



**DEPARTMENT OF THE AIR FORCE
REGIONAL ENVIRONMENTAL COORDINATOR, REGION 10
510 Hickam Ave., Bldg 250 Bay A,
Travis AFB, CA 94535**

May 4, 2018

Representative LeDoux
State Capitol Room 216
Juneau, AK 99801

Subject: Department of Defense Proposed Changes to SB64

Representative LeDoux:

Thank you for the opportunity to comment on SB64. The Department of Defense (DoD) has discussed the proposed language with the Alaska Department of Environmental Conservation and would like to update the proposed changes to the bill that DoD had previously submitted. The DoD recommends the following edits to the proposed language of SB 64 in line-in/line-out format:

Sec. 46.04.340(c) The enactment, modification, or termination of a notice of activity and use limitation is not valid until it is approved by the department. ~~A notice of activity and use limitation is an agency action based on the state's police power.~~

Sec 46.04.340(d) A notice of activity and use limitation ~~is binding on~~ must remain in place for current and subsequent landowners of the affected land and any person using or possessing an interest in the land until otherwise addressed pursuant to AS 46.04.340(e).

46.04.340(i) The department may authorize the notice of activity and use limitation to be replaced by an environmental covenant for that property, except where a legal impediment prevents an environmental covenant from being entered into. The department may condition its authorization and approval of the termination of the notice of activity and use limitation on the terms of the notice of activity and use limitation, department approval and acceptance, and the effective recording of the environmental covenant."

Sec 46.04.390(5) "notice of activity and use limitation" means ~~a restriction or obligation created under a notice of a restriction or obligation with respect to real property in accordance with AS 46.04.300 - AS 46.04.390 with respect to real property.~~ A notice of activity and use limitation does not constitute a servitude arising under an environmental response project and a recorded notice of activity and use limitation does not constitute a real property interest.

Thank you again for providing the opportunity to comment. Please feel free to contact my office if you have any questions, need any additional information, or would like to establish further coordination. I can be reached at (707) 424-8290, or by email at robert.shirley.2@us.af.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Shirley", with a long horizontal flourish extending to the right.

ROBERT SHIRLEY
DoD Regional Environmental Coordinator
Region 10