

**State of Alaska
FY2006 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 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.

FY2006 Resources Allocated to Achieve Results

FY2006 Component Budget: \$963,900

Personnel:

Full time	10
Part time	1
Total	11

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 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. 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.

Significant Changes in Results to be Delivered in FY2006

No changes in results delivered.

Major Component Accomplishments in 2004

- Successfully defended in the Alaska Supreme Court the state's decision not to add Cook Inlet beluga whales to the state's endangered species list.
- Successfully defended in superior court the Commissioner of ADF&G's discretion to open fisheries by emergency order.
- 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.
- Recovered \$750,000 as reimbursement for wildfire suppression costs on the Fish Creek fire.
- Defeated a preliminary injunction motion to halt predator control.
- Obtained a favorable judgment from the Alaska Supreme Court in a challenge to the make-up of the Board of Game.
- Successfully defended regulations for moose hunting in the Koyukuk River area in the Alaska Supreme Court.
- Assisted in drafting and final review of forest management regulations.
- Obtained dismissal in superior court of a challenge to an agricultural land auction.
- 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.
- Investigated and assisted in getting a cease and desist order against an Ohio resident illegally selling state land on eBay.
- Obtained a favorable ruling from the Supreme Court on a DNR water use permitting decision for the North Star project.
- Assisted in drafting comprehensive regulations implementing DNR's dam safety program governing construction, operation, maintenance and safety programs.
- Assisted DNR in numerous disputes regarding water use.

- 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.

Statutory and Regulatory Authority

AS 44.23.020

Contact Information
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**Natural Resources
Component Financial Summary**

All dollars shown in thousands

	FY2004 Actuals	FY2005 Management Plan	FY2006 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	1,121.9	843.6	859.1
72000 Travel	14.7	19.2	19.2
73000 Services	114.0	57.8	57.8
74000 Commodities	20.5	28.5	27.8
75000 Capital Outlay	12.0	-0.7	0.0
77000 Grants, Benefits	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	1,283.1	948.4	963.9
Funding Sources:			
1004 General Fund Receipts	1,008.3	747.7	760.8
1007 Inter-Agency Receipts	274.8	200.7	203.1
Funding Totals	1,283.1	948.4	963.9

Estimated Revenue Collections

Description	Master Revenue Account	FY2004 Actuals	FY2005 Managem ent Plan	FY2006 Governor
Unrestricted Revenues				
None.		0.0	0.0	0.0
Unrestricted Total		0.0	0.0	0.0
Restricted Revenues				
Interagency Receipts	51015	274.8	200.7	203.1
Restricted Total		274.8	200.7	203.1
Total Estimated Revenues		274.8	200.7	203.1

**Summary of Component Budget Changes
From FY2005 Management Plan to FY2006 Governor**

All dollars shown in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2005 Management Plan	747.7	0.0	200.7	948.4
Adjustments which will continue current level of service:				
-FY 05 Bargaining Unit Contract Terms: GGU	2.1	0.0	0.2	2.3
-FY06 Cost Increases for Bargaining Units and Non-Covered Employees	11.0	0.0	2.2	13.2
FY2006 Governor	760.8	0.0	203.1	963.9

**Natural Resources
Personal Services Information**

Authorized Positions		Personal Services Costs		
<u>FY2005</u>				
<u>Management</u>		<u>FY2006</u>		
<u>Plan</u>		<u>Governor</u>		
Full-time	10	10	Annual Salaries	619,280
Part-time	1	1	COLA	2,165
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	293,470
			<i>Less 2.75% Vacancy Factor</i>	(25,115)
			Lump Sum Premium Pay	0
Totals	11	11	Total Personal Services	889,800

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Attorney III	0	0	1	0	1
Attorney IV	3	0	0	0	3
Attorney V	1	0	1	0	2
Law Office Assistant I	2	0	2	0	4
Law Office Assistant II	1	0	0	0	1
Totals	7	0	4	0	11