

ALASKA STATE LEGISLATURE



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Sponsor Statement SB 202

“An Act relating to the liability of a Native corporation for the release or threatened release of hazardous substances present on certain lands.”

Through the Alaska Native Claims Settlement Act (ANSCA) the federal government conveyed land to Alaska Native Corporations. During the 1990s concerns were raised that contaminated land was conveyed during this process. In 1998 a Department of Interior (DOI) report to Congress on Hazardous Substance Contamination of ANSCA Lands confirmed the concerns and identified more than 650 contaminated sites requiring remediation. These sites were contaminated under ownership and/or responsibility of the federal government and then transferred to Native ownership.

A 2016 Bureau of Land Management update to the DOI report to Congress acknowledged that the agency had not acted on much of its 1998 report recommendations. The update identified the Department of Defense as the single largest pre-transfer owner of contaminated sites still requiring cleanup. The Alaska Native Village Corporation Association testified on the problem as recently as last summer before a congressional committee, pushing for the federal government to deal with the problem sites. The Alaska Native Village Corporation Association's federal legislative priority list includes protecting Alaska Native corporations from liability claims over land that was contaminated before it was transferred to a Native corporation.

SB 202 amends Alaska state statute so that an Alaska Native corporation is not liable for containment, removal or remediation actions if the contamination occurred on the land before it was transferred under the Alaska Native Claims Settlement Act. Though this change in state law would not solve the federal issues of this problem, it is an important step toward protecting Alaska Native corporations from liability for actions by prior owners of the land.