

State of Alaska FY2017 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 manage and regulate Alaska's lands, waters, fish, game, and other renewable natural resources. Statehood Defense attorneys within the Department of Law provide 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 (DFG) 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 concerning its land management. 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, Revised Statutes (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.

Major Component Accomplishments in 2015Natural Resources.

- Provided frequent advice to the Board of Fisheries and Board of Game including attending all board meetings, advising on regulatory proposals, assisting in drafting regulations, defending against regulatory challenges, and providing other advice as requested. Also advised and assisted the statewide fish and game prosecutor and the district attorney's office in prosecutions of fish and game violations.
- Successfully defended a challenge to DFG's closure of certain set net fisheries in Upper Cook Inlet which was upheld on appeal to the Alaska Supreme Court.
- Defended two challenges to community subsistence hunting regulations for moose and Nelchina caribou in the Copper River Basin, both of which were upheld on appeal to the Alaska Supreme Court, and subsequently advised DFG and the Board of Game regarding alternatives for revised community subsistence hunting regulations in the Copper River Basin.
- Defended the state's interests in multiple quiet title actions involving accretion or reliction issues, including claims involving private lands in southeast, Lemon Creek, the Kotsina River and public access to the Copper River shorelands, and the Matanuska River.
- Provided advice to DNR's Division of Forestry regarding forest management planning and timber harvests.
- Provided advice and assistance to DNR's Division of Forestry concerning fire suppression cost recoveries.
- Successfully challenged a borough initiative as inconsistent with and preempted by state law. The initiative was intended to regulate large mines in the borough. The decision invalidating the ordinance was upheld on appeal to the Alaska Supreme Court.

- Advised the Commercial Fisheries Entry Commission on issues relating to regulation and management of limited entry of commercial fisheries, including legislation, tax lien issues, and defense of challenges to permit decisions.
- Advised DFG's Habitat Division on issues related to the development, amendment, interpretation, and enforcement of special area management plans, regulations, and statutes, as well as on the issuance, appeal, and enforcement of special area permits and fish habitat permits.
- Advised DNR on issues related to the permitting and leasing of state land for wind power generation.
- Advised DNR on leasing issues, including renewals, as they pertain to long term leases coming to an end and potential sale or re-leasing of the land and disposition of improvements on the land.
- Assisted DNR with its first adjudication of applications for instream flow reservations submitted by non-governmental applicants, including a hearing on objections.
- Obtained a favorable decision from the Alaska Supreme Court concerning the firefighting immunity statute that protects the state from tort liability for damages caused in the course of suppressing wild land fire, but that the doctrine of necessity must be satisfied to protect the state from liability for an uncompensated taking under the Alaska constitution.
- Continued defending the Alaska Mental Health Trust Authority and DNR against a claim that the state, in closing out its entitlement to land from the United States under the Alaska Mental Health Enabling Act, impermissibly accepted title under that Act from the United States to certain lands, allegedly in violation of an oral contract and the 1994 mental health legislation.
- Advised the Alaska Mental Health Trust Land Office extensively regarding real estate matters, including coal and oil and gas leasing issues and development of a real estate acquisition program.
- Provided extensive research and advice regarding the status, legal characterization, and control of state roads.

Statehood Defense:

- Intervened in a lawsuit that was unsuccessful in challenging the Secretary of Interior's decision to deny a land exchange between the U.S. Department of the Interior and the state for the purpose of constructing a road between King Cove and Cold Bay, through the Izembek National Wildlife Refuge. Continue to advise the state regarding other options for access through the refuge.
- Advised DNR concerning the Bureau of Land Management's proposal to severely limit the survey of state lands to be conveyed from the federal government.
- Advised DNR concerning the boundary of the Arctic National Wildlife Refuge and use of state lands adjacent to the refuge for mineral development.
- In concert with the Environmental Section, intervened in a lawsuit filed by the Pebble Limited Partnership against the Environmental Protection Agency (EPA), which unsuccessfully sought to enjoin EPA from issuing a veto under Section 404(c) of the Clean Water Act, as outside EPA's authority.
- Received a favorable federal district court decision upholding the validity of federal regulatory changes that recognize and preserve complete state management of three salmon fisheries that occur partly in the waters of the Exclusive Economic Zone beyond the three-mile limit for state waters.
- Defended the Bureau of Indian Affairs regulation that prohibits the Secretary of Interior from accepting applications to take land into trust for tribes in Alaska, on the basis that ANCSA prohibits the creation of new trust land. Appealed the adverse judgment of the D.C. District Court to the D.C. Circuit Court. Prepared

comments on the Secretary of Interior's proposed rule removing the Alaska exception from the land-into-trust regulations.

