

Federal Land Buffer Zones in SE Alaska Act

An Act of the State of Alaska whereby economic development buffer zones are created within a certain radius of established communities within Southeast Alaska. These buffers would be created by the transfer of land from the US Government to the State of Alaska. These lands comprise a portion of the remaining land selections by the State of Alaska under the Alaska statehood act.

This Act provides that any federal lands in southeast Alaska, currently owned by a federal agency within close proximity to developed communities should be made available for selection. This primarily includes but is not limited to lands within the Tongass National Forest. Federal lands that are within a certain radius of an established home rule, first class, or second class municipality within Southeast Alaska shall be eligible for transfer to the State of Alaska. Southeast Alaska for purposes of this act includes lands within the Alaska panhandle south of the 60° parallel (Disenchantment Bay) including all of the Tongass National Forest.

Rationale:

Of the approximate 105 million acres authorized, Section 6(a) of the Alaska statehood act granted Alaska the right to select only “400,000 acres from lands within national forests in Alaska which are vacant and unappropriated at the time of their selection.” It further provided that all the lands selected under these grants must be “adjacent to established communities or suitable for prospective community center and recreation areas.”

Unfortunately most of the land near communities in southeast Alaska at statehood was already appropriated under the 50-year federal contracts for the former pulp mills in Ketchikan and Sitka and thus off limits. As was the case recently with the remaining selections by Sealaska Corporation under ANSCA, these lands are no longer encumbered by those appropriations and should be available for their original purpose under the statehood act.

There are several million acres remaining to be conveyed under the statehood act. The transfer has not been completed due to complications that arose over the intervening years with aboriginal and native claims, complications in surveying the largely unsurveyed land, and intervening acts of congress.

The Alaska Native Claims Settlement Act (ANSCA) and the Alaska National Interest Lands Conservation Act (ANILCA) were the two predominant acts that changed the land selection criteria. Lands within the Tongass National Forest were subject to priority selection by native corporations under ANSCA. The federal government also withdrew millions of additional acres of lands from state selection under ANSCA Section 17(d)(2) creating further disputes over, for example, timber production vs. wilderness. Subsequently, ANILCA, enacted in 1980, further confused and exacerbated the debate over lands selection by withdrawing several million additional acres from selection.

Over 97% of the Alaska panhandle remains in federal hands contrasted with about 60% of land holdings statewide. This act attempts to complete the remaining land selections by the state of Alaska in favor of a more balanced distribution of ownership by selecting lands within southeast Alaska. The intent of this act is also to fulfill the intent under the Alaska statehood act to create community expansion and recreation grants by selecting remaining lands promised at statehood from now “unappropriated” federal lands within the Tongass National Forest. The rationale for this act and the selections is analogous to the recent Sealaska Corporation land selections authorized by the US Congress to replace their original selections required under ANSCA. This act will create economic development zone buffers near existing, populated and developed communities based on population where the land base can be developed to support the communities' infrastructure and local economy.

Provisions of the Act:

Economic development zone buffers are created within southeast Alaska. The size of the individual economic development zone buffer zone (radius) shall be measured from the geographic center of incorporated municipalities based on population. Federal lands within these circular buffer zones will be made available for transfer to the State of Alaska as land grant selections remaining under the statehood act. US Congressional action may be required to effect the selection criteria similar to the legislation recently passed in favor of Sealaska Corporation's selections under ANSCA.

The provisions of this act pertain solely to federal land selection and will not affect any existing state, borough, local, private, mental health or tribal lands within the economic development buffer zones. Federal lands within the economic development zone shall be identified and selected for transfer to the State of Alaska by the Alaska Department of Natural Resources.

Any new municipality created before the land selection under this act is complete shall create a new buffer to be considered under this act.

Buffer Zone Size:

Population	<500	501-1,000	1,001-10,000	>10,000
Buffer Radius, Miles	5	10	15	20
Buffer Tot Sq Miles	78.5	314.2	706.9	1,256.6

Other conditions and provisions:

- USDA Forest Service support facilities:

Headquarters, Warehouse, Employee Housing, and Visitor Center facilities are excluded from the exchange provisions of this act and are to be retained by the USDAFS, BLM or other federal agency as the case may be. However, if the local taxing authority (city or borough) has an established property tax system, the federal agency shall make a payment in lieu of taxes (PILT) for these facilities equivalent to similar property that is locally taxed.

- Roads and bridges:

Federal roads and bridges constructed on the lands shall be transferred along with the underlying land. Responsibility for the installation, maintenance and upkeep of any roads, bridges, trails, or other transportation structures upon the lands transferred will be the responsibility of the new owner. In the case of any boroughs receiving the transferred land, they shall be required to adopt and exercise appropriate road powers to affect this provision to include all roads and transportation facilities within the respective borough boundary that are not otherwise designated state or federal highways.

