

## UA Denied Land Grant (Statewide Voice)



Poker flats is one of the parcels of land in question. Photo by Todd Paris

The University of Alaska received some disappointing news from the Alaska Supreme Court earlier this month.

The court ruled as unconstitutional the 2005 law that provided for 250,000 acres of state land to be transferred to the University of Alaska.

Proceeds from land and resource sales were to go into the university's Land Grant Endowment Trust, while some of the land was to be held in reserve for educational and research purposes. The trust, managed by the UA Foundation, would have made regular payments to the university, providing a predictable funding stream to help offset costs of the UA system.

The court, however, made no distinction between the two different kinds of land—all the land must be returned to the state, as well as any proceeds derived off of it.

UA President Mark Hamilton called the court ruling “unbelievable” and “a terrible, terrible shame.”

“Here we are, the largest state in the union, and we're back to having one of the smallest land grants of any of the land-grant colleges and universities,” Hamilton said. “I hope the groups that brought the lawsuit are happy with themselves. This is an appalling situation for a land-grant university to find itself in, and completely reneges on a promise made to the University of

Alaska many years ago.”

The lawsuit was brought by the Southeast Alaska Conservation Council (SEACC) and the Tongass Conservation Society, both based in Juneau. The two environmental groups argued the land grant violates the “dedicated funds” clause of the Alaska Constitution.

The clause says, essentially, that money earned from a particular revenue stream cannot be dedicated back to a particular cause associated with that revenue stream.

The university argued the 2005 law did no such thing---primarily because university lands are not the same as state lands and shouldn't be treated as such. “It never even occurred to us that the court would consider state lands and the university's lands as one and the same,” said Vice President for University Relations Wendy Redman, who has witnessed numerous land grant debates in her 30-plus years at UA.

Congress at the turn of the 20th century promised 350,000 acres of land to the old Alaska Agricultural College and School of Mines---the site of the present-day UAF. The idea then, and now, was to allow the university to develop the land and use income earned from it to help offset operating costs.

For a variety of reasons---the jumble of statehood and subsequent borough and city entitlements, the Native land claims in 1971 and the 1980 National Interest Lands Conservation Act among them---the university only received a third of the land promised to it, or roughly 110,000 acres.

Land grants for colleges and universities are hardly a new idea; they've been around since the Morrill Acts of 1862 and 1890. These acts funded educational institutions by granting federal land to the states. The mission of the institutions was to teach agriculture, science, engineering and, of course, classical studies in the liberal arts.

The predecessor to Michigan State University was the nation's first land-grant institution, chartered in 1855. What later became Pennsylvania State University followed later that same month and year. Those two charters served as a model for the first Morrill Act. The first land-grant university created under the Morrill Act was Kansas State University. The oldest land-grant university is Rutgers University, founded in 1766 and later becoming the land-grant college of New Jersey in 1864.

The mission of land-grant universities was later expanded by the Hatch Act of 1887, which provided federal funds for a series of agricultural experiment stations. The Smith-Lever Act of 1914 included the cooperative extension mission, including sending out agents to share results of research with the public.

The University of Alaska is steeped in land-grant history, function and mission, Hamilton said, but simply lacks the land.

Every Board of Regents since statehood has fought to receive its rightful land grant. Land grant legislation has come up before the Alaska Legislature a total of six times since statehood,

including the 2005 bill that finally passed.

What's especially troubling, Hamilton said, is that 57 percent of the parcels have already been conveyed to the university, with due diligence title searches and other costly work already completed. The land that must be returned to the state includes land given to the university for educational purposes, including research forests, land at Poker Flat, the land that contains the Sitka campus, and many other acres.

The state Department of Natural Resources issued a press release following the ruling that noted the university and DNR have worked diligently for several years to follow through on the 2005 act. In the release, DNR Commissioner Tom Irwin expressed disappointment in the lost opportunities due to the ruling. Irwin also expressed frustration, pointing out that the lawsuit was filed well after the legislature acted and the land transfers were under way.

Hamilton was grim-faced about the ruling when asked about it in his office the other day. He hasn't spoken publicly about it yet, in part because the regents must be informed and decisions made on what to do next, he said.

During a bill signing ceremony in July of 2005, then-Gov. Frank Murkwoski signed the landmark land grant on a desk that once belonged to Judge James Wickersham, who first drafted legislation for a state university in 1915.

"It's a sad commentary on our state that Judge Wickersham's vision has yet to be realized," Hamilton said.