

**State of Alaska  
FY2014 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. The Statehood Defense unit of the Department of Law provides advice and representation to state agencies on issues raised by conflicts between state and federal jurisdiction.

### Core Services

- The Natural Resources section advises the Department of Natural Resources (DNR) and the Department of Fish and Game (DF&G) 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. The section pursues legal actions for forfeiture of vessels and other property used in violating state natural resource laws.
- Statehood Defense attorneys handle complex cases arising out of state/federal jurisdictional conflicts which profoundly affect management of Alaska's natural resources. Issues include title navigability, RS 2477 rights-of-way, access across and within federal lands, Alaska National Interest Lands Conservation Act (ANILCA) questions, Alaska Native Claims Settlement Act (ANCSA) conveyances and 17(b) easements, subsistence, Endangered Species Act (ESA), and management issues.
- Statehood Defense attorneys also provide legal advice and assistance to the Governor's Office and state agencies on matters of federal Indian law.

### Major Component Accomplishments in 2012

#### Natural Resources:

- Won a superior court appeal of DNR's decision to issue a miscellaneous land use permit to Pebble Partnership for exploration work on the Pebble project. The court found that although DNR should have given the appellants an opportunity to show their standing, it was harmless because DNR issued a decision on the merits, DNR did not violate due process by saying it would not accept additional documents after the deadline, DNR did not violate due process by denying a stay of the permit, and DNR was not required to give public notice of the permit application.
- Defended DNR in an administrative appeal challenging DNR's issuance of Temporary Water Use Permits to a mining company without first adjudicating the Appellants' application for an instream flow reservation of water for the same stream, a tributary of the Chuitna River.
- In March 2010, an \$82.3 million judgment was entered against the state in a class action case alleging that the 3:1 differential the State charged for non-resident Commercial Fisheries Entry Commission limited entry permits and commercial fishing crew licenses was unconstitutional under the Privileges and Immunities and Commerce Clauses of the U.S. Constitution. The state appealed the amount of the judgment on the grounds that the wrong interest rate had been applied. In 2012, the Court affirmed the revised calculations and ordered a refund to the state of \$48.8 million.
- Obtained a 9<sup>th</sup> Circuit decision upholding the authority of the Board of Fisheries to adopt regulations that incidentally impacted the value of commercial fishing limited entry permits and shore fishery leases. A petition for certiorari was also denied.
- Received a favorable decision from the Alaska Supreme Court holding that state land use plans are not subject to judicial challenge as regulations.
- Prevailed on summary judgment on all issues in Superior Court in a challenge to Division of Parks permitting for

ATV use within Nancy Lake State Recreation Area.

- Defended DNR against a challenge to the Knik River Public Use Area Management Plan. The court ruled in favor of the state on all but one issue, the designation of critical habitat within the KRPUA. That issue was remanded to DNR for a minor change to the area plan.
- Reached a settlement, subject to court approval, in a quiet title action and riparian boundary dispute in Juneau implicating the state's claim of title to the bed of the Skagway River.
- Defended DNR in an administrative appeal challenging the adoption of the Matanuska-Susitna Area Plan.
- Argued before the Alaska Supreme Court in support of the validity of the Board of Fisheries' decision finding the Chitina salmon dipnet fishery is not a customary and traditional subsistence fishery.
- Advised the Board of Fisheries through its 2011-12 meeting cycle and reviewed and edited the resulting regulations. No legal challenges have been mounted against the adopted regulations.
- Obtained a ruling that the Board of Game had the authority to open a hunt on feral bison on Kodiak Island.
- Briefed an appeal before the Alaska Court of Appeals to defend the validity of subsistence fishing conditions contained in a permit rather than in regulation.
- Continued to advise DF&G on predator control and intensive management issues.
- Prepared comments and attended numerous Federal Subsistence Board meetings and meetings of the North Pacific Fishery Management Council to assist DF&G with issues impacting state fish and wildlife management.
- Successfully defended the State in litigation seeking payment to private property owners for vegetation burned in conjunction with wild land fire suppression activities.
- Advised DNR regarding storm water permitting requirements at material sites.
- Advised the Division of Forestry on timber sale, fire prevention, and forest management planning issues.
- Negotiated a settlement of a United Cook Inlet Drift Association lawsuit against the Board of Fisheries regarding the 2011 Cook Inlet gillnet fishery regulations.
- Defended against challenge to Unit 13 caribou subsistence hunting regulations, obtaining an order denying a motion for preliminary injunction.
- Filed its appellee's brief in the Alaska Supreme Court appeal of a separate superior court decision upholding Unit 13 caribou subsistence hunting regulations.
- Drafted proposed legislation, and reviewed and analyzed a number of bills before the legislature related to natural resources.
- Advised DNR on completing the Bird Creek Land Exchange.
- Represented the Department of Revenue (DOR) in a case involving a taxpayer seeking a refund after DOR levied his bank account to cover an assessment under the mining license tax.
- Successfully defended the CFEC denials of a number of limited entry permits before the Alaska Supreme Court and superior court and collected attorney's fees in many of them.
- Advised DNR on multiple trespass cases.
- Defended DNR in more than a dozen quiet title actions for accreted land.