- Successfully prosecuted a suite against the United States to quiet title to the bed of the Mosquito Fork of the Fortymile River. Before trial, the United States issued a recordable disclaimer of interest, confirming the State of Alaska's title as requested.
- Continued a quiet title action against the United States and 29 other defendants on six RS 2477 rights-of-way near Chicken, Alaska, including filing an appeal with the Ninth Circuit Court of Appeals of an unfavorable decision concerning access across Native Allotments. Defended against efforts to block or limit access across historic trails and easements, including the historic Iditarod trail and the Klutina Lake Road.
- Devoted considerable time to multiple issues involving the Tongass National Forest. After receiving a favorable Ninth Circuit Court of Appeals decision that reinstated the Tongass exemption to the Roadless Rule, the decision was vacated when the court agreed to hear the case *en banc*. The *en banc* Ninth Circuit Court then upheld the district court decision invalidating the Tongass exemption. Filed a petition for writ of certiorari with the U.S. Supreme Court seeking to challenge the Ninth Circuit decision. In a separate but related action, successfully appealed the D.C. District Court's dismissal of the state's challenge to the validity of the Roadless Rule affecting both the Tongass and the Chugach. The state's challenge to the Roadless Rule is now moving forward, with the State filing a motion for summary judgment. Advised the state regarding the proposed Tongass Land Management Plan and intervened in three separate challenges to the U.S. Forest Service's planned Big Thorne timber harvest. Advised DNR regarding revision of various federal land management plans, including the Eastern Interior, Central Yukon, and Bering Straits-Western Interior Regional Management plans.
- Received unfavorable decisions from the Ninth Circuit Court of Appeals in the state's challenge to the authority of the National Park Service (NPS) to regulate activities on state-owned navigable waterways within units of the National Park System, and in a case in which the state submitted amicus briefs in support of an Alaska resident who received misdemeanor citations under the regulations. Filed amicus brief in support of the Alaska resident's petition for writ of certiorari in the U.S. Supreme Court, which petition was granted.
- Obtained favorable revisions to new fishing regulations proposed by the National Marine Fisheries Service (NMFS) as part of an effort to protect the Western Distinct Population of Stellar sea lion under the Endangered Species Act.
- Helped the state obtain favorable rules from the USFWS to allow the state to reintroduce wood bison back into their historic Alaska range, without the impact of endangered species regulations, without designating critical habitat, and with primary management by the state.
- Obtained a favorable decision vacating the NMFS decision, based on projections 100 years into the future, to list the Beringia population of bearded seal as threatened. Decision was appealed to the Ninth Circuit.
- Filed suit challenging the listing of the Arctic sub-species of the ringed seal as threatened under the Endangered Species Act.
- Successfully challenged the designation of critical habitat for the polar bear. Awaiting a decision on appeal to the Ninth Circuit.

Key Component Challenges

Protecting the state's claim to title to navigable waters and the beds beneath navigable waters against the federal government and others, and its rights and obligations under the public trust doctrine, including challenges from private parties over the state's ownership of tidally influenced streams that the federal government failed to meander, and over the public's right to use non-navigable waters for public trust purposes.

Assisting DNR in permitting and land use decisions to further responsible natural resource development and resisting increasing challenges from groups hoping to prevent development or limit use of state land and resources.

Protecting Alaska's sovereign right to manage fish and game on all lands in Alaska against federal encroachment will be a key challenge for the department.

Defending the state's interests and goals from increasing restrictions under federal statutes and regulations continues to expand the section's caseload and requires strategically selecting cases for litigation which are most likely to achieve the state's goals.

Establishing strong legal precedent on RS 2477, a federal law that granted rights-of-way on public lands. A key challenge is selecting routes with sufficient evidence to establish standards for width, location, and maintenance, and to prove historic use.

Reviewing and commenting on new, ambitious federal land management plans. Multiple federal agencies are updating their planning documents and it will be a major challenge to stay on top of these efforts and comment effectively.

Significant Changes in Results to be Delivered in FY2017

The functions of the Oil, Gas and Mining section will be merged into the existing activities of the Natural Resources and the Regulatory Affairs and Public Advocacy sections. As a result, the Natural Resources section will be providing many of the core services formerly provided by the Oil, Gas and Mining section, other than advocacy and representation in pipeline tariff regulatory matters as those will be handled by the Regulatory Affairs and Public Advocacy section. No other significant changes are anticipated in the next fiscal year.

Statutory and Regulatory Authority

AS 44.23.020

Contact Information
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Natural Resources Personal Services Information				
Authorized Positions			Personal Services Costs	
	<u>FY2016</u> <u>Management</u> <u>Plan</u>	<u>FY2017</u> <u>Governor</u>		
Full-time	15	30	Annual Salaries	3,132,816
Part-time	0	0	Premium Pay	0
Nonpermanent	0	0	Annual Benefits	1,544,835
			<i>Less 4.93% Vacancy Factor</i>	(230,551)
			Lump Sum Premium Pay	0
Totals	15	30	Total Personal Services	4,447,100

Position Classification Summary					
Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Assoc Attorney I	1	0	1	0	2
Assoc Attorney II	1	0	0	0	1
Attorney III	2	0	1	0	3
Attorney IV	7	0	2	0	9
Attorney V	5	0	3	0	8
Attorney VI	2	0	0	0	2
Law Office Assistant I	2	0	0	0	2
Law Office Assistant II	1	0	0	0	1
Paralegal II	2	0	0	0	2
Totals	23	0	7	0	30

