



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Environmental Conservation

DIVISION OF SPILL PREVENTION AND RESPONSE
Contaminated Sites Program

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April 12, 2017

Representatives Zach Fansler and Justin Parish
Co-Chairs, House Community & Regional Affairs
Alaska State Legislature
State Capitol Rooms 416 and 432
Juneau, AK 99801

Subject: Response to Department of Defense Supplemental Comments on Alaska Senate Bill 64

The Alaska Department of Environmental Conservation (DEC) disagrees with the assertions made in the Department of Defense Supplemental Comments on Alaska Senate Bill 64. SB 64 specifically contemplates their concerns and addresses them by establishing a Notice of Activity Use Limitation (AUL) which would be utilized on federal property. There is no mention of a transfer of property interest in the AUL whereas in a covenant interest in property are transferred to a holder. That is intentional because we knew the federal government would argue that is not allowed. Therefore, their claim that there is no difference between an environmental covenant and EUL is incorrect.

Additionally, the Department of Defense and all federal agencies for that matter are currently restricting use of their property when they do not clean up contamination to safe levels. Oddly, they make this point by including our manual on institutional controls with their letter. Establishing institutional controls on property is identical to putting an AUL in place. If SB64 passes, our institutional control process will stay the same but be recorded on the title of property if a covenant is utilized. If the property is federal our institutional control will become an AUL. An AUL is voluntary. The responsible party always has the option to clean up the contamination to safe levels and avoid land use restrictions.

Respectfully,

A handwritten signature in blue ink, appearing to read "Kristin Ryan".

Kristin Ryan
Director, Spill Prevention and Response