- Provided frequent advice to the Governor's Office and the State Forester regarding roadless and timber issues.
- Assisted with amicus support to Wyoming, Arkansas, Oregon and Utah in National Forest/timber related appeals to the U.S. Supreme Court.
- Advised and assisted DNR in issuing a decision on reconsideration regarding approval of certain controversial North Slope Borough municipal entitlement selections which was not appealed.
- Filed suit against the Ketchikan Gateway Borough to protect state-owned parcels that were taxed by the borough while they were under contract for sale to third parties, on which the borough is attempting to foreclose for non-payment of the taxes.
- Assisted DNR in resolving a long-standing (20+ years) title issue involving a long-term lease of state land in Fairbanks through negotiation with other state agencies and the purported lessee and drafting the necessary conveyance documents.
- Assisted DNR in on-going issues concerning the ownership of submerged lands and tidelands in Lemon Creek in Juneau, including one active quiet title claim, which was settled.
- Advised and assisted DNR with various estate matters, contract administration matters, legislation, recording matters, and general land and access issues.
- Won a superior court appeal challenging DNR's handling of instream flow reservation applications filed by Chuitna Citizens Coalition, finding that there was no appealable decision. The Supreme Court appeal was dismissed by agreement.
- Advised the Alaska Mental Health Trust Land Office extensively regarding real estate matters, including coal and oil and gas leasing issues.
- Advised CFEC on issues relating to regulation and management of limited entry of commercial fisheries.
- Advised DF&G on regulation projects involving: the Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes and its associated Atlas; Sport Fishing Services Logbook; and Aquatic Farming.
- Advised DF&G on issues related to aquaculture and private nonprofit hatcheries, including an ombudsman investigation.
- Advised DF&G on issues related to the development, amendment, and interpretation of special area management plans, regulations, and statutes; and on the issuance of Fish Habitat and Special Area permits.
- Advised DF&G on ownership/permitting of a private dock in Nancy Lake.
- Advised DF&G on a Kenai Peninsula Borough Anadromous Streams Habitat Protection Ordinance to determine if it conflicts with State law or programs.
- Advised DF&G and DNR on issues related to the response to over two dozen public records requests.
- Advised DNR on issues related to parcels of land conveyed to the Mental Health Trust and federal mining claims.
- Advised DNR on sport fishing guide suspension appeals in the Kenai River Special Management Area.
- Defended an administrative appeal of the DNR Commissioner's Decision on the Municipality of Skagway's general grant land entitlement.
- Represented the Mental Health Trust Lands Office and settled a suit against an individual in Petersburg for damages resulting from trespass, conversion, and unlawful cutting and removal of trees on Trust Land.

Statehood Defense:

- Intervened in litigation challenging application of the National Park Service water regulations to state-owned navigable waters that lie within the exterior boundaries of national parks and preserves.
- Represented the state in litigation regarding the Secretary of Interior's authority to take land into trust in Alaska for the benefit of Alaska tribes. The section also assisted with preparation of state comments on several bills in Congress to address land into trust issues.
- Assisted with state review of several federal land management plan updates for ANILCA compliance, including the Arctic National Wildlife Refuge plan, the Delta River special recreation management area plan, and the Eastern Interior Regional Management Plan, among others.
- Provided extensive advice on numerous ANILCA-related issues pertaining to access and use of federal conservation system units in Alaska.
- Continued to provide legal review and advice to DNR planning team members regarding Bureau of Land Management's (BLM) revisions to the NPR-A land use plan.
- Provided advice to DNR regarding land status issues related to the proposed Susitna-Watana hydroelectric project.
- Represented the state as amicus curiae in federal litigation in Utah challenging BLM's Wild Lands Policy.
- Continued to monitor litigation related to pacific salmon issues in Washington and Oregon.
- Provided legal advice to DF&G regarding the Pacific Salmon Treaty and coast-wide salmon management issues.
- Provided legal review of the Pt. Thomson Environmental Impact Statement.
- Filed a formal protest of the Delta River Special Recreation Management Area Plan/EA and appealed the BLM state director's response to the governor's finding of inconsistency under the Federal Land Management and Policy Act.
- Challenged the National Marine Fisheries Service's (NMFS) decision to close large portions of the Aleutian Islands to fishing as a result of perceived threats to the Western Distinct Population of Stellar sea lions. The case is pending in 9<sup>th</sup> Circuit.
- Worked on comments supporting the proposed delisting of the Eastern Distinct Population of Stellar sea lions.
- Completed briefing in the pending polar bear critical habitat litigation in Alaska district court.
- Pursued the polar bear listing litigation before the U.S. Court of Appeals for the D.C. Circuit.
- Worked on various issues associated with the revised polar bear 4(d) rule. Generally Alaska is supportive of the rule, which excludes activities outside of polar bear range from the ESA's incidental take prohibitions.
- Reviewed and evaluated multiple legal issues associated with the release of experimental populations of wood bison under the ESA's 10(j) rule which permits the release of endangered species into their historic range as non-essential populations, allowing the species to be reintroduced without typical ESA regulations and without a designation for critical habitat.
- Reviewed and evaluated issues impacting Alaska as a result of a pending lawsuit against NMFS for issuance of an incidental harassment permit to Apache Alaska Corporation to conduct seismic surveys in Cook Inlet. The lawsuit challenges whether NMFS could issue the permit based on various issues impacting beluga whales.