- Campgrounds, trails, picnic areas and other recreation facilities:

Campgrounds, trails, picnic areas and other public recreation facilities situated on the lands shall be transferred along with the underlying land. Responsibility for the installation, maintenance and upkeep of any campgrounds, trails, picnic areas, boat launches, docks, trails or other public recreation facilities situated upon the lands transferred will be the responsibility of the new owner. In the case of boroughs receiving the transferred land, they shall be required to adopt and exercise appropriate parks and recreation powers and/or public works powers to affect this provision.

- National Parks, Monuments, Wilderness areas, National Historic sites:

Lands within National Parks, Monuments, Wilderness Areas, and National Historic sites will not be affected and will remain under the jurisdiction of the respective federal agency unless the federal government elects to transfer these lands. If the government so elects, the provisions of this act will apply.

Disposition of Selected Land:

The lands transferred to the state of Alaska by the federal government shall be managed as follows:

Population			< 500	501-1,000	1,001-10,000	>10,000
Land Lottery	10%	Buffer Sq Miles	7.9	31.4	70.7	125.7
Public Auction	40%	Buffer Sq Miles	31.4	125.7	282.7	502.7
Borough (State)	50%	Buffer Sq Miles	39.3	157.1	353.4	628.3

Land Lottery

- Ten Percent (10%) of the land selected within each buffer zone will be placed in private hands by lottery.
- Land selections and rules for the lottery will be determined by the Alaska Department of Natural Resources and will be selected from land contiguous to existing developed land within the community as much as possible to encourage development.
- The selection criteria will focus on land closest to existing developed or platted roads and utilities and adhere to local community development planning if available.
- The lottery will be open to all residents of the state who are registered for a Permanent Fund Dividend during the year of the lottery selection.
- All lotteries will be completed within three years of the land becoming available to the state.

Public Land Auction

- Forty Percent (40%) of the land selected within each buffer zone will be placed in private hands by “no minimum bid” auction.
- After the lotteries are substantially complete, land selection for the auction will be determined by DNR in the same manner as the lottery land is selected.
- The auctions shall be conducted in an organized manner. DNR shall have the option to manage piecemeal auctions, by region, and by public demand or input. Thus, areas adjacent to population centers may merit earlier auctions than more remote lands.
- The land auctions will be completed within ten years of the land becoming available to the state.
- Any land that is not purchased through initial auction shall be retained by the state as part of the state’s fifty percent (see below), and any such land so retained must be substituted by other DNR or state land that is more desirable by the public to reach the desired allocation (forty percent) to private land holdings.

Land Managed by State or Local Government

- Fifty Percent (50%) of the land selected within each buffer zone will be retained by the state or organized boroughs as follows:
- If the buffer zone lies within an organized borough, the land may be transferred to said borough, provided that if the buffer zone overlaps two or more organized boroughs, then the overlapping area will be apportioned between them based on the borough boundaries.
- If the buffer zone lies partially within an organized borough and partially within the unorganized borough, the affected organized borough may elect to immediately expand its boundaries to encompass the entire buffer area, in which case the organized borough may receive all of the available land.

- This provision acts as an incentive for local governments within the unorganized borough of the state to incorporate a borough. Any municipality within the unorganized borough that files a petition with the Local Boundary Commission to form a borough within the first three years of this program shall remain eligible for transfer of buffer lands from the state upon incorporation of the borough.
- Buffer Zone land will be retained by the state and managed in accordance with the state constitution to the benefit of the citizens:
 1. If the buffer zone is not within an organized borough;
 2. An organized borough elects not to expand its boundaries or otherwise accept the buffer zone from the state;
 3. A community within the unorganized borough fails to file a petition to incorporate a borough within three years of the enactment.
- Boroughs agree to adopt and implement local powers necessary to manage the transferred lands if not already adopted and exercised. This provision serves to relieve the state of the direct cost of providing these services to the expanded areas and as an incentive to the state to transfer lands to the local boroughs. Road powers do not include state or federal highways.

Currently Participating Communities:

Name	Pop	Buffer Radius	Buffer Size	Approx sq mi of eligible land in buffer
Juneau	33,064	20	1,257	700
Sitka	9,039	15	707	250
Ketchikan	8,313	15	707	200
Petersburg	3,216	15	707	200
Haines	2,530	15	707	550
Wrangell	2,456	15	707	570
Cordova	2,302	15	707	550
Metlakatla	1,471	15	707	50
Craig	1,195	15	707	205
Skagway	982	10	314	250
Hoonah	798	10	314	220
Klawock	786	10	314	23
Yakutat	622	10	314	45
Kake	598	10	314	80
Thorne Bay	518	10	314	250
Gustavus	502	10	314	74
Coffman Cove	463	5	79	40
Angoon	438	5	79	40
Saxman	411	5	79	-
Hydaburg	405	5	79	60
Tenakee Springs	141	5	79	50
Pelican	79	5	79	60
Kasaan	75	5	79	25
Port Alexander	66	5	79	40
Edna Bay	49	5	79	50
Kupreanof	25	5	79	-

Illustration of Buffer Zones



