

**State of Alaska
FY2005 Governor's Operating Budget**

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

Contents

<i>Component: Natural Resources</i>	3
Component Financial Summary.....	5
Summary of Component Budget Changes.....	6
Personal Services Information.....	7

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.

Core Services

The Natural Resources Section primarily advises the Department of Natural Resources and the Department of Fish and Game, represents them in litigation, and drafts and reviews bills and regulations governing them. The section provides legal assistance to ensure that Alaska's lands, waters, fish, game, and other renewable natural resources are managed and allocated by state agencies in a manner that is consistent with the law. Natural Resources attorneys defend against legal challenges to actions taken by Alaska natural resources agencies, and pursue legal actions against persons who are illegally using, damaging, or destroying Alaska's lands, waters, fish, game or other renewable natural resources. The section also advises state agencies on issues relating to mental health trust lands and agricultural lands.

Natural Resources attorneys advise the Alaska Board of Fisheries and the Alaska Board of Game and defend their conservation and allocation decisions against legal challenges. They also provide legal advice to the Alaska Commercial Fisheries Entry Commission and defend the commission's decisions concerning the issuance of limited entry permits for participating in certain state fisheries. The section provides legal assistance on issues concerning ownership and management of uplands, tidelands, and submerged lands; transfer, leasing, and other uses of state lands; and public access to Alaska and federal lands. The section also helps wildlife protection officers, other law enforcement officers, and Assistant District Attorneys investigate and prosecute crimes against the state's natural resources and pursues legal actions for the forfeiture of vessels and other property used in violating state natural resource laws. The section also advises natural resource agencies on legal issues arising under state laws that govern procurement, ethics, open meetings, and public records.

FY2005 Resources Allocated to Achieve Results

FY2005 Component Budget: \$1,138,800	Personnel:	
	Full time	11
	Part time	1
	Total	12

Key Component Challenges

The Natural Resources component has been cut over the last several years due to general fund budget reductions and has significantly less staff than it did ten years ago. This short staffing may mean that some agency requests do not get sufficient attention.

During the upcoming fiscal year, the Natural Resources 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. Plaintiffs in the case are seeking millions of dollars in refunds and interest. Using criteria approved by the Alaska Supreme Court, the state will argue to the superior court that the differential charged nonresidents is lawful and that no refund is due. The 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, CFEC permits, and vessel forfeitures will require additional attorney time. The implementation of the transfer of certain permitting and other functions from ADF&G to DNR will also require assistance from the section.

The section continues to advise DNR on permitting and access issues for large mines, including the Red Dog, Pogo, Fort Knox and Kensington projects. There are several ongoing cases in Southeast Alaska dealing with ownership of accreted lands. There are several ongoing cases seeking recovery of fire suppression costs and damages from wildfires, as well as issues related to management of state owned timber. There has been an increase in requests for assistance 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, rights-of-way on state land, and recently assumed responsibility to represent and advise the Board of Agriculture and Conservation. Mental Health Trust Land issues continue to require assistance from an attorney in the section.

Significant Changes in Results to be Delivered in FY2005

No changes in results delivered.

Major Component Accomplishments in 2003

- Successfully defended in superior court the state's decision not to add Cook Inlet beluga whales to the state's endangered species list.
- Convinced the superior court to uphold the Chignik cooperative salmon fishery.
- In several appeals before the supreme and superior courts, successfully defended CFEC's denial of requests for issuance of limited entry permits.
- Won an appeal before the Court of Appeals and the Alaska Supreme Court of a conviction for violation of the state's hunting laws and regulations.
- Represented CFEC & ADF&G in the Alaska Supreme Court, superior court, and the U.S. Supreme Court regarding the state's nonresident commercial fishing fees.
- Settled a dispute between the state-owned Matanuska Maid Dairy and the Fairbanks North Star School Board.
- Successfully defended regulations for moose hunting in the Koyukuk River area.
- Settled a dispute over land in Palmer for a Senior Center.
- Developed and defended regulations to allow a co-operative for commercial fishing in the Chignik area and successfully defended a regulation requiring stationary fishing gear operators to remain at the site while the gear is operating.

Statutory and Regulatory Authority

AS 44.23.020

Contact Information

Contact: Elizabeth Barry, Chief, Assistant Attorney General
Phone: (907) 269-5100
Fax: (907) 278-4607
E-mail: elizabeth_barry@law.state.ak.us

Natural Resources Component Financial Summary

All dollars shown in thousands

	FY2003 Actuals	FY2004 Authorized	FY2005 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	1,002.3	1,178.4	1,044.2
72000 Travel	14.8	23.7	22.2
73000 Contractual	121.6	57.1	42.7
74000 Supplies	16.9	30.2	29.7
75000 Equipment	11.8	0.0	0.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	1,167.4	1,289.4	1,138.8
Funding Sources:			
1004 General Fund Receipts	985.9	957.3	864.0
1007 Inter-Agency Receipts	181.5	332.1	274.8
Funding Totals	1,167.4	1,289.4	1,138.8

Estimated Revenue Collections

Description	Master Revenue Account	FY2003 Actuals	FY2004 Authorized	FY2005 Governor
Unrestricted Revenues				
Unrestricted Fund	68515	5.1	0.0	0.0
Unrestricted Total		5.1	0.0	0.0
Restricted Revenues				
Interagency Receipts	51015	181.5	332.1	274.8
Restricted Total		181.5	332.1	274.8
Total Estimated Revenues		186.6	332.1	274.8

**Summary of Component Budget Changes
From FY2004 Authorized to FY2005 Governor**

All dollars shown in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2004 Authorized	957.3	0.0	332.1	1,289.4
Adjustments which will continue current level of service:				
-From Governmental Affairs to adjust vacancy ADN# 0340124	12.4	0.0	0.0	12.4
-Changes to Retirement and Other Personal Services Rates	57.8	0.0	16.4	74.2
-PCN 03-0048 to Opinions, Appeals and Ethics	-73.7	0.0	-73.7	-147.4
-To Labor and State Affairs to adjust vacancy	-89.8	0.0	0.0	-89.8
FY2005 Governor	864.0	0.0	274.8	1,138.8

**Natural Resources
Personal Services Information**

Authorized Positions		Personal Services Costs		
	<u>FY2004</u> <u>Authorized</u>	<u>FY2005</u> <u>Governor</u>		
Full-time	13	11	Annual Salaries	781,109
Part-time	2	1	Premium Pay	0
Nonpermanent	0	0	Annual Benefits	292,074
			<i>Less 2.70% Vacancy Factor</i>	(29,024)
			Lump Sum Premium Pay	0
Totals	15	12	Total Personal Services	1,044,159

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Attorney III	1	0	0	0	1
Attorney IV	3	0	0	0	3
Attorney V	1	1	1	0	3
Law Office Assistant I	2	0	2	0	4
Law Office Assistant II	1	0	0	0	1
Totals	8	1	3	0	12