- Continued reviewing documents relating to the scope of critical habitat designated for the Cook Inlet beluga whale.
- Performed general research and preliminary assessment of issues associated with various species for which there will likely be future litigation and/or listing actions taken, including ringed and bearded seals and the Alexander Archipelago wolf population.
- Argued the latest *Katie John* Subsistence Rights appeal, dealing with federal reserved water rights, to the 9<sup>th</sup> Circuit Court of Appeals.
- Advised DF&G on federal subsistence matters, including response to a petition to the Secretaries of the Interior and Agriculture for extraterritorial assertion of federal subsistence jurisdiction into state waters.
- Assisted in drafting a U.S. Supreme Court appellants' amicus brief in the *Sackett* Clean Water Act case, in which appellants prevailed.
- Settled an appeal to the Interior Board of Land Appeals challenging BLM's failure to reserve adequate public access easements across land to be conveyed to the Dinyee village corporation under ANCSA. The settlement adds a site easement on the Dall River to allow temporary camping and changes in modes of transportation so that the public may transition to existing trail easements in the area.
- Reviewed and provided comments on a number of bills pending before Congress that impact the state's interests.
- A section member traveled to Utah to establish relationships with counterparts in Utah on R.S. 2477 issues and to view and assess some of Utah's R.S. 2477 rights-of-way.
- The section assisted DNR and DF&G in developing a comprehensive R.S. 2477 prosecution strategy, including preparation of a legislative briefing paper.
- Met with numerous state senators and representatives and staff from the Governor's Office regarding R.S. 2477 issues and the state's strategies in moving forward.
- Assessed present best-case options for R.S. 2477 prosecution and initiated the process for litigation on those rights-of-way, including preparing a Notice of Intent to the Secretary of Interior and field inspection of the routes to be litigated.
- Served as co-counsel in the *Ahtna, Inc. v. State of Alaska* litigation, including successfully prosecuting and obtaining orders on motions critical to protecting the state's interests in the case and favorably positioning the state in proceeding with the litigation.
- Advised DNR and DF&G on a number of specific R.S. 2477 issues, including matters related to the Point Thompson Project (RST 1043), the *Mills v. the United States* litigation (RST 1594), the Chitina Cemetery Road (RST 1974), Cantwell Small Tracts (RST 625), and others.
- Initiated a diligent and assertive defense of *Dickson v. State of Alaska*, involving blockage of the historic Iditarod Trail (RST 118).
- Assisted DNR and DF&G with applications to the BLM for recordable disclaimers of interest (RDI) for lands underlying navigable waters. The State has received a number of RDIs from BLM.
- Advised DNR on public access issues involving Fog Lake, its outlet to the Copper River, and Dream Creek.
- Filed a complaint against the United States and three private defendants to quiet the title to the bed of the Mosquito Fork River.
- Represented DNR and DF&G in litigation over the navigability of the Kotsina River.

- Advised DNR and DF&G on the impacts of the Supreme Court's decision in *PPL Montana* to navigability for title cases in Alaska.
- Advised DNR on other issues regarding navigability, including how to address a river which had been modified (no longer in its natural and ordinary condition) at the time of statehood.
- Provided comments on multiple USFS timber sale EIS documents.
- Assisted DNR with an administrative appeal of the Twelve Mile timber sale.
- Responded to the USFS Tonka Timber sale administrative appeal by Tongass Conservation Society.
- Defended motions for change of venue and for dismissal in the state's declaratory judgment action challenging the Roadless Rule in the D.C. district court.
- Completed briefing in the 9<sup>th</sup> Circuit in the state's appeal of the Alaska district court decision invalidating the Tongass Exemption to the Roadless Rule.
- Won an IBLA appeal in which the U.S. Forest Service challenged BLM's decision to issue a patent for mental health trust lands subject to term-limited rights-of-way for forest development roads. The U.S. Forest Service asserted that the rights-of-way should be perpetual.

## **Key Component Challenges**

### Natural Resources:

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 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. The section will provide representation for the CFEC in a number of appeals related to permit denials.

The section continues to advise the 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. Section attorneys assist 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 the Department of Fish and Game and the Office of Project Management and Permitting within DNR.

### Statehood Defense:

During FY2013, the Statehood Defense unit will work to protect and ensure access to state and private lands and on public waters across Alaska through assertions of RS 2477 rights-of-way, ANILCA access rights, and ownership of navigable waters. Statehood Defense attorneys will work with the DNR and DF&G to file with the Bureau of Land Management (BLM) additional applications for recordable disclaimers of interest for navigable waters, and provide information to BLM to convince it to declare waterways navigable within the survey windows it is completing. The unit will continue to insure the state's land entitlement from the federal government is fulfilled. The section advises the Alaska DF&G regarding Endangered Species Act issues and the North Pacific Fisheries Management Council.

The Statehood Defense unit will pursue the lawsuit against the federal government relating to application to Alaska's

Tongass and Chugach National Forests of a national Roadless Rule, and participate and monitor ongoing federal actions related to timber sales, and implementation of forest management plans. Legal work related to the Endangered Species Act (ESA) continues to increase. The unit will participate in the ESA process as it relates to decisions or proposals to list polar bears, Cook Inlet beluga whale, ringed seals, bearded seals and other species, and designate critical habitat. The unit is also participating in issues relating to management of Pacific Salmon and to ensure adherence to the Pacific Salmon Treaty. The unit will also advise DF&G regarding the North Pacific Fisheries Management Council. The section challenged new groundfish, fishery regulations closing large areas in Western Alaska to fishing based on a biological opinion by National Marine Fisheries Service's (NMFS) concluding that Western Steller sea lions needed additional protections to recover even though the population is generally recovering. The unit will continue to closely monitor the federal subsistence program, assist DF&G in preparation of state comments, and challenge actions by the Federal Subsistence Board (FSB) when necessary. The unit will continue litigation challenging the use of claimed Federal Reserved Water Rights to expand federal subsistence jurisdiction. Attorneys will monitor actions taken under federal legislation to complete conveyances under ANCSA and ANILCA and the Alaska Native Allotment Act and review proposed federal public use management plans for federal lands. Attorneys will provide comments on federal legislative proposals that affect Alaska land and natural resources. The unit will also continue to work on issues relating to assertions of tribal sovereignty that impact state interests, including an attempt by several tribes to invalidate a regulatory ban on taking land into trust in Alaska.

### **Significant Changes in Results to be Delivered in FY2014**

The Statehood Defense component has been combined with Natural Resources to align with management of the component.