Component Detail All Funds
Department of Law

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

Non-Formula Component

	FY2015 Actuals	FY2016 Conference Committee	FY2016 Authorized	FY2016 Management Plan	FY2017 Governor	FY2016 Management Plan vs FY2017 Governor	
71000 Personal Services	3,457.3	2,126.0	2,085.9	2,266.3	4,447.1	2,180.8	96.2%
72000 Travel	63.5	20.7	20.7	20.7	78.9	58.2	281.2%
73000 Services	1,059.2	985.7	985.7	979.3	23,294.2	22,314.9	2278.7%
74000 Commodities	68.0	31.9	31.9	31.9	44.9	13.0	40.8%
75000 Capital Outlay	11.6	0.0	0.0	0.0	0.0	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%
Totals	4,659.6	3,164.3	3,124.2	3,298.2	27,865.1	24,566.9	744.9%
Fund Sources:							
1004Gen Fund (UGF)	3,617.0	2,674.4	2,634.3	2,698.3	6,321.2	3,622.9	134.3%
1007I/A Rcpts (Other)	965.3	489.9	489.9	599.9	241.3	-358.6	-59.8%
1061CIP Rcpts (Other)	77.3	0.0	0.0	0.0	0.0	0.0	0.0%
1105PFund Rcpt (Other)	0.0	0.0	0.0	0.0	2,577.6	2,577.6	100.0%
1162AOGCC Rcpt (DGF)	0.0	0.0	0.0	0.0	225.0	225.0	100.0%
1236AK LNG I/A (Other)	0.0	0.0	0.0	0.0	18,500.0	18,500.0	100.0%
Unrestricted General (UGF)	3,617.0	2,674.4	2,634.3	2,698.3	6,321.2	3,622.9	134.3%
Designated General (DGF)	0.0	0.0	0.0	0.0	225.0	225.0	100.0%
Other Funds	1,042.6	489.9	489.9	599.9	21,318.9	20,719.0	3453.7%
Federal Funds	0.0	0.0	0.0	0.0	0.0	0.0	0.0%
Positions:							
Permanent Full Time	18	16	15	15	30	15	100.0%
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 FY2016 Conference Committee To FY2016 Authorized *****												
FY2016 Conference Committee												
	ConfCom	3,164.3	2,126.0	20.7	985.7	31.9	0.0	0.0	0.0	16	0	0
1004 Gen Fund		2,674.4										
1007 I/A Rcpts		489.9										
Reverse Over Appropriation of FY2016 Cost of Living Adjustment												
	Unalloc	-9.0	-9.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		-9.0										
This reverses the over-appropriation of authority that occurred when the original cost of living adjustment (COLA) transactions were restored during the HB2001 conference committee process but the associated salary adjustments were not reversed.												
Personal Services Cost Savings Due to Extended Employee Absences												
	Unalloc	-31.1	-31.1	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		-31.1										
A number of employees throughout several sections within the Civil Division will be out of the office in leave without pay (LWOP) status for a period of time during FY2016. In lieu of hiring a non-permanent employee during this time, the Civil Division will use the savings from these budgeted positions in LWOP status to account for a portion of the additional unallocated reduction. Although these employee absences are temporary, the Division plans to manage vacancies to maintain their personal services budget, or find other efficiencies to withstand this reduction.												
Delete Law Office Assistant II (03-0036) to Align Unallocated Position Reduction												
	Unalloc	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-1	0	0
The Department of Law's FY2016 enacted budget includes the elimination of seven unidentified positions in the Civil Division as a result of anticipated turnover. The following vacant full-time positions are being deleted to meet this reduction:												
03-0299, Attorney IV, Child Protection (Anchorage)												
03-0372, Attorney IV, Commercial and Fair Business (Juneau)												
03-0260, Attorney IV, Environmental Law (Anchorage)												
03-0013, Law Office Assistant I, Labor and State Affairs (Juneau)												
03-0373, Attorney IV, Labor and State Affairs (Juneau)												
03-0036, Law Office Assistant II, Natural Resources (Anchorage)												
03-0050, Law Office Assistant II, Opinions, Appeals, and Ethics (Anchorage)												
Subtotal		3,124.2	2,085.9	20.7	985.7	31.9	0.0	0.0	0.0	15	0	0
***** Changes From FY2016 Authorized To FY2016 Management Plan *****												
Align Authority to Comply with Vacancy Factor Guidelines												
	LIT	0.0	6.4	0.0	-6.4	0.0	0.0	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	
This purpose of this line item transfer is to align authority within the Natural Resources component in order to comply with vacancy factor guidelines.												
Transfer from Torts and Workers' Compensation to Comply with Vacancy Factor Guidelines												
1007 I/A Rcpts	Trin	110.0	110.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
		110.0										
Transfer budget authority from Torts and Workers' Compensation to align authority with anticipated expenditure levels for personal services. There are no impacts on services associated with this transfer.												
Transfer Law Office Assistant I (03-0268) to Environmental Law to Address Workload Demands												
1004 Gen Fund	Trout	-70.3	-70.3	0.0	0.0	0.0	0.0	0.0	0.0	-1	0	0
		-70.3										
Transfer Law Office Assistant I (03-0268) from Natural Resources to Environmental Law to accommodate the workload and section demands.												
Transfer Attorney III (03-0030) from Oil, Gas and Mining for Required Legal Expertise												
1004 Gen Fund	Trin	134.3	134.3	0.0	0.0	0.0	0.0	0.0	0.0	1	0	0
		134.3										
Transfer Attorney III (03-0030) to Natural Resources from Oil, Gas and Mining to accommodate the required level of legal expertise within the section.												
Department of Law attorney positions are partially exempt (PX) and flexibly-ranged positions. Attorney I-VI positions 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 to keep up with demand, funding is not always transferred with the position. Budget authority is evaluated and aligned between components as needed.												
	Subtotal	3,298.2	2,266.3	20.7	979.3	31.9	0.0	0.0	0.0	15	0	0
***** Changes From FY2016 Management Plan To FY2017 Governor *****												
Transfer Two Personnel to Special Litigation for Restructuring Purposes												
1004 Gen Fund	Trout	-278.0	-231.0	-1.4	-40.9	-4.7	0.0	0.0	0.0	-2	0	0
		-278.0										
Transfer one attorney position and one support staff position to Special Litigation from Natural Resources to consolidate the efforts of the two sections, utilizing the Department of Law's timekeeping spread for its Civil Division attorneys.												
As part of a broader restructuring of a few components within the Department of Law that will allow the department to operate with greater efficiency and efficacy, the positions listed below will be transferred to Special Litigation from Natural Resources:												
- Attorney IV, 03-0422, range 24, Anchorage												
- Law Office Assistant I, 03-0270, range 11, Anchorage												
Transfer Attorney III (03-0030) to Torts and Workers' Compensation for Restructuring Purposes												
	Trout	-137.2	-137.2	0.0	0.0	0.0	0.0	0.0	0.0	-1	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	

