

Retrieved from <http://www.legis.state.ak.us/folhome.htm> on 10/03/2005.

Chapter 41.10. SOIL AND WATER CONSERVATION

Sec. 41.10.010. Declaration of policy.

The farm, forest, and grazing land of the state is a basic asset of the state. It is the policy of this chapter, in the interest of the health, safety, and general welfare of the people of the state, to provide for the development, use, and conservation of this land in accordance with its capabilities.

Sec. 41.10.020. Creation and boundaries of soil conservation district. [Repealed, Sec. 14, ch 69 SLA 1983].

Repealed or Renumbered

Sec. 41.10.030. Purpose of chapter.

The purpose of this chapter is to provide for the orderly development of land, for guiding settlement, and for conserving soil and water and soil resources and controlling and preventing soil erosion.

Sec. 41.10.040. Natural Resource Conservation and Development Board.

The Alaska Natural Resource Conservation and Development Board is composed of five members. The commissioner or, in the absence of the commissioner, the director of agriculture, serves ex officio but without a vote on the board.

Sec. 41.10.045. Executive director.

The commissioner shall appoint an executive director and clerical staff to assist the board.

Sec. 41.10.050. Appointment.

The governor shall appoint members of the board subject to confirmation by a majority of the members of the legislature in joint session.

Sec. 41.10.060. Qualifications of board members.

Members of the board shall be resident bona fide users of land selected from the five major land areas of the state.

Sec. 41.10.065. Major land areas of the state.

The five major land areas of the state are:

Current Alaska Soil and Water Conservation Statutes

- (1) the Arctic and northwest Alaska;
- (2) the Yukon and Tanana Valleys;
- (3) southwest Alaska and the Kenai Peninsula;
- (4) southcentral Alaska; and
- (5) southeast Alaska.

Sec. 41.10.070. Term of office.

The term of office of members is three years.

Sec. 41.10.075. Board meetings.

The board shall hold one regular meeting annually at the state capital and one or more additional meetings at a time and place in the state selected by the board.

Sec. 41.10.080. Vacancies.

The governor shall fill vacancies by appointment for the unexpired term.

Sec. 41.10.090. Compensation and per diem.

Members receive no salary but receive the same per diem and travel expenses authorized for members of state boards.

Sec. 41.10.100. Duties of board.

(a) At the request of the commissioner, the board shall meet and advise the commissioner in the exercise of the powers, duties, and functions of the commissioner.

(b) The board shall also

- (1) receive and review reports concerning the use of soil resources of the state;
- (2) hold public hearings and meetings to determine whether land in the state is being used in a manner consistent with sound soil and water conservation practices;
- (3) make recommendations for specific action necessary to provide for the effective and orderly development of agricultural, forest, and grazing land in the state;
- (4) review an appeal by an applicant or lessee from a decision of the director of the division of lands concerning a sale or lease of state agricultural or grazing land and submit its recommendations to the commissioner or hearing officer;

Current Alaska Soil and Water Conservation Statutes

(5) act in an advisory capacity to the soil and water conservation districts in the state;

(6) act in an advisory capacity to the commissioner and director of the division of agriculture in the review of farm conservation plans for all state agricultural land sales in the state.

Sec. 41.10.110. Powers of commissioner.

The commissioner has the power to

(1) conduct land capability surveys and investigations of potential agricultural areas and of soil conservation and erosion control, including necessary preventative and control measures, in the state; to publish the results of these surveys and investigations and to disseminate information concerning the results of the surveys and investigations to prospective settlers and the general public;

(2) make technical guidance and other assistance available to settlers of new land to assure the development of the land in a manner that will permit it to be used in accordance with its capabilities and treated in accordance with its needs;

(3) carry out measures for soil conservation and erosion control within the state, including engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land, with the consent and cooperation of the land user or agency having jurisdiction of the land;

(4) cooperate with, furnish assistance to, and enter into agreements with, a user of land or agency within the state;

(5) construct, improve, and maintain soil erosion control and conservation structures as are necessary and practical for carrying out the purposes of this chapter;

(6) develop comprehensive plans for the conservation of soil and control of soil erosion within the state, cropping programs, tillage practices and changes in land use, and publish plans and information and bring them to the attention of users of land within the state;

(7) accept contributions in money, services, materials, or equipment from the United States or its agencies, from an agency of the state, and from any other source, for use in carrying out the purposes of this chapter.

Sec. 41.10.120. Approval of land user.

A survey, investigation or plan for land may not be undertaken by the commissioner and measures for soil conservation and erosion control may not be carried out without the prior approval of the user of the land.

Current Alaska Soil and Water Conservation Statutes

Sec. 41.10.130. Creation and boundaries of soil and water conservation districts.

(a) The commissioner may, on the recommendation of the board, create soil and water conservation districts in the state upon petition signed by 25 or more land users setting out the proposed boundaries of the proposed district. The commissioner shall fix a time for and give notice of a public hearing based on the petition at a convenient location or locations within the boundaries of the proposed district. The commissioner may fix the boundaries of the district created, supervise the election of, prescribe the duties of, and install a governing body of five land users to be known as district supervisors for each district created, and delegate to the district supervisors powers as the commissioner considers necessary to accomplish the purposes of this chapter within the district boundaries.

(b) The area of the state that is not located within a district organized under (a) of this section shall be governed by the board.

Sec. 41.10.140. Definitions.

In this chapter,

(1) "board" means the Alaska Natural Resource Conservation and Development Board;

(2) "land user" or "user of land" means a person who

(A) is a producer of renewable resources, including farming and forestry; and

(B) has a current cooperative agreement with a soil and water conservation district.