### **Statutory and Regulatory Authority**

AS 44.23.020

<b>Contact Information</b>
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<b>Natural Resources Component Financial Summary</b>			
		<i>All dollars shown in thousands</i>	
	FY2012 Actuals	FY2013 Management Plan	FY2014 Governor
<b>Non-Formula Program:</b>			
<b>Component Expenditures:</b>			
71000 Personal Services	2,973.4	2,535.8	2,546.0
72000 Travel	48.7	26.3	26.3
73000 Services	1,395.9	1,546.0	1,546.0
74000 Commodities	68.5	58.8	58.8
75000 Capital Outlay	13.9	7.2	7.2
77000 Grants, Benefits	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
<b>Expenditure Totals</b>	<b>4,500.4</b>	<b>4,174.1</b>	<b>4,184.3</b>
<b>Funding Sources:</b>			
1004 General Fund Receipts	3,547.9	3,748.9	3,759.1
1007 Interagency Receipts	952.5	425.2	425.2
<b>Funding Totals</b>	<b>4,500.4</b>	<b>4,174.1</b>	<b>4,184.3</b>

<b>Estimated Revenue Collections</b>				
Description	Master Revenue Account	FY2012 Actuals	FY2013 Management Plan	FY2014 Governor
<b>Unrestricted Revenues</b>				
Unrestricted Fund	68515	3.0	0.0	0.0
<b>Unrestricted Total</b>		<b>3.0</b>	<b>0.0</b>	<b>0.0</b>
<b>Restricted Revenues</b>				
Interagency Receipts	51015	952.5	425.2	425.2
<b>Restricted Total</b>		<b>952.5</b>	<b>425.2</b>	<b>425.2</b>
<b>Total Estimated Revenues</b>		<b>955.5</b>	<b>425.2</b>	<b>425.2</b>

**Summary of Component Budget Changes  
From FY2013 Management Plan to FY2014 Governor**

*All dollars shown in thousands*

	<u>Unrestricted Gen (UGF)</u>	<u>Designated Gen (DGF)</u>	<u>Other Funds</u>	<u>Federal Funds</u>	<u>Total Funds</u>
<b>FY2013 Management Plan</b>	<b>3,748.9</b>	<b>0.0</b>	<b>425.2</b>	<b>0.0</b>	<b>4,174.1</b>
<b>Adjustments which will continue current level of service:</b>					
-FY2014 Salary and Health Insurance Increases	9.5	0.0	0.7	0.0	10.2
-Replace Unavailable Fund Sources for Personal Services Increases	0.7	0.0	-0.7	0.0	0.0
<b>FY2014 Governor</b>	<b>3,759.1</b>	<b>0.0</b>	<b>425.2</b>	<b>0.0</b>	<b>4,184.3</b>

**Natural Resources  
Personal Services Information**

Authorized Positions			Personal Services Costs	
	<u>FY2013</u> <u>Management</u> <u>Plan</u>	<u>FY2014</u> <u>Governor</u>		
Full-time	18	18	Annual Salaries	1,747,975
Part-time	0	0	Premium Pay	0
Nonpermanent	0	0	Annual Benefits	896,102
			<i>Less 3.71% Vacancy Factor</i>	(98,077)
			Lump Sum Premium Pay	0
<b>Totals</b>	<b>18</b>	<b>18</b>	<b>Total Personal Services</b>	<b>2,546,000</b>

**Position Classification Summary**

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Assoc Attorney I	1	0	0	0	1
Attorney III	1	0	0	0	1
Attorney IV	2	0	2	0	4
Attorney V	7	0	1	0	8
Attorney VI	1	0	0	0	1
Law Office Assistant I	2	0	0	0	2
Law Office Assistant II	1	0	0	0	1
<b>Totals</b>	<b>15</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>18</b>

**Component Detail All Funds**  
**Department of Law**

**Component:** Natural Resources (AR13708) (2212)  
**RDU:** Civil Division (35)

	FY2012 Actuals	FY2013 Conference Committee	FY2013 Authorized	FY2013 Management Plan	FY2014 Governor	FY2013 Management Plan vs FY2014 Governor	
71000 Personal Services	2,973.4	2,398.8	2,398.8	2,535.8	2,546.0	10.2	0.4%
72000 Travel	48.7	26.3	26.3	26.3	26.3	0.0	0.0%
73000 Services	1,395.9	1,546.0	1,546.0	1,546.0	1,546.0	0.0	0.0%
74000 Commodities	68.5	58.8	58.8	58.8	58.8	0.0	0.0%
75000 Capital Outlay	13.9	7.2	7.2	7.2	7.2	0.0	0.0%
77000 Grants, Benefits	0.0	0.0	0.0	0.0	0.0	0.0	0.0%
78000 Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0	0.0%
<b>Totals</b>	<b>4,500.4</b>	<b>4,037.1</b>	<b>4,037.1</b>	<b>4,174.1</b>	<b>4,184.3</b>	<b>10.2</b>	<b>0.2%</b>
<b>Fund Sources:</b>							
1004 Gen Fund (UGF)	3,547.9	3,611.9	3,611.9	3,748.9	3,759.1	10.2	0.3%
1007 I/A Rcpts (Other)	952.5	425.2	425.2	425.2	425.2	0.0	0.0%
<b>Unrestricted General (UGF)</b>	<b>3,547.9</b>	<b>3,611.9</b>	<b>3,611.9</b>	<b>3,748.9</b>	<b>3,759.1</b>	<b>10.2</b>	<b>0.3%</b>
<b>Designated General (DGF)</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0%</b>
<b>Other Funds</b>	<b>952.5</b>	<b>425.2</b>	<b>425.2</b>	<b>425.2</b>	<b>425.2</b>	<b>0.0</b>	<b>0.0%</b>
<b>Federal Funds</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0%</b>
<b>Positions:</b>							
Permanent Full Time	19	17	17	18	18	0	0.0%
Permanent Part Time	0	0	0	0	0	0	0.0%
Non Permanent	0	0	0	0	0	0	0.0%