1007 I/A Rcpts		-137.2										
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Transfer one attorney position to Torts and Workers' Compensation from Natural Resources to consolidate the efforts of the two sections.

As part of a broader restructuring of a few components within the Department of Law that will allow the department to operate with greater efficiency and efficacy, the position listed below will be transferred to Torts and Workers' Compensation from Natural Resources:

- Attorney III, 03-0030, range 22, Juneau

Transfer Eighteen Personnel from Oil, Gas and Mining for Restructuring Purposes

	Trin	2,648.9	2,648.9	0.0	0.0	0.0	0.0	0.0	0.0	18	0	0
1004 Gen Fund		931.7										
1007 I/A Rcpts		71.2										
1105 PFund Rcpt		1,646.0										

Transfer twelve attorney positions and six support staff positions to Natural Resources from Oil, Gas and Mining to consolidate the efforts of the two sections.

As part of a broader restructuring of a few components within the Department of Law that will allow the department to operate with greater efficiency and efficacy, the positions listed below will be transferred to Natural Resources from Oil, Gas and Mining:

- Attorney V, 03-0005, range 25, Juneau
- Attorney VI, 03-0024, range 26, Anchorage
- Attorney V, 03-0092, range 25, Anchorage
- Associate Attorney II, 03-0157, range 19, Anchorage
- Attorney V, 03-0158, range 25, Anchorage
- Paralegal II, 03-0185, range 16, Anchorage
- Attorney III, 03-0199, range 22, Anchorage
- Attorney IV, 03-0207, range 24, Anchorage
- Law Office Assistant I, 03-0208, range 11, Anchorage
- Attorney IV, 03-0216, range 24, Juneau
- Attorney III, 03-0226, range 22, Juneau
- Attorney IV, 03-0263, range 24, Anchorage
- Law Office Assistant II, 03-0318, range 13, Anchorage
- Attorney IV, 03-0337, range 24, Anchorage
- Attorney III, 03-0349, range 22, Anchorage
- Attorney V, 03-0395, range 25, Anchorage
- Paralegal II, 03-1121, range 16, Anchorage
- Associate Attorney I, 03-1246, range 17, Juneau

Transfer Remaining Balance of Funds from Oil, Gas and Mining for Restructuring Purposes

	Trin	1,078.2	0.0	58.7	1,006.3	13.2	0.0	0.0	0.0	0	0	0
1004 Gen Fund		144.2										
1007 I/A Rcpts		2.4										
1105 PFund Rcpt		931.6										

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	
As part of the broader restructuring throughout the department, many of the activities that were once under the purview of the Oil, Gas and Mining section will now be handled by the Natural Resources section.												
Legal Services for the Alaska Oil and Gas Conservation Commission												
	Inc	225.0	195.1	0.9	24.5	4.5	0.0	0.0	0.0	0	0	0
1162 AOGCC Rcpt		225.0										
Fund the legal services provided by the Department of Law to the Alaska Oil and Gas Conservation Commission.												
Transfer Out FY2016 One-Time Salary Reductions to Unallocated in FY2017												
	SalAdj	55.5	55.5	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		55.5										
Restore UGF FY2016 Salary Increases because cuts taken in other expenditure lines.												
Reverse FY2016 One-Time Unrestricted General Fund Salary Adjustments in FY2017 Budget Request												
	SalAdj	-55.5	-55.5	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1004 Gen Fund		-55.5										
Cost of living adjustment for certain bargaining units: \$58.7												
Year three cost of living adjustment for non-covered employees - 2.5%: \$53.5												
Year three cost of living adjustment for Alaska State Employees Association/General Government Unit - 2.5%: \$3.7												
Year three cost of living adjustment for Alaska Public Employees Association/Supervisory Unit - 2.5%: \$1.5												
Transfer to Deputy Attorney General's Office to Comply with Vacancy Factor Guidelines												
	Trout	-10.0	-10.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1007 I/A Rcpts		-10.0										
Transfer budget authority to Deputy Attorney General's Office to align authority with anticipated expenditure levels for personal services. There are no impacts on services associated with this transfer.												
Transfer to Child Protection to Comply with Vacancy Factor Guidelines												
	Trout	-50.0	-50.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
1007 I/A Rcpts		-50.0										
Transfer budget authority to Child Protection to align authority with anticipated expenditure levels for personal services. There are no impacts on services associated with this transfer.												

