Natural Resources (2212)  
**RDU:** Civil Division (35)

Expenditure Account	Service Description	Service Type	Servicing Agency	FY2011 Actuals	FY2012		
					Management Plan	FY2013 Governor	
73050	Financial Services	Timekeeping administration and support.	Intra-dept	Administrative Services	13.5	8.4	13.5
<b>73050 Financial Services subtotal:</b>					<b>13.5</b>	<b>8.4</b>	<b>13.5</b>
73805	IT-Non-Telecommunication	RSA Law, Administration and Information Services & Procurement support.	Intra-dept	Law	42.6	34.0	39.8
73805	IT-Non-Telecommunication	RSA Administration, ETS - Computer Services EPR	Inter-dept	Admin	11.8	11.8	10.9
<b>73805 IT-Non-Telecommunication subtotal:</b>					<b>54.4</b>	<b>45.8</b>	<b>50.7</b>
73806	IT-Telecommunication	RSA Administration, ETS -Telecommunication EPR.	Inter-dept	Admin	25.6	25.6	26.6
<b>73806 IT-Telecommunication subtotal:</b>					<b>25.6</b>	<b>25.6</b>	<b>26.6</b>
73809	Mail	RSA Administration, Central Mailroom	Inter-dept	Admin - Central Mail	1.1	1.1	1.3
<b>73809 Mail subtotal:</b>					<b>1.1</b>	<b>1.1</b>	<b>1.3</b>
73811	Building Leases	RSA Administration, GS&S - Leased Office Space - AG's Offices.	Inter-dept	Admin - Leases	153.8	153.8	133.0
<b>73811 Building Leases subtotal:</b>					<b>153.8</b>	<b>153.8</b>	<b>133.0</b>
73814	Insurance	RSA Administration, Risk Management	Inter-dept	Admin - Risk Management	0.4	0.4	5.0
<b>73814 Insurance subtotal:</b>					<b>0.4</b>	<b>0.4</b>	<b>5.0</b>
73815	Financial	RSA Administration, Finance Chargeback (AKSAS / AKPAY)	Inter-dept	Admin - Finance	0.9	0.9	0.9
<b>73815 Financial subtotal:</b>					<b>0.9</b>	<b>0.9</b>	<b>0.9</b>
73816	ADA Compliance	RSA LABOR, Americans With Disabilities Act.	Inter-dept	Labor - Americans With Disabilities	0.2	0.2	0.2
<b>73816 ADA Compliance subtotal:</b>					<b>0.2</b>	<b>0.2</b>	<b>0.2</b>
<b>Natural Resources total:</b>					<b>249.9</b>	<b>236.2</b>	<b>231.2</b>
<b>Grand Total:</b>					<b>249.9</b>	<b>236.2</b>	<b>231.2</b>