**Change Record Detail - Multiple Scenarios With Descriptions**  
**Department of Law**

**Component:** Natural Resources (2212)

**RDU:** Civil Division (35)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		NP
										PFT	PPT	
***** Changes From FY2013 Conference Committee To FY2013 Authorized *****												
<b>FY2013 Conference Committee</b>												
	ConfCom	4,037.1	2,398.8	26.3	1,546.0	58.8	7.2	0.0	0.0	17	0	0
1004 Gen Fund		3,611.9										
1007 I/A Rcpts		425.2										
<b>Subtotal</b>		<b>4,037.1</b>	<b>2,398.8</b>	<b>26.3</b>	<b>1,546.0</b>	<b>58.8</b>	<b>7.2</b>	<b>0.0</b>	<b>0.0</b>	<b>17</b>	<b>0</b>	<b>0</b>

***** Changes From FY2013 Authorized To FY2013 Management Plan *****												
<b>Transfer Attorney V (03-0308) from Opinions, Appeals and Ethics for Required Legal Expertise</b>												
	Trin	137.0	137.0	0.0	0.0	0.0	0.0	0.0	0.0	1	0	0
1004 Gen Fund		137.0										

Transfer Attorney V (03-0308) from Opinions, Appeals and Ethics to keep pace with the required level of legal expertise needed within the section.

Department of Law attorney positions are partially exempt (PX) and flexibly-ranged positions. Attorneys' I - VI are transferred in accordance with attorney salary placement, allowing positions to be sub-filled at lower levels. Positions are also transferred to accommodate promotions. Because of constant movement of positions, authority is not transferred unless necessary.

<b>Subtotal</b>		<b>4,174.1</b>	<b>2,535.8</b>	<b>26.3</b>	<b>1,546.0</b>	<b>58.8</b>	<b>7.2</b>	<b>0.0</b>	<b>0.0</b>	<b>18</b>	<b>0</b>	<b>0</b>
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***** Changes From FY2013 Management Plan To FY2014 Governor *****												
<b>FY2014 Salary and Health Insurance Increases</b>												
	SalAdj	10.2	10.2	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		9.5										
1007 I/A Rcpts		0.7										

FY2014 Salary and Health Insurance increase : \$10.2

FY2014 Health Insurance increase of \$59.00 per month per employee - from \$1,330 to \$1,389 per month Non-covered: \$10.2

<b>Replace Unavailable Fund Sources for Personal Services Increases</b>												
	FndChg	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		0.7										
1007 I/A Rcpts		-0.7										

To fund baseline increases as a result of personal services and benefits that are associated with unavailable fund sources that have not been budgeted for in our client agencies.

**Change Record Detail - Multiple Scenarios With Descriptions**  
**Department of Law**

**Component:** Natural Resources (2212)  
**RDU:** Civil Division (35)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		NP
										PFT	PPT	
	Totals	4,184.3	2,546.0	26.3	1,546.0	58.8	7.2	0.0	0.0	18	0	0

**Personal Services Expenditure Detail**  
**Department of Law**

**Scenario:** FY2014 Governor (10289)  
**Component:** Natural Resources (2212)  
**RDU:** Civil Division (35)

PCN	Job Class Title	Time Status	Retire Code	Barg Unit	Location	Salary Sched	Range / Step	Comp Months	Split / Count	Annual Salaries	COLA	Premium Pay	Annual Benefits	Total Costs	GF Amount
03-0009	Attorney V	FT	A	XE	Anchorage	NAA	25M / N	12.0		130,158	0	0	60,629	190,787	190,787
03-0010	Attorney III	FT	A	XE	Anchorage	NAA	22F	12.0		88,908	0	0	47,386	136,294	136,294
03-0030	Attorney IV	FT	A	XE	Juneau	NAA	24L	12.0		113,688	0	0	55,947	169,635	84,818
03-0036	Law Office Assistant II	FT	A	SS	Anchorage	600	13C / D	12.0		43,200	0	0	31,030	74,230	74,230
03-0037	Attorney VI	FT	A	XE	Anchorage	NAA	26P	12.0		146,688	0	0	65,327	212,015	212,015
03-0080	Attorney V	FT	A	XE	Anchorage	NAA	22A	12.0		75,060	0	0	42,601	117,661	117,661
03-0147	Assoc Attorney I	FT	A	XE	Anchorage	NAA	17F / J	12.0		65,189	0	0	39,191	104,380	104,380
03-0215	Attorney IV	FT	A	XE	Anchorage	NAA	24J / K	12.0		108,099	0	0	54,016	162,115	162,115
03-0270	Law Office Assistant I	FT	A	GP	Anchorage	200	11B / C	12.0		35,845	0	0	28,995	64,840	64,840
03-0306	Attorney V	FT	A	XE	Anchorage	NAA	25P	12.0		141,588	0	0	63,877	205,465	154,099
03-0308	Attorney V	FT	A	XE	Anchorage	NAA	25L / M	12.0		124,118	0	0	58,912	183,030	183,030
03-0311	Law Office Assistant I	FT	A	GP	Anchorage	200	11F / G	12.0		40,091	0	0	30,462	70,553	70,553
03-0336	Attorney IV	FT	A	XE	Juneau	NAA	24J	12.0		105,624	0	0	53,161	158,785	119,089
03-0337	Attorney V	FT	A	XE	Anchorage	NAA	22A	12.0		75,060	0	0	42,601	117,661	117,661
03-0385	Attorney IV	FT	A	XE	Anchorage	NAA	24C / D	12.0		94,025	0	0	49,154	143,179	143,179
03-0403	Attorney V	FT	A	XE	Anchorage	NAA	25N / O	12.0		134,010	0	0	61,723	195,733	195,733
03-0409	Attorney V	FT	A	XE	Anchorage	NAA	25L / M	12.0		122,590	0	0	58,478	181,068	181,068
03-0418	Attorney V	FT	A	XE	Juneau	NAA	24F / J	12.0		104,034	0	0	52,612	156,646	156,646