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	
Transfer to Labor and State Affairs to Comply with Vacancy Factor Guidelines												
1007 I/A Rcpts	Trout	-65.0	-65.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
Transfer budget authority to Labor and State Affairs to align authority with anticipated expenditure levels for personal services. There are no impacts on services associated with this transfer.												
Transfer to Torts and Workers' Compensation to Comply with Vacancy Factor Guidelines												
1007 I/A Rcpts	Trout	-70.0	-70.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
Transfer budget authority to Torts and Workers' Compensation to align authority with anticipated expenditure levels for personal services. There are no impacts on services associated with this transfer.												
Transfer to Environmental Law to Comply with Vacancy Factor Guidelines												
1007 I/A Rcpts	Trout	-100.0	-100.0	0.0	0.0	0.0	0.0	0.0	0.0	0	0	0
Transfer budget authority to Environmental Law to align authority with anticipated expenditure levels for personal services. There are no impacts on services associated with this transfer.												
Legal Services and Oversight of Alaska Liquefied Natural Gas Pipeline Project												
1004 Gen Fund	IncOTI	700.0	0.0	0.0	700.0	0.0	0.0	0.0	0.0	0	0	0
The Department of Law, Natural Resources section attorneys advise the Alaska Natural Gas Pipeline Project office, Governor's Office and the commissioners of Department of Natural Resources (DNR) and Department of Revenue (DOR) to construct a gas treatment plant, gas pipeline and a liquid natural gas (LNG) plant to transport Alaska North Slope gas to markets in and out of Alaska.												
The department continues to work closely with the Governor's Office and the Departments of Natural Resources and Revenue to provide legal assistance in advancing the project under the authority provided in SB138 (passed in 2014) relating to proposed commercial agreements and federal regulatory filings, upstream gas balancing and supply agreements, lease modifications, marketing of LNG, matters related to fiscal certainty, confidentiality issues and analysis of constitutional and other state law issues.												
Outside Counsel for Specialized Expertise on Oil, Gas and Mining Issues												
1004 Gen Fund	IncOTI	2,125.0	0.0	0.0	2,125.0	0.0	0.0	0.0	0.0	0	0	0
Restore one-time funding in FY2017, which was previously reflected in the Oil, Gas and Mining component.												
The Oil, Gas and Mining section has previously represented the Department of Revenue and the Department of Natural Resources in disputes relating to the												

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	
collection of oil and gas taxes and royalties, using both department personnel and outside counsel. These activities will now be taken over by the Natural Resources and Regulatory Affairs and Public Advocacy (RAPA) components.												
This funds contracts with outside counsel and consultant experts having expertise in specialized oil, gas and mining issues. The areas to be funded include Taxes (\$1,184.0) and Royalty Reopeners (\$941.0) handled by Natural Resources. Pipeline Tariff Proceedings (\$375.0) will be handled by RAPA. Overall, outside counsel for specialized expertise on oil, gas, and mining issues is decreased by \$500.0 from FY2016.												
Outside Legal Services for the Liquefied Natural Gas Project												
1236 AK LNG I/A	IncOTI	18,500.0	0.0	0.0	18,500.0	0.0	0.0	0.0	0.0	0	0	0
Contractual services with law firms to assist the Department of Natural Resources and Department of Revenue in drafting and reviewing contracts related to the Alaska liquefied natural gas project and to provide legal and regulatory support for state participation in the Alaska liquefied natural gas project for the fiscal year ending June 30, 2017.												
Totals		27,865.1	4,447.1	78.9	23,294.2	44.9	0.0	0.0	0.0	30	0	0

