

**State of Alaska**  
**FY2010 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 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.

### FY2010 Resources Allocated to Achieve Results

**FY2010 Component Budget: \$1,300,300**

**Personnel:**

Full time	9
Part time	0
<b>Total</b>	<b>9</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 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 the Alaska Department of Fish and Game (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 Alaska Supreme Court ruled that the state must calculate the permissible differential on an individual basis. 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. 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, 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 ADF&G and the Office of Project Management and Permitting within DNR.

### **Significant Changes in Results to be Delivered in FY2010**

No changes in results delivered.

### **Major Component Accomplishments in 2008**

The section continued to defend ADF&G in litigation before the supreme and superior courts related to mariculture of geoduck clams.

The section continued to successfully defend the state's predator control program.

The section successfully defended most of ADF&G's Tier II subsistence scoring criteria.

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

The section advised the Recorder's Office regarding various issues, including electronic recording.

In numerous appeals before the supreme and superior courts, the section successfully defended CFEC's denial of requests for issuance of limited entry permits, including the last challenge in the Bristol Bay driftnet fishery.

The section represented CFEC & ADF&G in the Alaska Supreme Court regarding the state's nonresident commercial fishing fees and advised CFEC on potential impacts of the decision.

The section obtained a favorable ruling from the Ninth Circuit that Board of Fisheries members have absolute legislative immunity against money damages claims brought under 42 U.S.C. § 1983.

The section continued to represent DNR in quiet title actions regarding ownership of accreted land and land formed by isostatic rebound.

The section defended and represented the Division of Forestry in litigation relating to timber sales and wildfires.

The section cleared land titles for numerous parcels of state land targeted for land disposal.

The section 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.

The section 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.

The section advised the Big Game Commercial Services Board and reviewed and edited numerous regulations.

The section represented the Division of Agriculture in a lawsuit over historic Matanuska Maid property in Palmer.

The section assisted ADF&G and the Board of Fisheries to develop new ecotourism fishery regulations.

The section successfully defended the University lands bill in superior court.

The section successfully defended the State's ownership and control of the Alaska Grown logo.

The section continued to defend the Division of Parks and Outdoor Recreation's permit for commercial jet boat tours in the Chilkat Bald Eagle Preserve.

Briefed and argued an appeal to the Alaska Supreme Court challenging Board of Fisheries regulations in 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
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**Natural Resources  
Component Financial Summary**

*All dollars shown in thousands*

	FY2008 Actuals	FY2009 Management Plan	FY2010 Governor
<b>Non-Formula Program:</b>			
<b>Component Expenditures:</b>			
71000 Personal Services	1,419.3	1,060.4	1,101.9
72000 Travel	35.8	19.2	19.2
73000 Services	176.5	151.4	151.4
74000 Commodities	25.0	27.8	27.8
75000 Capital Outlay	16.0	0.0	0.0
77000 Grants, Benefits	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
<b>Expenditure Totals</b>	<b>1,672.6</b>	<b>1,258.8</b>	<b>1,300.3</b>
<b>Funding Sources:</b>			
1004 General Fund Receipts	1,247.5	908.9	937.3
1007 Inter-Agency Receipts	264.5	349.9	363.0
1061 Capital Improvement Project Receipts	160.6	0.0	0.0
<b>Funding Totals</b>	<b>1,672.6</b>	<b>1,258.8</b>	<b>1,300.3</b>

**Estimated Revenue Collections**

Description	Master Revenue Account	FY2008 Actuals	FY2009 Management Plan	FY2010 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	264.5	349.9	363.0
Capital Improvement Project Receipts	51200	160.6	0.0	0.0
<b>Restricted Total</b>		<b>425.1</b>	<b>349.9</b>	<b>363.0</b>
<b>Total Estimated Revenues</b>		<b>425.1</b>	<b>349.9</b>	<b>363.0</b>

**Summary of Component Budget Changes  
From FY2009 Management Plan to FY2010 Governor**

*All dollars shown in thousands*

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
<b>FY2009 Management Plan</b>	<b>908.9</b>	<b>0.0</b>	<b>349.9</b>	<b>1,258.8</b>
<b>Adjustments which will continue current level of service:</b>				
-FY2010 Wage and Health Insurance Increases for Bargaining Units with Existing Agreements	28.4	0.0	13.1	41.5
<b>FY2010 Governor</b>	<b>937.3</b>	<b>0.0</b>	<b>363.0</b>	<b>1,300.3</b>

**Natural Resources  
Personal Services Information**

Authorized Positions			Personal Services Costs	
	<u>FY2009</u> <u>Management</u> <u>Plan</u>	<u>FY2010</u> <u>Governor</u>		
Full-time	10	9	Annual Salaries	745,008
Part-time	0	0	COLA	29,136
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	345,100
			<i>Less 1.55% Vacancy Factor</i>	(17,344)
			Lump Sum Premium Pay	0
<b>Totals</b>	<b>10</b>	<b>9</b>	<b>Total Personal Services</b>	<b>1,101,900</b>

**Position Classification Summary**

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Attorney III	0	0	1	0	1
Attorney IV	1	0	1	0	2
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
<b>Totals</b>	<b>6</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>9</b>