<b>Total Positions</b>		<b>New</b>	<b>Deleted</b>	<b>Total Salary Costs:</b>	1,747,975
<b>Full Time Positions:</b>	18	0	0	<b>Total COLA:</b>	0
<b>Part Time Positions:</b>	0	0	0	<b>Total Premium Pay:</b>	0
<b>Non Permanent Positions:</b>	0	0	0	<b>Total Benefits:</b>	896,102
<b>Positions in Component:</b>	18	0	0	<b>Total Pre-Vacancy:</b>	2,644,077
				<b>Minus Vacancy Adjustment of 3.71%:</b>	(98,077)
				<b>Total Post-Vacancy:</b>	2,546,000
<b>Total Component Months:</b>	216.0			<b>Plus Lump Sum Premium Pay:</b>	0
				<b>Personal Services Line 100:</b>	2,546,000

PCN Funding Sources:	Pre-Vacancy	Post-Vacancy	Percent
1004 General Fund Receipts	2,468,197	2,376,644	93.35%
1007 Interagency Receipts	175,880	169,356	6.65%
<b>Total PCN Funding:</b>	<b>2,644,077</b>	<b>2,546,000</b>	<b>100.00%</b>

Note: If a position is split, an asterisk (\*) will appear in the Split/Count column. If the split position is also counted in the component, two asterisks (\*\*) will appear in this column. [No valid job title] appearing in the Job Class Title indicates that the PCN has an invalid class code or invalid range for the class code effective date of this scenario.

**Line Item Detail**  
**Department of Law**  
**Travel**

**Component:** Natural Resources (2212)  
**RDU:** Civil Division (35)

Line Number	Line Name		FY2012 Actuals	FY2013 Management Plan	FY2014 Governor
72000	Travel		48.7	26.3	26.3
Expenditure Account	Servicing Agency	Explanation	FY2012 Actuals	FY2013 Management Plan	FY2014 Governor
<b>72000 Travel Detail Totals</b>			<b>48.7</b>	<b>26.3</b>	<b>26.3</b>
72110	Employee Travel (Instate)	Attorney travel to provide counsel for departments and agencies of state government, including hearings, board meetings and legal counsel in court cases. Investigations and taking depositions for court actions.	33.2	18.8	18.8
72120	Nonemployee Travel (Instate Travel)	Witness travel costs.	0.3	5.0	5.0
72410	Employee Travel (Out of state)	Out-of-State travel for professional staff for conferences, meetings and training.	11.4	2.5	2.5
72420	Nonemployee Travel (Out of state Emp)	Outside counsel, expert witness travel costs	3.8	0.0	0.0



**Line Item Detail**  
**Department of Law**  
**Services**

**Component:** Natural Resources (2212)  
**RDU:** Civil Division (35)

Line Number	Line Name		FY2012 Actuals	FY2013 Management Plan	FY2014 Governor
73000	Services		1,395.9	1,546.0	1,546.0
Expenditure Account			FY2012 Actuals	FY2013 Management Plan	FY2014 Governor
Expenditure Account	Servicing Agency	Explanation	FY2012 Actuals	FY2013 Management Plan	FY2014 Governor
<b>73000 Services Detail Totals</b>			<b>1,395.9</b>	<b>1,546.0</b>	<b>1,546.0</b>
73025	Education Services	Conferences, training, memberships	2.3	3.5	3.5
73075	Legal & Judicial Svc	Depositions, research costs, expert witnesses and consultants.	1,140.2	1,257.9	1,251.9
73156	Telecommunication	Local Service, long distance toll charges and cellular phones paid to third party telephone utilities.	10.0	10.0	10.0
73225	Delivery Services	Freight and messenger services. Movement of materials, exhibits, legal documents and courier services.	1.3	2.5	2.5
73450	Advertising & Promos	Publication of forms, legal notices and briefs.	1.0	0.8	0.8
73650	Struc/Infstruct/Land	Rentals/Leases - records and evidence storage.	4.0	4.0	4.0
73675	Equipment/Machinery	Rentals/Leases and Repairs/Maintenance of office equipment - copiers & postage meters.	6.0	3.5	3.5
73750	Other Services (Non IA Svcs)	Printing forms, briefs and legal notices.	10.0	7.7	7.7
73805	IT-Non-Telecommunication	Law	39.8	44.0	44.0
73805	IT-Non-Telecommunication	Admin	10.9	12.9	12.9
73806	IT-Telecommunication	Admin	26.6	29.6	29.6
73809	Mail	Admin - Central Mail	1.3	1.3	1.3
73810	Human Resources	Administrative Services	0.0	2.7	2.7
73811	Building Leases	Admin - Leases	133.0	155.0	155.0
73814	Insurance	Admin - Risk Management	0.4	0.4	0.4
73815	Financial	Admin - Finance	0.9	1.0	1.0

**Line Item Detail**  
**Department of Law**  
**Services**

**Component:** Natural Resources (2212)

**RDU:** Civil Division (35)

<b>Expenditure Account</b>		<b>Servicing Agency</b>	<b>Explanation</b>	<b>FY2012 Actuals</b>	<b>FY2013 Management Plan</b>	<b>FY2014 Governor</b>
<b>73000 Services Detail Totals</b>				<b>1,395.9</b>	<b>1,546.0</b>	<b>1,546.0</b>
			AKPAY)			
73815	Financial	Administrative Services	RSA Law, Timekeeping administration and litigation support.	8.0	9.0	15.0
73816	ADA Compliance	Personnel	RSA Administration, Personnel - Americans With Disabilities Act.	0.2	0.2	0.2