Personal Services Expenditure Detail
Department of Law

Scenario: FY2017 Governor (12995)
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	UGF Amount
03-0005	Attorney V	FT	A	XE	Juneau	E05	25C / D	12.0		109,950	0	0	53,720	163,670	0
03-0024	Attorney VI	FT	A	XE	Anchorage	E00	26M / N	12.0		139,189	0	0	62,431	201,620	0
03-0037	Attorney VI	FT	A	XE	Anchorage	E00	26O / P	12.0		148,222	0	0	64,960	213,182	213,182
03-0080	Attorney V	FT	A	XE	Anchorage	E00	25M / N	12.0		134,012	0	0	60,981	194,993	194,993
03-0092	Attorney V	FT	A	XE	Anchorage	E00	25Q / R	12.0		164,552	0	0	69,532	234,084	0
03-0147	Assoc Attorney I	FT	A	XE	Anchorage	E00	17J / K	12.0		70,505	0	0	40,257	110,762	110,762
03-0157	Assoc Attorney II	FT	A	XE	Anchorage	N00	19F	12.0		76,188	0	0	42,197	118,385	0
03-0158	Attorney V	FT	A	XE	Anchorage	E00	25K / L	12.0		131,941	0	0	60,401	192,342	0
03-0185	Paralegal II	FT	A	GP	Anchorage	200	16E / F	12.0		58,016	0	0	36,615	94,631	0
03-0199	Attorney III	FT	A	XE	Anchorage	N00	22D / E	12.0		88,926	0	0	46,544	135,470	0
03-0207	Attorney IV	FT	A	XE	Anchorage	E00	24M / N	12.0		124,350	0	0	58,276	182,626	0
03-0208	Law Office Assistant I	FT	A	GP	Anchorage	200	11J	12.0		45,132	0	0	32,217	77,349	0
03-0215	Attorney IV	FT	A	XE	Anchorage	N00	24J	12.0		109,908	0	0	53,705	163,613	163,613
03-0216	Attorney IV	FT	A	XE	Juneau	N05	24J	12.0		115,404	0	0	55,581	170,985	170,985
03-0226	Attorney III	FT	A	XE	Juneau	N05	22F	12.0		97,608	0	0	49,507	147,115	147,115
03-0229	Attorney V	FT	A	XE	Juneau	E05	25K / L	12.0		138,533	0	0	62,247	200,780	200,780
03-0263	Attorney IV	FT	A	XE	Anchorage	N00	24F / J	12.0		108,900	0	0	53,361	162,261	0
03-0306	Attorney IV	FT	A	XE	Anchorage	E00	24J / K	12.0		111,794	0	0	54,349	166,143	85,497
03-0308	Attorney V	FT	A	XE	Anchorage	E00	25M / N	12.0		134,365	0	0	61,080	195,445	195,445
03-0311	Law Office Assistant I	FT	A	GP	Anchorage	200	11D / E	12.0		39,618	0	0	30,335	69,953	69,953
03-0318	Law Office Assistant II	FT	A	SS	Anchorage	600	13F	12.0		49,716	0	0	33,306	83,022	0
03-0336	Attorney IV	FT	A	XE	Juneau	E05	24K / L	12.0		122,756	0	0	57,829	180,585	135,439
03-0337	Attorney IV	FT	A	XE	Anchorage	N00	24C / D	12.0		98,460	0	0	49,798	148,258	77,094
03-0349	Attorney III	FT	A	XE	Anchorage	N00	22F	12.0		92,964	0	0	47,922	140,886	140,886
03-0385	Attorney IV	FT	A	XE	Anchorage	N00	24F	12.0		106,452	0	0	52,526	158,978	158,978
03-0395	Attorney V	FT	A	XE	Anchorage	E00	25L / M	12.0		128,118	0	0	59,331	187,449	187,449
03-0409	Attorney IV	FT	A	XE	Anchorage	N00	24J	12.0		109,908	0	0	53,705	163,613	163,613
03-0418	Attorney V	FT	A	XE	Juneau	E05	25N / O	12.0		146,761	0	0	64,551	211,312	211,312
03-1121	Paralegal II	FT	A	GP	Anchorage	200	16K	12.0		66,036	0	0	39,352	105,388	105,388
03-1246	Assoc Attorney I	FT	A	XE	Juneau	N05	17C / D	12.0		64,532	0	0	38,219	102,751	102,751

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.

Personal Services Expenditure Detail
Department of Law

Scenario: FY2017 Governor (12995)
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	UGF Amount
		Total Positions	New	Deleted										Total Salary Costs:	3,132,816
														Total COLA:	0
														Total Premium Pay:	0
														Total Benefits:	1,544,835
														Total Pre-Vacancy:	4,677,651
														Minus Vacancy Adjustment of 4.93%:	(230,551)
														Total Post-Vacancy:	4,447,100
														Plus Lump Sum Premium Pay:	0
														Personal Services Line 100:	4,447,100
	Total Component Months:	360.0													

PCN Funding Sources:	Pre-Vacancy	Post-Vacancy	Percent
1004 General Fund Receipts	2,835,235	2,695,493	60.61%
1007 Interagency Receipts	196,956	187,248	4.21%
1105 Alaska Permanent Fund Corporation Receipts	1,645,460	1,564,359	35.18%
Total PCN Funding:	4,677,651	4,447,100	100.00%

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		FY2015 Actuals	FY2016 Management Plan	FY2017 Governor
72000	Travel		63.5	20.7	78.9
Expenditure Account	Servicing Agency	Explanation	FY2015 Actuals	FY2016 Management Plan	FY2017 Governor
72000 Travel Detail Totals			63.5	20.7	78.9
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.	37.1	15.0	38.7
72120	Nonemployee Travel (Instate Travel)	Travel costs for witnesses to testify in court.	8.9	2.7	9.5
72410	Employee Travel (Out of state)	Out of state travel for attorneys and professional staff for conferences, meetings and training.	17.5	3.0	30.7

Line Item Detail
Department of Law
Services

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

Line Number	Line Name		FY2015 Actuals	FY2016 Management Plan	FY2017 Governor	
73000	Services		1,059.2	979.3	23,294.2	
Expenditure Account	Servicing Agency	Explanation	FY2015 Actuals	FY2016 Management Plan	FY2017 Governor	
73000 Services Detail Totals			1,059.2	979.3	23,294.2	
73025	Education Services	Conferences, training and memberships.	2.5	0.0	3.5	
73075	Legal & Judicial Svc	Depositions, research costs, expert witnesses and consultants.	543.0	445.5	3,680.0	
73075	Legal & Judicial Svc	For contractual services with law firms to assist the Department of Natural Resources and Department of Revenue in drafting and reviewing contracts related to the Alaska liquefied natural gas project and to provide legal and regulatory support for state participation in the Alaska liquefied natural gas project for the fiscal year ending June 30, 2017.	0.0	0.0	18,500.0	
73156	Telecommunication	Local Service, long distance toll charges and cellular phones paid to third party telephone utilities.	0.0	10.0	10.0	
73225	Delivery Services	Freight and messenger services. Movement of materials, exhibits, legal documents and courier services.	1.2	2.5	2.5	
73450	Advertising & Promos	Publication of forms, legal notices and briefs.	0.0	2.0	2.0	
73650	Struc/Infstruct/Land	Rentals/Leases - records and evidence storage.	0.0	4.0	4.0	
73675	Equipment/Machinery	Rentals/Leases and Repairs/Maintenance of office equipment - copiers and postage meters.	0.5	3.5	3.5	
73750	Other Services (Non IA Svcs)	Printing forms, briefs, legal notices and related litigation costs.	238.9	238.9	815.4	
73805	IT-Non-Telecommunication	Admin	RSA Administration, ETS - Computer Services EPR.	14.4	14.4	14.4
73805	IT-Non-Telecommunication	Law	RSA Law, Administration, Information services and procurement support (includes MS Exchange).	44.0	44.0	44.0
73806	IT-Telecommunication	Admin	RSA Administration, ETS -Telecommunication EPR.	28.5	28.5	28.5
73809	Mail	Admin - Central Mail	RSA Administration, Central Mailroom.	1.5	1.5	1.5

