

**State of Alaska
FY2009 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 Alaska Department of Natural Resources (DNR) and the Alaska Department of Fish and Game (ADF&G), 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 also advises the Board of Agriculture and Conservation, the Natural Resource Conservation and Development Board, and the Big Game Commercial Services Board. 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.

FY2009 Resources Allocated to Achieve Results

FY2009 Component Budget: \$1,189,000	Personnel:	
	Full time	10
	Part time	0
	Total	10

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 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 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 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 argues 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 continues to advise 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. 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. The section also advises the Office of Habitat Management and Permitting and the Office of Project Management and Permitting within DNR.

Significant Changes in Results to be Delivered in FY2009

No changes in results delivered.

Major Component Accomplishments in 2007

Continued to defend ADF&G in litigation before the superior court related to mariculture of geoduck clams.

Continued to defend the state's predator control program.

Assisted the Mental Health Trust Land Office with numerous land transactions, including sales and leases.

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 regarding the state's nonresident commercial fishing fees.

Defeated another 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, and Matanuska Maid Dairy, and attended Board meetings.

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

Assisted with implementation of the University lands bill.

Obtained an injunction prohibiting the Mat-Su Chapter-Alaska Farm Bureau from disposing of net proceeds from sale of merchandise with the Alaska Grown logo.

Successfully defended the Division of Parks and Outdoor Recreation's permit for commercial jet boat tours in the Chilkat Bald Eagle Preserve.

Successfully defended Board of Fisheries regulations against a class action lawsuit seeking a declaration that the regulations are a taking of plaintiffs limited entry permits and shore fishery leases without just compensation.

Statutory and Regulatory Authority

AS 44.23.020

Contact Information

Contact: Elizabeth Barry, Chief Assistant Attorney General
Phone: (907) 269-5100
Fax: (907) 279-2834
E-mail: elizabeth.barry@alaska.gov

**Natural Resources
Component Financial Summary**

All dollars shown in thousands

	FY2007 Actuals	FY2008 Management Plan	FY2009 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	1,195.7	983.0	990.6
72000 Travel	11.7	19.2	19.2
73000 Services	124.5	151.4	151.4
74000 Commodities	21.1	27.8	27.8
75000 Capital Outlay	7.0	0.0	0.0
77000 Grants, Benefits	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	1,360.0	1,181.4	1,189.0
Funding Sources:			
1004 General Fund Receipts	1,189.7	854.5	860.8
1007 Inter-Agency Receipts	170.3	326.9	328.2
Funding Totals	1,360.0	1,181.4	1,189.0

Estimated Revenue Collections

Description	Master Revenue Account	FY2007 Actuals	FY2008 Management Plan	FY2009 Governor
Unrestricted Revenues				
None.		0.0	0.0	0.0
Unrestricted Total		0.0	0.0	0.0
Restricted Revenues				
Interagency Receipts	51015	170.3	326.9	328.2
Restricted Total		170.3	326.9	328.2
Total Estimated Revenues		170.3	326.9	328.2

**Summary of Component Budget Changes
From FY2008 Management Plan to FY2009 Governor**

All dollars shown in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2008 Management Plan	854.5	0.0	326.9	1,181.4
Adjustments which will continue current level of service:				
-FY 09 Health Insurance Increases for Exempt Employees	0.8	0.0	0.5	1.3
-FY 09 Bargaining Unit Contract Terms: General Government Unit	5.5	0.0	0.8	6.3
FY2009 Governor	860.8	0.0	328.2	1,189.0

**Natural Resources
Personal Services Information**

Authorized Positions		Personal Services Costs		
<u>FY2008</u>				
<u>Management</u>		<u>FY2009</u>		
<u>Plan</u>		<u>Governor</u>		
			Annual Salaries	738,505
Full-time	10	10	COLA	6,010
Part-time	0	0	Premium Pay	0
Nonpermanent	0	0	Annual Benefits	342,302
			<i>Less 8.85% Vacancy Factor</i>	(96,217)
			Lump Sum Premium Pay	0
Totals	10	10	Total Personal Services	990,600

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Attorney III	0	0	1	0	1
Attorney IV	2	0	1	0	3
Attorney V	3	0	0	0	3
Law Office Assistant I	0	0	1	0	1
Law Office Assistant II	2	0	0	0	2
Totals	7	0	3	0	10