**Line Item Detail**  
**Department of Law**  
**Commodities**

**Component:** Natural Resources (2212)  
**RDU:** Civil Division (35)

Line Number	Line Name		FY2012 Actuals	FY2013 Management Plan	FY2014 Governor
74000	Commodities		68.5	58.8	58.8
Expenditure Account	Servicing Agency	Explanation	FY2012 Actuals	FY2013 Management Plan	FY2014 Governor
<b>74000 Commodities Detail Totals</b>			<b>68.5</b>	<b>58.8</b>	<b>58.8</b>
74200	Business	Library materials including Alaska Statutes, Alaska Code, Advanced Legislative Service and Court Rules; subscriptions, office supplies; software applications, printer cartridges, paper and misc. data processing supplies; computer supplies - desktop refresh, non-capital.	68.5	58.8	58.8

**Line Item Detail**  
**Department of Law**  
**Capital Outlay**

**Component:** Natural Resources (2212)  
**RDU:** Civil Division (35)

<b>Line Number</b>	<b>Line Name</b>		<b>FY2012 Actuals</b>	<b>FY2013 Management Plan</b>	<b>FY2014 Governor</b>
75000	Capital Outlay		13.9	7.2	7.2
<b>Expenditure Account</b>	<b>Servicing Agency</b>	<b>Explanation</b>	<b>FY2012 Actuals</b>	<b>FY2013 Management Plan</b>	<b>FY2014 Governor</b>
		<b>75000 Capital Outlay Detail Totals</b>	<b>13.9</b>	<b>7.2</b>	<b>7.2</b>
75830	Info Technology	Computer equipment, printers and modems.	13.9	7.2	7.2

**Unrestricted Revenue Detail**  
**Department of Law**

**Component:** Natural Resources (2212)  
**RDU:** Civil Division (35)

<b>Master Account</b>	<b>Revenue Description</b>				<b>FY2012 Actuals</b>	<b>FY2013 Management Plan</b>	<b>FY2014 Governor</b>
68515	Unrestricted Fund				3.0	0.0	0.0
<b>Detail Information</b>							
<b>Revenue Amount</b>	<b>Revenue Description</b>	<b>Component</b>	<b>Collocation Code</b>	<b>AKSAS Fund</b>	<b>FY2012 Actuals</b>	<b>FY2013 Management Plan</b>	<b>FY2014 Governor</b>
64090	Legal Sevices Judgment & Settlement awards for attorney fees and legal costs.		03208001	11100	0.5	0.0	0.0
65040	Judgement Settlement Fines & Forfeitures		03208001	11100	2.5	0.0	0.0

**Restricted Revenue Detail**  
**Department of Law**

**Component:** Natural Resources (2212)  
**RDU:** Civil Division (35)

<b>Master Account</b>	<b>Revenue Description</b>				<b>FY2012 Actuals</b>	<b>FY2013 Management Plan</b>	<b>FY2014 Governor</b>
51015	Interagency Receipts				952.5	425.2	425.2
<b>Detail Information</b>							
<b>Revenue Amount</b>	<b>Revenue Description</b>	<b>Component</b>	<b>Collocation Code</b>	<b>AKSAS Fund</b>	<b>FY2012 Actuals</b>	<b>FY2013 Management Plan</b>	<b>FY2014 Governor</b>
51015	Interagency Receipts Unprogrammed I/A Receipt Authority			11100	0.0	325.2	325.2
59100	Natural Resources Legal services provided to the Mental Health Trust Land Office for issues pertaining to the administration and management of Trust lands.	Mental Health Lands Admin	03208531	11100	70.0	70.0	70.0
59100	Natural Resources Unbudgeted RSA, Usibelli Project	Project Management & Permitting	03208601	11100	0.7	0.0	0.0
59100	Natural Resources Unbudgeted RSA, FGMI Mining Project	Project Management & Permitting	03208608	11100	1.5	0.0	0.0
59100	Natural Resources Unbudgeted RSA, Greens Creek Mine.	Project Management & Permitting	03208609	11100	0.2	0.0	0.0
59100	Natural Resources Unbudgeted RSA, Kensington Mine.	Project Management & Permitting	03208611	11100	1.1	0.0	0.0
59100	Natural Resources Unbudgeted RSA, Niblack Project.	Project Management & Permitting	03208612	11100	1.8	0.0	0.0
59100	Natural Resources Unbudgeted RSA, Pogo Mining Project	Project Management & Permitting	03208613	11100	1.1	0.0	0.0
59100	Natural Resources Unbudgeted RSA, Red Dog Mining Project	Project Management & Permitting	03208615	11100	6.7	0.0	0.0
59100	Natural Resources Unbudgeted RSA, Rock Creek Mine	Project Management & Permitting	03208616	11100	2.9	0.0	0.0
59100	Natural Resources	Project Management & Permitting	03208618	11100	8.3	0.0	0.0