Line Item Detail
Department of Law
Services

Component: Natural Resources (2212)

RDU: Civil Division (35)

Expenditure Account		Servicing Agency	Explanation	FY2015 Actuals	FY2016 Management Plan	FY2017 Governor
73000 Services Detail Totals				1,059.2	979.3	23,294.2
73810	Human Resources	Administrative Services	RSA Law, Human Resource position.	2.7	2.7	2.7
73811	Building Leases	Admin - Leases	RSA Administration, GS&S - leased office space.	164.6	164.6	164.6
73814	Insurance	Admin - Risk Management	RSA Administration, Risk Management.	0.6	0.6	0.6
73815	Financial	Admin - Finance	RSA Administration, Finance Chargeback (AKSAS/AKPAY).	1.0	1.0	1.0
73815	Financial	Administrative Services	RSA Law, Timekeeping administration and litigation support.	15.0	15.0	15.0
73816	ADA Compliance	Personnel	RSA Administration, Personnel - Americans With Disabilities Act.	0.2	0.2	0.2
73819	Commission Sales (IA Svcs)	State Travel Office	Travel fees.	0.6	0.4	0.8

Line Item Detail
Department of Law
Commodities

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

Line Number	Line Name		FY2015 Actuals	FY2016 Management Plan	FY2017 Governor
74000	Commodities		68.0	31.9	44.9
Expenditure Account	Servicing Agency	Explanation	FY2015 Actuals	FY2016 Management Plan	FY2017 Governor
74000 Commodities Detail Totals			68.0	31.9	44.9
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.	68.0	31.9	44.9

Line Item Detail
Department of Law
Capital Outlay

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

Line Number	Line Name		FY2015 Actuals	FY2016 Management Plan	FY2017 Governor
75000	Capital Outlay		11.6	0.0	0.0
Expenditure Account	Servicing Agency	Explanation	FY2015 Actuals	FY2016 Management Plan	FY2017 Governor
75000 Capital Outlay Detail Totals			11.6	0.0	0.0
75830	Info Technology	Computer equipment, printers and modems.	11.6	0.0	0.0

Restricted Revenue Detail
Department of Law

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

Master Account	Revenue Description				FY2015 Actuals	FY2016 Management Plan	FY2017 Governor
51015	Interagency Receipts				965.3	599.9	241.3
Detail Information							
Revenue Amount	Revenue Description	Component	Collocation Code	AKSAS Fund	FY2015 Actuals	FY2016 Management Plan	FY2017 Governor
51015	Interagency Receipts Unprogrammed Receipt Authority.			11100	8.9	0.0	0.0
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	40.0	40.0	46.3
59100	Natural Resources Legal services provided for Permit Process litigation.	Mining, Land & Water	03208549	11100	275.0	275.0	150.0
59100	Natural Resources Expert witness for Sorensen litigation.	Mining, Land & Water	03208553	11100	25.3	0.0	10.0
59100	Natural Resources Unbudgeted RSA, for RS 2477 litigation.	Project Management & Permitting	03208639	11100	255.0	145.0	0.0
59100	Natural Resources Unbudgeted RSA, expert witness for Mosquito Fork litigation.	Mining, Land & Water	03208642	11100	52.9	0.0	0.0
59100	Natural Resources Unbudgeted RSA, Trust Lands Office Legal Support.	Mental Health Lands Admin	03208651	11100	23.1	0.0	0.0
59100	Natural Resources Unbudgeted RSA, for expert witness in Kotsina River litigation.	Mining, Land & Water	03208663	11100	0.0	0.0	0.0
59100	Natural Resources Unbudgeted RSA, for SEACC v. DNR case.	Mental Health Lands Admin	03208671	11100	6.4	4.9	0.0
59100	Natural Resources Unbudgeted RSA, for Mosquito Fork River.	Project Management & Permitting	03208691	11100	0.0	0.0	0.0

Restricted Revenue Detail
Department of Law

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

Master Account	Revenue Description				FY2015 Actuals	FY2016 Management Plan	FY2017 Governor
51015	Interagency Receipts				965.3	599.9	241.3
Detail Information							
Revenue Amount	Revenue Description	Component	Collocation Code	AKSAS Fund	FY2015 Actuals	FY2016 Management Plan	FY2017 Governor
59110	Fish & Game Legal services provided on behalf of the Fish and Game Fund.	Fish and Game Fund	03208528	11100	35.0	35.0	35.0
59110	Fish & Game Unbudgeted RSA, Endangered Species Act Response.	Wildlife Conservation	03208626	11100	243.7	100.0	0.0

