

**State of Alaska  
FY2007 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.

### 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 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.

### FY2007 Resources Allocated to Achieve Results

**FY2007 Component Budget: \$1,205,200**

**Personnel:**

Full time	9
Part time	1
<b>Total</b>	<b>10</b>

### 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. The state will argue that the differential charged nonresidents was permissible and that no refund is due. The section will provide representation for the CFEC in a number of appeals related to permit denials. 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

section advises ADF&G regarding Endangered Species Act issues and the North Pacific Fisheries Management Council. The section also continues to work on subsistence issues. The implementation of the transfer of certain permitting and other functions from ADF&G to DNR continues to 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. 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. 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 represents and advises the Board of Agriculture and Conservation. 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.

### **Significant Changes in Results to be Delivered in FY2007**

No changes in results delivered.

### **Major Component Accomplishments in 2005**

Successfully defended in Supreme Court the Commissioner of Fish and Game's discretion to open fisheries by emergency order.

Continued to defend ADF&G in litigation related to mariculture of geoduck clams.

Assisted the Mental Health Trust Land Office with numerous land transactions, including sale of a parcel near Gustavus for \$3.2 million.

In several appeals before the supreme and superior courts, successfully defended CFEC's denial of requests for issuance of limited entry permits.

Represented CFEC & ADF&G in the Alaska Supreme Court and superior court regarding the state's nonresident commercial fishing fees.

Defeated a second preliminary injunction motion to halt predator control and briefed motions for summary judgment.

Cleared land titles for numerous parcels of state land targeted for land disposal.

Assisted the Board of Agriculture and Conservation in collections, foreclosures, and management of fund assets including Mt. McKinley Meat & Sausage, Matanuska Maid Dairy, and Interior Fish.

Represented the Board of Fisheries and the Board of Game in numerous board meetings, and reviewed and edited the regulations adopted by the boards at those meetings.

Successfully defended the CFEC's interpretation of its permitting authority related to fish taken in non-state waters.

Persuaded the Alaska Supreme Court to allow the Chignik cooperative commercial salmon fishery to continue for at least one year while the parties brief the issues.

Assisted with drafting the University lands bill.

Assisted the Mental Health Trust Land Office with a land transaction allowing trust land, Providence Alaska Medical Center, the Department of Health and Social Services, and the University of Alaska Anchorage to allow better use of land in the area.

## Statutory and Regulatory Authority

AS 44.23.020

Contact Information
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<b>Natural Resources Component Financial Summary</b>			
		<i>All dollars shown in thousands</i>	
	<b>FY2005 Actuals</b>	<b>FY2006 Management Plan</b>	<b>FY2007 Governor</b>
<b>Non-Formula Program:</b>			
<b>Component Expenditures:</b>			
71000 Personal Services	1,073.7	949.2	1,003.8
72000 Travel	11.3	19.3	19.3
73000 Services	129.6	60.9	153.5
74000 Commodities	21.8	28.2	28.2
75000 Capital Outlay	14.5	0.4	0.4
77000 Grants, Benefits	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
<b>Expenditure Totals</b>	<b>1,250.9</b>	<b>1,058.0</b>	<b>1,205.2</b>
<b>Funding Sources:</b>			
1004 General Fund Receipts	1,152.9	835.3	878.7
1007 Inter-Agency Receipts	98.0	222.7	326.5
<b>Funding Totals</b>	<b>1,250.9</b>	<b>1,058.0</b>	<b>1,205.2</b>

<b>Estimated Revenue Collections</b>				
Description	Master Revenue Account	FY2005 Actuals	FY2006 Management Plan	FY2007 Governor
<b>Unrestricted Revenues</b>				
None.		0.0	0.0	0.0
<b>Unrestricted Total</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>Restricted Revenues</b>				
Interagency Receipts	51015	98.0	222.7	326.5
<b>Restricted Total</b>		<b>98.0</b>	<b>222.7</b>	<b>326.5</b>
<b>Total Estimated Revenues</b>		<b>98.0</b>	<b>222.7</b>	<b>326.5</b>

**Summary of Component Budget Changes  
From FY2006 Management Plan to FY2007 Governor**

*All dollars shown in thousands*

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
<b>FY2006 Management Plan</b>	<b>835.3</b>	<b>0.0</b>	<b>222.7</b>	<b>1,058.0</b>
<b>Adjustments which will continue current level of service:</b>				
-I/A Receipt Authority from Commercial and Fair Business	0.0	0.0	92.6	92.6
-University Land Grant/State Forest Sec 2 CH 4, FSSLA 2005 (HB 130)	-21.6	0.0	0.0	-21.6
-FY 07 Wage Increases for Bargaining Units and Non-Covered Employees	13.9	0.0	3.6	17.5
-FY 07 Health Insurance Cost Increases for Bargaining Units and Non-Covered Employees	1.3	0.0	0.3	1.6
-FY 07 Retirement Systems Cost Increase	26.9	0.0	7.0	33.9
<b>Proposed budget increases:</b>				
-University Land Grant/State Forest Sec 2 CH 4, FSSLA 2005 (HB 130)	21.6	0.0	0.0	21.6
-Risk Management Self-Insurance Funding Increase	1.3	0.0	0.3	1.6
<b>FY2007 Governor</b>	<b>878.7</b>	<b>0.0</b>	<b>326.5</b>	<b>1,205.2</b>

**Natural Resources  
Personal Services Information**

Authorized Positions		Personal Services Costs		
	<u>FY2006</u> <u>Management</u> <u>Plan</u>	<u>FY2007</u> <u>Governor</u>		
Full-time	9	9	Annual Salaries	677,479
Part-time	1	1	COLA	17,720
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	319,627
			<i>Less 1.09% Vacancy Factor</i>	(11,026)
			Lump Sum Premium Pay	0
<b>Totals</b>	<b>10</b>	<b>10</b>	<b>Total Personal Services</b>	<b>1,003,800</b>

**Position Classification Summary**

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Attorney III	0	0	1	0	1
Attorney IV	2	0	0	0	2
Attorney V	2	0	1	0	3
Law Office Assistant I	0	0	1	0	1
Law Office Assistant II	2	0	1	0	3
<b>Totals</b>	<b>6</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>10</b>