**Restricted Revenue Detail**  
**Department of Law**

**Component:** Natural Resources (2212)  
**RDU:** Civil Division (35)

<b>Master Account</b>	<b>Revenue Description</b>				<b>FY2012 Actuals</b>	<b>FY2013 Management Plan</b>	<b>FY2014 Governor</b>
51015	Interagency Receipts				952.5	425.2	425.2
<b>Detail Information</b>							
<b>Revenue Amount</b>	<b>Revenue Description</b>	<b>Component</b>	<b>Collocation Code</b>	<b>AKSAS Fund</b>	<b>FY2012 Actuals</b>	<b>FY2013 Management Plan</b>	<b>FY2014 Governor</b>
	Unbudgeted RSA, Shell Offshore						
59100	Natural Resources Unbudgeted RSA, Outer Continental Shelf	Project Management & Permitting	03208623	11100	14.5	0.0	0.0
59100	Natural Resources Unbudgeted RSA, Chuitna Coal Mine	Project Management & Permitting	03208625	11100	2.5	0.0	0.0
59100	Natural Resources Unbudgeted RSA, A&E, SMCRA	Project Management & Permitting	03208628	11100	15.0	0.0	0.0
59100	Natural Resources Unbudgeted RSA, Pebble Gold Copper Mining Project	Project Management & Permitting	03208636	11100	8.7	0.0	0.0
59100	Natural Resources Unbudgeted RSA, RS 2477	Project Management & Permitting	03208639	11100	163.7	0.0	0.0
59100	Natural Resources Unbudgeted RSA, Donlin Creek	Project Management & Permitting	03208648	11100	9.0	0.0	0.0
59100	Natural Resources Unbudgeted RSA, Permit Process	Project Management & Permitting	03208649	11100	300.0	0.0	0.0
59100	Natural Resources Unbudgeted RSA, Nixon Fork Project	Project Management & Permitting	03208651	11100	0.5	0.0	0.0
59100	Natural Resources Unbudgeted RSA, Kotsina Navigable/Survey	Project Management & Permitting	03208661	11100	1.7	0.0	0.0
59100	Natural Resources Unbudgeted RSA, Kotsina Hydro/Geo	Project Management & Permitting	03208663	11100	2.1	0.0	0.0

**Restricted Revenue Detail**  
**Department of Law**

**Component:** Natural Resources (2212)  
**RDU:** Civil Division (35)

<b>Master Account</b>	<b>Revenue Description</b>				<b>FY2012 Actuals</b>	<b>FY2013 Management Plan</b>	<b>FY2014 Governor</b>
51015	Interagency Receipts				952.5	425.2	425.2
<b>Detail Information</b>							
<b>Revenue Amount</b>	<b>Revenue Description</b>	<b>Component</b>	<b>Collocation Code</b>	<b>AKSAS Fund</b>	<b>FY2012 Actuals</b>	<b>FY2013 Management Plan</b>	<b>FY2014 Governor</b>
59100	Natural Resources Unbudgeted RSA, Kasayulie River	Project Management & Permitting	03208683	11100	27.7	0.0	0.0
59110	Fish & Game Legal services provided on behalf of the Fish and Game Fund.	Fish and Game Fund	03208528	11100	22.8	30.0	30.0
59110	Fish & Game Unbudgeted RSA, Endangered Species Act Response.	Wildlife Conservation	03208626	11100	290.0	0.0	0.0



**Inter-Agency Services**  
**Department of Law**

**Component:** Natural Resources (2212)  
**RDU:** Civil Division (35)

Expenditure Account	Service Description	Service Type	Servicing Agency	FY2012 Actuals	FY2013		
					Management Plan	FY2014 Governor	
73805	IT-Non-Telecommunication	RSA Law, Administration and Information Services & Procurement support.	Intra-dept	Law	39.8	44.0	44.0
73805	IT-Non-Telecommunication	RSA Administration, ETS - Computer Services EPR	Inter-dept	Admin	10.9	12.9	12.9
				<b>73805 IT-Non-Telecommunication subtotal:</b>	<b>50.7</b>	<b>56.9</b>	<b>56.9</b>
73806	IT-Telecommunication	RSA Administration, ETS -Telecommunication EPR.	Inter-dept	Admin	26.6	29.6	29.6
				<b>73806 IT-Telecommunication subtotal:</b>	<b>26.6</b>	<b>29.6</b>	<b>29.6</b>
73809	Mail	RSA Administration, Central Mailroom	Inter-dept	Admin - Central Mail	1.3	1.3	1.3
				<b>73809 Mail subtotal:</b>	<b>1.3</b>	<b>1.3</b>	<b>1.3</b>
73810	Human Resources	RSA Law, Human Resource Position	Intra-dept	Administrative Services	0.0	2.7	2.7
				<b>73810 Human Resources subtotal:</b>	<b>0.0</b>	<b>2.7</b>	<b>2.7</b>
73811	Building Leases	RSA Administration, GS&S - Leased Office Space - AG's Offices.	Inter-dept	Admin - Leases	133.0	155.0	155.0
				<b>73811 Building Leases subtotal:</b>	<b>133.0</b>	<b>155.0</b>	<b>155.0</b>
73814	Insurance	RSA Administration, Risk Management	Inter-dept	Admin - Risk Management	0.4	0.4	0.4
				<b>73814 Insurance subtotal:</b>	<b>0.4</b>	<b>0.4</b>	<b>0.4</b>
73815	Financial	RSA Administration, Finance Chargeback (AKSAS / AKPAY)	Inter-dept	Admin - Finance	0.9	1.0	1.0
73815	Financial	RSA Law, Timekeeping administration and litigation support.	Intra-dept	Administrative Services	8.0	9.0	15.0
				<b>73815 Financial subtotal:</b>	<b>8.9</b>	<b>10.0</b>	<b>16.0</b>
73816	ADA Compliance	RSA Administration, Personnel - Americans With Disabilities Act.	Inter-dept	Personnel	0.2	0.2	0.2
				<b>73816 ADA Compliance subtotal:</b>	<b>0.2</b>	<b>0.2</b>	<b>0.2</b>
				<b>Natural Resources total:</b>	<b>221.1</b>	<b>256.1</b>	<b>262.1</b>
				<b>Grand Total:</b>	<b>221.1</b>	<b>256.1</b>	<b>262.1</b>