Restricted Revenue Detail
Department of Law

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

Master Account	Revenue Description				FY2015 Actuals	FY2016 Management Plan	FY2017 Governor
51079	Oil & Gas Conservation Commission Rcpts				0.0	0.0	225.0
Detail Information							
Revenue Amount	Revenue Description	Component	Collocation Code	AKSAS Fund	FY2015 Actuals	FY2016 Management Plan	FY2017 Governor
51079	AOGCC Receipts RSA for DOA, AOGCC for legal services.	AK Oil & Gas Conservation Comm	3209625	11100	0.0	0.0	225.0

Restricted Revenue Detail
Department of Law

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

Master Account	Revenue Description				FY2015 Actuals	FY2016 Management Plan	FY2017 Governor
51200	Capital Improvement Project Receipts				77.3	0.0	0.0
Detail Information							
Revenue Amount	Revenue Description	Component	Collocation Code	AKSAS Fund	FY2015 Actuals	FY2016 Management Plan	FY2017 Governor
59101	CIP Rcpts from Natural Resources Unbudgeted RSA, for ANILCA/GENOR Outside Counsel.	Project Management & Permitting	03208621	11100	60.0	0.0	0.0
59101	CIP Rcpts from Natural Resources Unbudgeted RSA, King Cove R.O.W. Outside Counsel.	Project Management & Permitting	03208622	11100	17.3	0.0	0.0

Restricted Revenue Detail
Department of Law

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

Master Account	Revenue Description	FY2015 Actuals	FY2016 Management Plan	FY2017 Governor
51373	Permanent Fund Earnings Reserve Account	0.0	0.0	2,577.6

Detail Information

Revenue Amount	Revenue Description	Component	Collocation Code	AKSAS Fund	FY2015 Actuals	FY2016 Management Plan	FY2017 Governor
51373	Permanent Fund Earnings Oil and gas litigation efforts.	APFC Operations	03209001	11100	0.0	0.0	2,577.6

Restricted Revenue Detail
Department of Law

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

Master Account	Revenue Description				FY2015 Actuals	FY2016 Management Plan	FY2017 Governor
51512	Alaska Liquefied Natural Gas Fund				0.0	0.0	18,500.0
Detail Information							
Revenue Amount	Revenue Description	Component	Collocation Code	AKSAS Fund	FY2015 Actuals	FY2016 Management Plan	FY2017 Governor
51512	Alaska Liquefied Natural Gas Fund Contractual services with law firms to assist the Department of Revenue in drafting and reviewing contracts related to the Alaska liquefied natural gas project and to provide legal and regulatory support for state participation in the Alaska liquefied natural gas project for the fiscal year ending June 30, 2017.	Natural Gas Commercialization	TBD	11100	0.0	0.0	500.0
51512	Alaska Liquefied Natural Gas Fund Contractual services with law firms to assist the Department of Natural Resources in drafting and reviewing contracts related to the Alaska liquefied natural gas project and to provide legal and regulatory support for state participation in the Alaska liquefied natural gas project for the fiscal year ending June 30, 2017.	NorthSlope Gas Commercialization	TBD	11100	0.0	0.0	18,000.0

Interagency Services
Department of Law

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

Expenditure Account		Service Description	Service Type	Servicing Agency	FY2015 Actuals	FY2016 Management Plan	FY2017 Governor
73805	IT-Non-Telecommunication	RSA Administration, ETS - Computer Services EPR.	Inter-dept	Admin	14.4	14.4	14.4
73805	IT-Non-Telecommunication	RSA Law, Administration, Information services and procurement support (includes MS Exchange).	Intra-dept	Law	44.0	44.0	44.0
73805 IT-Non-Telecommunication subtotal:					58.4	58.4	58.4
73806	IT-Telecommunication	RSA Administration, ETS -Telecommunication EPR.	Inter-dept	Admin	28.5	28.5	28.5
73806 IT-Telecommunication subtotal:					28.5	28.5	28.5
73809	Mail	RSA Administration, Central Mailroom.	Inter-dept	Admin - Central Mail	1.5	1.5	1.5
73809 Mail subtotal:					1.5	1.5	1.5
73810	Human Resources	RSA Law, Human Resource position.	Intra-dept	Administrative Services	2.7	2.7	2.7
73810 Human Resources subtotal:					2.7	2.7	2.7
73811	Building Leases	RSA Administration, GS&S - leased office space.	Inter-dept	Admin - Leases	164.6	164.6	164.6
73811 Building Leases subtotal:					164.6	164.6	164.6
73814	Insurance	RSA Administration, Risk Management.	Inter-dept	Admin - Risk Management	0.6	0.6	0.6
73814 Insurance subtotal:					0.6	0.6	0.6
73815	Financial	RSA Administration, Finance Chargeback (AKSAS/AKPAY).	Inter-dept	Admin - Finance	1.0	1.0	1.0
73815	Financial	RSA Law, Timekeeping administration and litigation support.	Intra-dept	Administrative Services	15.0	15.0	15.0
73815 Financial subtotal:					16.0	16.0	16.0
73816	ADA Compliance	RSA Administration, Personnel - Americans With Disabilities Act.	Inter-dept	Personnel	0.2	0.2	0.2
73816 ADA Compliance subtotal:					0.2	0.2	0.2
73819	Commission Sales (IA Svcs)	Travel fees.	Inter-dept	State Travel Office	0.6	0.4	0.8
73819 Commission Sales (IA Svcs) subtotal:					0.6	0.4	0.8
Natural Resources total:					273.1	272.9	273.3
Grand Total:					273.1	272.9	273.3